



The Planning Inspectorate

Room 406 / Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 8948
Switchboard 0117-372 8000
Fax No 0117-372 6241
GTN 1371-8948
e-mail: janet.foster@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mr Malcolm Morley
Chief Executive
Harlow District Council
Civic Centre
The Water Garden
College Square
Harlow
Essex
CM20 1WG

Your Ref:

Our Ref:

Date: 14 February 2005

Dear Sir

LOCAL INQUIRY INTO OBJECTIONS TO THE FIRST AND SECOND DEPOSIT DRAFTS OF THE REPLACEMENT HARLOW LOCAL PLAN

1. I was appointed by the First Secretary of State to hold a local inquiry into objections to the Replacement Harlow Local Plan. The inquiry was held at the Civic Centre, Harlow, between 15 June and 12 August 2004, and sat for a total of 10 days. A Pre-Inquiry Meeting was held on 26 March 2004. Before, during and after the inquiry I made a series of accompanied and unaccompanied visits to sites that have been the subject of objection.
2. I now submit my Report. This deals with outstanding objections to the First and Second Deposit Drafts of the Plan, and Counter Proposals suggesting the allocation of sites for residential development throughout the District.
3. I open my Report by considering objections suggesting that the Plan period be extended to 2016 (or beyond), and that additional sites be allocated for housing development, specifically to facilitate the 'step-change' required to achieve the scale and rate of delivery of development at Harlow that many anticipate will be necessitated by emerging Regional Planning Guidance. Thereafter my Report follows the sequential layout of the Plan. In each case I identify the objector(s), supporter(s) (if any), and key issue(s), followed by my conclusions and recommendations. My recommended modifications to policies and text may necessitate further consequential modifications to supporting text and/or the Proposals Map. However, other than when dealing with objections to supporting text, I have not suggested consequential textual alterations. It thus rests with your Council to identify and incorporate requisite alterations to supporting text during the final stages of the Plan preparation process.



INVESTOR IN PEOPLE



4. I also suggest modifications to a number of policies and sections of supporting text that are not the subject of outstanding objections. Given the absence of objection, these suggestions carry less weight than my recommendations. However, they seek to improve the quality of the Plan, and to maintain consistency throughout, particularly with regards to the need to ensure that policies relate specifically to matters that are subject to planning control, and to ensure that the Plan provides firm and positive guidance for the control of development.
5. In my consideration of objections I have had regard to submissions made by or on behalf of objectors and the Council, and to all other material considerations, including current and draft Planning Policy Guidance Notes, Planning Policy Statements, Regional Planning Guidance, and Circulars where appropriate. I have also had regard to representations in support. The Plan is the subject of a large number of Proposed Changes and Further Proposed Changes to the First and Second Deposit Drafts respectively. I deal with relevant Proposed and Further Proposed Changes that relate to policies and text that are themselves the subject of objection. However, I make no recommendation on other Changes, and it may therefore be assumed that, unless I comment otherwise, these are acceptable.
6. I have not had regard to any changes in local planning circumstances subsequent to me closing the inquiry, as I have not received representations thereon. The Council will need to take any such changes into account in their consideration of my recommendations. I have, however, had regard to changes in regional and national planning policy and guidance published following the closing of the inquiry. The Council will need to take into account any Planning Policy Statement, Regional Planning Guidance, Circular or other Government advice published subsequent to the completion of my report.

Main Issues

7. The main policy issues in my Report concern the Plan period; housing provision and phasing; employment land allocations; and Special Restraint Areas.

a) The Plan Period

8. I recommend that the Plan period should remain as proposed, namely to 2011, and as a consequence do not allocate any additional housing sites specifically in anticipation of emerging Regional Planning Guidance for the East of England.
9. Regional Planning Guidance for the East of England is still in draft form, and given the significant changes in housing provision anticipated throughout the region it would, in my view, be wrong to pre-empt or prejudge that Guidance at local plan level. These changes must be guided and controlled by means of the emerging Local Development Framework.

b) Housing Provision and Phasing

10. I deal with a wide range of objections concerning housing policies and allocations. In summary: -
- i) I agree the up-dated Replacement Structure Plan housing requirement figure of 2041 dwellings for the period 2003 – 2011.
 - ii) I recommend that the Indicative Site Capacity figure for Harlow Sport Centre be increased to 500 dwellings.
 - iii) I recommend that the revised (Second Deposit Draft) Indicative Site Capacity Figure for New Hall be reduced to 750 dwellings, and that the area allocated for development during the current Plan period be reduced to 18ha.
 - iv) I recommend that the Urban Capacity Study Windfall figure be reduced to 400 dwellings.
 - v) I recommend that land at Ram Gorse be allocated for residential development, to provide a total of some 110 dwellings.
 - vi) I recommend that policy and text concerning the phasing of development be deleted.
11. My reasons for recommending these modifications are contained in the relevant sections of my Report. I recognise that the revised housing provision total will be some 89 dwellings, ie 4.3%, short of the up-dated 2041 dwelling requirement. However, this is well within the 10% margin of deviation generally regarded as acceptable in order for the Local Plan to remain in general conformity with the Replacement Structure Plan.

c) Employment Land Allocations

12. I recommend the re-allocation of 13.7ha of land north of Nortel Networks for employment development, specifically business Use Class B1. The development of the site to be subject to the prior provision of adequate and suitable replacement recreation facilities nearby.
13. The reallocation of the 13.7ha site (together with the re-allocation of the much smaller Magistrates' Court site) will result in the provision of some 50ha of employment land, and thereby restore conformity between the Local Plan and Replacement Structure Plan in this respect.

d) Special Restraint Areas

14. I recommend that the Special Restraint Areas be deleted. I appreciate that these Areas are an established part of the planning process in Harlow. However, in my view the time has come to look towards the more reactive approach brought about by the emerging Local Development Framework and, in particular, the flexibility inherent in the 'plan, monitor and manage' approach to subsequent reviews of the Plan.

Conclusions

15. I have sought throughout my Report to ensure that, in its final form, the Replacement Harlow Local Plan contains policies that are relevant to planning, capable of implementation, and are easily understood. I have also sought to exclude extraneous material that adds nothing to the Plan or implies that the Council, as Local Planning Authority, has control over that which it does not. While corporate objectives and the like may be expressed in supporting text, they should not be - indeed are incapable of forming - the subject of policy in a local plan.
16. A complete set of documents submitted in connection with the inquiry may be inspected at the offices of Harlow District Council Planning Department, The Civic Centre, The Water Garden, College Square, Harlow.
17. A copy of this letter has been sent for information to the Office of the Deputy Prime Minister, Eland House, Bressenden Place, London, and to the Development Plans Team, Government Office for the East of England, Eastbrook, Shaftesbury Road, Cambridge.
18. Finally I wish to express my gratitude for the help and co-operation I received throughout the inquiry and reporting period. Richard Humphries, Counsel to the Local Planning Authority, and the Harlow District Council officers were unfailingly courteous and helpful. I was assisted throughout by my Programme Officer, Pauline Butcher, to whom in particular I wish to express my sincere thanks for her good-humoured support and unstinting hard work.

Yours faithfully

Peter Beasley DipTP DipLD MRTPI
Inspector

cc Office of the Deputy Prime Minister
Government Office for the East of England

TOWN AND COUNTRY PLANNING ACT 1990

HARLOW DISTRICT COUNCIL

REPORT OF A PUBLIC INQUIRY

INTO OBJECTIONS TO THE

FIRST AND SECOND DEPOSIT DRAFTS OF THE

REPLACEMENT HARLOW LOCAL PLAN

INSPECTOR'S REPORT

Inspector : Peter Beasley DipTP DipLD MRTPI

REPLACEMENT HARLOW LOCAL PLAN : INSPECTOR'S REPORT

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INTRODUCTION : CONFORMITY AND PLAN PERIOD

1. Introduction

1.1 In this Report I consider outstanding objections to the Replacement Harlow Local Plan (RHLP). I deal with the majority of these objections in 'Plan Order'. However, several objectors suggest that the period covered by the Plan should be extended to 2016, and possibly beyond, and that additional sites should be allocated for housing development specifically to facilitate the 'step-change' required to achieve the scale and rate of delivery of development that many anticipate will be necessitated by emerging Regional Planning Guidance for the East of England, RPG14. These objections have, in the main, been recorded against specific housing policies, and I identify and comment on those policies later in my Report. Nonetheless, the Plan period issue is fundamental to many of the component parts of the Plan, and in particular to my consideration of objections to housing provision and allocations. I have thus elected to deal with this matter at the outset.

1.2 The RHLP Plan period is closely linked to matters of conformity, and in particular to conformity with the current Essex and Southend-on-Sea Replacement Structure Plan (the Replacement Structure Plan (RSP)) and Regional Planning Guidance (RPG). I thus initially review conformity between the RHLP, the RSP and RPG, after which I consider the Plan period issue in more detail.

2. Conformity

2.1 The RSP has been prepared in the context of earlier Regional Planning Guidance for the South East (RPG9), issued in March 1994 for the period 1991-2011, and the current updated RPG9, issued in March 2001 for the period to 2016.

2.2 Table 1 of the 1994 RPG9 proposed a County (Essex) wide rate of 5333 additional dwellings per year to 2006, and indicated that while it should be assumed that the total annual average rate of provision for the period 2006-2011 would remain unchanged, distribution for that period would not necessarily accord with the pattern of distribution prior to 2006.

2.3 Policy H2 of the current (2001) RPG9 states that Essex should provide an average of 5240 dwellings each year up to 2006, and that where development plans are being reviewed and the new plan period extends beyond 2006, they should continue to provide for additional dwellings at the same annual average rate until such time as a different rate is adopted following a review of RPG. In addition, the current RPG9 proposes a study to investigate the need for development and the options for accommodating it in the London-Stansted-Cambridge sub-region; the results of the study to be taken

forward in the London Spatial Development Strategy and future regional planning guidance for the East of England.

- 2.4 The RSP, adopted in April 2001, proposes the provision of 72,250 additional dwellings in the plan area between 1996 and 2011. This, together with an additional 9000 dwellings previously agreed in Thurrock, will result in the provision of some 81,250 dwellings at an average annual rate of 5417 dwellings/year. This is consistent with the average annual provision of 5240 dwellings for the combined RSP area and Thurrock as set out in 2001 RPG9. The RSP is thus recognised as being in conformity with RPG.
- 2.5 At District level, the RSP proposes that an additional 5450 houses be provided in Harlow during the Plan period, and that 50 hectares of employment land be provided for development.
- 2.6 The RHLP likewise covers the period 1996 to 2011, and will supersede the Harlow Local Plan. The Harlow Local Plan, adopted in April 1995, covered the period 1986 to 2001.
- 2.7 The RHLP¹ notes that between 1996 and 2003 a total of 2758 dwellings were completed in Harlow while a further 651 had planning permission (outstanding commitments). It is anticipated that a further 520 dwellings will come forward as windfalls during the period 2003–2011. And sufficient land has been allocated in the Plan to provide a further 1521 dwellings during the same period. The RHLP thus makes provision for a total of 5450 additional dwellings during the period 1996–2011. The aforementioned sub and sum totals of additional dwellings have been updated from those contained in the First Deposit Draft (FDD) of the Plan, published in November 2002. However, the FDD likewise allocated sufficient land to meet the RSP requirement of 5450 dwellings.
- 2.8 Para. 6.1 of Planning Policy Guidance Note 12 (PPG12)² requires local plans to be *in general conformity* with the structure plan. The total housing provision proposed in both the First and Second Deposit Drafts of the RHLP equates to that required by the RSP. Likewise, the FDD allocated 16.2ha of land for employment purposes (noting that some 34ha of previously allocated employment land were still available for development), thereby providing a total of 50.2ha, marginally in excess of the RSP requirement.

¹ Unless otherwise stated or inferred, reference to the Replacement Harlow Local Plan (RHLP) throughout this Report is to the Second Deposit Draft of that Plan.

² PPG12 has been superseded by PPS12, published September 2004. However, the RHLP has been prepared and will be adopted under the provisions of PPG12, which thus remain relevant to my consideration of objections to the Plan. Following adoption, the RHLP will become a 'saved' development plan for a period of three years from commencement of Part 2 of the Planning and Compulsory Purchase Act 2004.

- 2.9 In October 2002 Essex CC issued a Certificate of Conformity, confirming that the FDD of the RHLP was in general conformity with the RSP. However, following their consideration of objections to the FDD, Harlow DC resolved to delete some 14ha of employment land from the Plan. This deletion has been carried forward as a Proposed Change (PC) in the Second Deposit Draft (SDD) and, as a consequence, in January 2004 Essex CC issued a statement informing the DC that the SDD is not in general conformity with the RSP. In their statement the CC confirm that this non-conformity arises specifically from the deletion of the proposed 13.7ha employment allocation north of the Nortel Networks site, as a result of which the SDD no longer provides the 50ha of employment land required in the RSP.
- 2.10 I deal with objections concerning the proposed allocation / deletion of employment land north of the Nortel Networks site later in my Report. But otherwise note that in terms of housing provision, the SDD of the RHLP remains in general conformity with the RSP.
- 2.11 Subsequent to the publication of the current RPG9, Essex has been reassigned to the East of England region. Draft Regional Planning Guidance for the East of England (RPG14) was published in February 2004 and covers the period 2001 to 2021. Policy SS13 indicates that during this period some 23,900 net additional dwellings per annum will be built in the East of England, a total of 478,000 dwellings overall. Policy H1 indicates that Local Development Documents will provide for an additional 6550 dwellings per year in the Essex, Southend-on-Sea and Thurrock area (the former Essex County administrative area), a total of 131,000 dwellings, of which 8000 dwellings will be provided in Harlow at an annual average rate of 400. However, policy H1 is subject to the provisions of policy H1A. This reflects the provisions of 2001 RPG9 and requires, inter-alia, a study of the London-Stansted-Cambridge-Peterborough (LSCP) corridor (which includes Harlow) to investigate the potential to identify sites for up to 18,000 additional dwellings (900 per year) in sustainable urban extensions or new settlements in the LSCP corridor, in order to meet the requirements of the Government's Sustainable Communities Plan, published March 2003, that identifies the corridor as one of the locations for substantial new growth.
- 2.12 Draft RPG14 was presented to the Government in February 2004 as a 'banked' document, placing the revised strategy on record pending completion of the study required under policy H1A. Following further investigations, the Regional Assembly concluded that they were unable to endorse the provision of an additional 18,000 dwellings within the LSCP corridor on grounds of adverse environmental impact. The revised draft RPG, incorporating the study's conclusions, was submitted to the Government in October 2004, and will now proceed to public consultation and Examination, with the aim of delivering approved RPG by mid-2006. Meantime, in light of the pending emergence of Regional Spatial Strategies (RSS) in place of RPGs and

Structure Plans, preparation of a Revised Structure Plan for the period up to 2016 has been suspended.

- 2.13 Various studies have been undertaken or are underway to quantify and put forward scenarios for distributing the total additional growth envisaged in emerging RPG14 to 2021. All of these, including the Harlow Options Study, identify Harlow as a growth point for development. There is therefore little doubt that Harlow will be required to plan for significantly more growth than provided for in the RSP and RHLP. However, given Harlow's restricted administrative area, much of this additional growth will probably need to take place in one or more of the adjoining Districts, namely Epping Forest and/or East Hertfordshire, and in all probability will require significant alterations to the Metropolitan Green Belt boundary. The essential characteristic of Green Belts is their permanence (PPG2, para. 2.1), which should be altered only in exceptional circumstances (PPG2 para. 2.6). Significant, indeed even minor, alterations to the Green Belt boundary should therefore only be proposed following a comprehensive review precipitated by an overriding need. No such review has been undertaken as part of the RHLP preparation process.
- 2.14 In summary, therefore, the FDD of the RHLP has been formally recognised as being in conformity with the RSP, which in turn has been approved as being in conformity with 2001 RPG9. But, the SDD is not in conformity with the RSP as a result of a statistical shortfall in provision of employment land. The RHLP and RSP both cover the period 1996 to 2011 and share the same end date with 1994 RPG9, but not with 2001 RPG9. There is thus broad, although not absolute, conformity between 1994 and 2001 RPG9, the RSP and the RHLP. However, there is little conformity between the RSP and RHLP with draft RPG14, in particular with regard to the emerging role of Harlow as a potential growth point within the LSCP corridor. In accordance with guidance in para. 6.1 of PPG12, I deal with the matter of non-conformity between the SDD of the RHLP and the RSP later in my Report as an objection by the CC to PC96 in respect of policy ER2. I consider the wider issue of non-conformity between the RHLP and emerging RPG below.

3. Plan Period

- 3.1 Para. 6.8 of PPG12 states that local plans should cover a period of 10 years from their anticipated date of adoption. And in a Ministerial Statement published in July 2003 the Minister of State for Housing and Planning re-affirmed that the duration of a plan should be for a period of 10 years from its forecast date of adoption and stated that *plans should make provision for at least ten years' potential supply of housing*.
- 3.2 Harlow DC anticipates adopting the RHLP in mid-2005. With an end-date of 2011 it is thus impossible for the Plan to meet PPG12 requirements or the Minister's aspirations concerning plan duration and potential housing supply. Several objectors argue that the Plan

period should be extended to conform with PPG advice and additional sites allocated to provide a 10 year supply of housing. On the other hand, it is a requirement of section 46 of the Town and Country Planning Act (TCPA) 1990 that local plans should be in general conformity with the structure plan, with the First Secretary of State (FSS) retaining powers of intervention to resolve those instances where non-conformity could threaten the proper planning of an area. This power is carried forward through the transitional period prior to full implementation of the revised LDF plan preparation process introduced by the Planning and Compulsory Purchase Act 2004 by means of para. 9(2) of Schedule 8 of that Act, and thus remains relevant in respect of the RHLP.

- 3.3 As the name implies, PPG12 provides guidance which local authorities (and others) must take into account in preparing development plans. Likewise, while articulating the Government's objectives, Ministerial Statements cannot over-ride the requirements of primary legislation. Hence, while I am satisfied that it is appropriate for the outstanding issue of non-conformity between the RSP and RHLP to be resolved through this inquiry / report process, it remains a legal requirement for the RHLP to be in general conformity with the RSP. Furthermore, it seems to me that an extension of the Plan period to 2016 or beyond would result in a degree of non-conformity sufficient to precipitate intervention by the FSS to prevent the adoption of the Plan.
- 3.4 The planning process in Harlow and throughout much of the East of England is in a state of flux, with emerging RPG14 effecting a sea change in the scale and distribution of development. Harlow has been identified as a potential centre for growth, and there can be little doubt that the town will be a focus for new development. However, while I recognise that the extension of the Plan period and allocation of additional sites would facilitate the step change required to achieve the scale and rate of delivery of development anticipated, I am firmly of the view that it would be inappropriate for the RHLP to pre-judge emerging regional guidance by identifying sites specifically for that purpose. Statutorily approved RPG, prepared in the context of comprehensive regional studies and analysis, is the proper means to determine the requisite quantum and regional distribution of new development (the Regional Spatial Strategy), and the emerging Local Development Framework (LDF) process (including where necessary a review of Green Belt boundaries) the appropriate means to secure the implementation of regional requirements at the local level. I fully appreciate that completion of the sequential planning process may delay the delivery of new housing, and thereby impair achieving by 2021 the target levels of provision that may be identified in the final version of RPG. However, while regrettable this is, in my view, a price that may have to be paid to secure long-term co-ordinated sustainable development throughout the region. Further expansion at Harlow should thus be achieved through the LDF process. Meantime, any attempt to prejudice or pre-judge this process should be resisted.

4 Conclusion

- 4.1 It is a legal requirement for the RHLP to be in general conformity with the RSP. In my view, the extension of the RHLP Plan period to 2016 (or beyond), and the allocation of additional sites specifically or in part to meet development requirements beyond 2011 (in the absence of a replacement structure plan at an advanced stage of preparation), would produce a level of deviation between the RHLP and RSP sufficient to precipitate intervention by the FSS to prevent adoption of the Plan.
- 4.2 Given the RSP time period and legal parameters within which the RHLP has been prepared, it is inevitable that it fails to take into account emerging RPG. However, regional guidance for the East of England is still in draft form, and given the significant changes in housing provision anticipated throughout the region, it would be wrong to pre-empt or prejudge that guidance at local plan level. These changes must be guided and controlled through the LDF process.
- 4.3 I appreciate the difficulties inherent in achieving the level of development predicted in draft RPG14 by 2021. Nonetheless, in light of the above I have formed the view that it would be legally incorrect to extend the Plan period beyond 2011 and procedurally inappropriate to allocate sites specifically in anticipation of emerging regional guidance. I thus consider objections to various 'omission sites' suggested for development by objectors in the context of the existing Plan period to 2011, and not in the context of any contribution they may make to longer-term development needs.

5 Recommendation

- 5.1 The Plan period for the Replacement Harlow Local Plan not to be extended beyond 2011.
- 5.2 No additional sites to be allocated in the Replacement Harlow Local Plan for housing or any other form of development specifically in anticipation of emerging Regional Planning Guidance for the East of England, RPG14.

1.0 CHAPTER 1 : INTRODUCTION

INTRODUCTION

1.1 CONCEPT

Objector

799/2034 Frank Jackson

Key Issues

- 1.1.1 Whether the RHLP adequately reflects the vision and enterprise embodied in Sir Frederick Gibberd's Master Plan for the original Harlow New Town.
- 1.1.2 Whether the Plan could provide a more positive mechanism to ensure the implementation of its principles, in place of the negative mechanism for refusing planning permission for proposals that do not comply.

Inspector's Conclusions

- 1.1.3 The RHLP does not have the same role as Sir Frederick Gibberd's original Harlow New Town Master Plan. The latter, which is properly recognised as an outstanding example of post-War town planning, served to guide the development of Harlow New Town from concept through to full implementation. However, the RHLP is required to set out the authority's detailed policies and specific proposals for the use of land in order to guide the on-going development of the town. It is a specific requirement of s54A of the TCPA 1990 (superseded by s38(6) of the PCPA 2004) that decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. It is thus essential that the Plan provides a firm basis for consistent and rational planning decisions.
- 1.1.4 I do not agree with the suggestion that the Plan is entirely negative in its approach. Many of its policies are positive in outlook, indicating where planning permission will be granted. However, it is also entirely appropriate for the Plan to indicate those instances where permission will be refused. Likewise, the allocation of land for specific purposes provides a clear indication of the nature, scale and location of the most important development proposals envisaged during the Plan period. Finally, in light of the professional expertise available to and within the LPA, I am not persuaded that it is necessary for the implementation of these proposals to be supervised or otherwise controlled in a manner beyond that provided by the Plan and conventional development control procedures.

Recommendation

1.1.5 No modification be made in response to this objection.

1.2 PARAGRAPH 1.1.1

Objector

697/4385 Leach Homes

Supporter

798/R4921 Harlow Civic Society

Key Issues

1.2.1 Whether the Plan period should be extended beyond 2011 in order to embrace the South East Regional Air Services Study, draft RPG14 and the London–Stansted–Cambridge Sub-Regional Study.

1.2.2 Whether the Plan needs an extended Plan period in order to be effective, robust and to instil confidence.

Inspector's Conclusions

1.2.3 I have in the Introduction to my Report considered the suggested extension of the plan period, and have concluded that it would be legally incorrect and procedurally inappropriate to do so.

1.2.4 While I appreciate the increasingly urgent need to provide long-term guidance for the planning of Harlow, particularly in view of anticipated proposals in emerging RPG14, I am firmly of the view that any additional growth beyond that proposed in the Plan must be controlled through the LDF framework.

1.2.5 Notwithstanding its relatively short time-horizon, there is no reason for me to believe that the Plan will not provide effective and robust guidance during its life-span. In contrast, extending the Plan period would, in my view, undermine confidence in the planning system, given that the allocation of additional sites would pre-empt the conclusions of emerging regional guidance.

Recommendation

1.2.6 No modification be made in response to this objection.

2.0 CHAPTER 2 : BACKGROUND

NATIONAL PLANNING POLICY GUIDANCE

2.1 PARAGRAPH 2.4.1

Objector

278/426 Stansted Airport Ltd

Key Issues

- 2.1.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be incorporated within the Plan at appropriate stages.
- 2.1.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic parameters.

Inspector's Conclusions

- 2.1.3 It is acknowledged that the RHLP has been prepared during the emergence of new Government Policy on Aviation and Airport Capacity and draft RPG for the East of England, together with the preparation of the London-Stansted-Cambridge Sub-Regional Study and other options studies. As the objector comments, the results of some of these studies *may* have planning implications for Harlow.
- 2.1.4 Proposed additional paragraph 2.5.6 notes that these and other studies are on-going, and properly confirms that their recommendations will be reflected in the LDD (PC8). I am satisfied that this PC resolves the first part of this objection.
- 2.1.5 I recognise that the issues raised by this plethora of studies and policy initiatives will be difficult to resolve. However, in my view the adoption of the RHLP will not constrain the subsequent adoption or implementation of emerging strategic development proposals. These will be carried forward by means of the LDD and LDF procedures which, once established, should ensure their speedy implementation.

Recommendation

- 2.1.6 The Plan be modified in accordance with PC8, but no other modification be made in response to this objection.

REGIONAL PLANNING GUIDANCE FOR THE SOUTH EAST

2.2 PARAGRAPH 2.5.1

Objector

278/4760 Stansted Airport Ltd

Key Issues

- 2.2.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.
- 2.2.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.

Inspector's Conclusions

- 2.2.3 This objection is essentially the same as that made to para. 2.4.1. My conclusions are the same as reported above, and hence there is no need for them to be reiterated specifically in response to this objection.

Recommendation

- 2.2.4 The Plan be modified in accordance with PC8, but no other modification be made in response to this objection.

2.3 PARAGRAPH 2.5.2

Objector

278/4763 Stansted Airport Ltd

Key Issues

- 2.3.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.
- 2.3.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.

Inspector's Conclusions

- 2.3.3 This objection is again essentially the same as that made to para. 2.4.1. My conclusions are the same as reported above, and hence there is no need for them to be reiterated specifically in response to this objection.

Recommendation

2.3.3 The Plan be modified in accordance with PC8, but no other modification be made in response to this objection.

2.4 PARAGRAPH 2.5.3

Objector

278/429 Stansted Airport Ltd

Key Issues

2.4.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.

2.4.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.

Inspector's Conclusions

2.4.3 This objection is again essentially the same as that made to para. 2.4.1. My conclusions are the same as reported above, and hence there is no need for them to be reiterated specifically in response to this objection.

Recommendation

2.4.4 The Plan be modified in accordance with PC8, but no other modification be made in response to this objection.

2.5 PARAGRAPH 2.5.4

Objector

278/4764 Stansted Airport Ltd

Key Issues

2.5.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.

2.5.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.

Inspector's Conclusions

2.5.3 This objection is again essentially the same as that made to para. 2.4.1. My conclusions are thus the same as reported above, and

hence there is no need for them to be reiterated specifically in response to this objection.

Recommendation

2.5.4 The Plan be modified in accordance with PC8, but no other modification be made in response to this objection.

2.6 PARAGRAPH 2.5.5

Objector

278/4765 Stansted Airport Ltd

Key Issues

2.6.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.

2.6.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.

Inspector's Conclusions

2.6.3 This objection is again essentially the same as that made to para. 2.4.1. My conclusions are the same as reported above, and hence there is no need for them to be reiterated specifically in response to this objection.

Recommendation

2.6.4 The Plan be modified in accordance with PC8, but that no other modification be made in response to this objection.

2.7 PARAGRAPH 2.5.6

Objectors

278/4204 Stansted Airport Ltd
278/4780 Stansted Airport Ltd
278/R4918 Stansted Airport Ltd
522/R4875 Hubbards Hall Estates
1045/R4879 Molyneux Harlow Ltd

Key Issues

2.7.1 Whether the RHLP should include a statement explaining how the resolution of major strategic planning issues will be reflected in the Plan.

- 2.7.2 Whether adoption of the RHLP will constrain the subsequent adoption of proposals necessary to accommodate revised strategic guidance.
- 2.7.3 Whether the RHLP should include reference to revised RPG14, which will be adopted during the Plan period, and which will need to be incorporated in the LDD.
- 2.7.4 Whether the RHLP should include reference to the historic context within which the Plan has been prepared, together with reference to emerging principles that will shape future plan making for Harlow.
- 2.7.5 Whether the RHLP should include reference to the conclusions of the Harlow Options Study.

Inspector's Conclusions

- 2.7.6 The issues raised by Stansted Airport Ltd to the FDD are essentially the same as those raised in respect of para. 2.4.1. My conclusions are thus the same as reported above, and hence there is no need for them to be reiterated specifically in response to this objection.
- 2.7.7 Proposed additional paragraph 2.5.6 (PC8) includes reference to emerging RPG, and thereby resolves the objection by Stansted Airport Ltd to the SDD. Proposals contained in emerging RPG14 will be carried forward in the LDD, which will supersede the Local Plan.
- 2.7.8 The historic context within which the Plan has been prepared will be provided by the proposed inclusion of reference in the opening paragraph 1.1.1 to Sir Frederick Gibberd's Master Plan (PC1). Proposed additional paragraph 2.5.6 (PC8) notes the emerging principles that will shape Harlow's future. These PCs resolve the objection by Hubbard's Hall Estates to the SDD.
- 2.7.9 The Harlow Options Study is one of several studies informing emerging RPG. It is by no means certain that its proposals will be incorporated in the final guidance, and thus it would be inappropriate to include reference to the Study at this stage.

Recommendation

- 2.7.10 The Plan be modified in accordance with PCs 1 and 8, but no other modification be made in response to these objections.

3.0 CHAPTER 3 : A VISION FOR HARLOW

THE VISION

3.1 CONCEPT

Objector

705/1576 HOOP

Key Issue

- 3.1.1 Whether the Vision should include reference to the Master Plan drawn up by Sir Frederick Gibberd

Inspector's Conclusions

- 3.1.2 The Vision for Harlow looks to the future, and specifically as to how the Council, as LPA, are able to deliver this vision in terms of sustainable development. It is, in my view, entirely appropriate for the RHLP to be set in the context of the successful development of the town in the past, and I note that it is intended to open the Plan with confirmation that it is based on the concepts established by Sir Frederick Gibberd in his Master Plan (PC1). Nonetheless, it seems to me that the Plan would benefit further by confirming that the Vision carries the aims and objectives of the Master Plan forward into the 21st Century.

Recommendation

- 3.1.3 Chapter 3 be modified by the inclusion of reference to the fact that the Vision carries the concepts established by Sir Fredrick Gibberd's Master Plan forward into the 21st Century.

INTRODUCTION

3.2 PARAGRAPH 3.1.1

Objector

756/1803 Pat Champion

Supporter

566/1193 English Partnerships

Key Issues

- 3.2.1 Whether the vision expressed in Harlow 2020 represents the views' of Harlow's residents.
- 3.2.2 Whether the Harlow 2020 vision would be of long-term benefit to the town and its residents.

Inspector's Conclusions

- 3.2.3 I understand that Harlow 2020 has been produced by the Harlow 2020 Partnership, a consortium of local organisations, establishments and authorities, formed in 1993 *to take a co-ordinated approach to the development of Harlow and realise the benefits of shared knowledge and resources.* Harlow 2020 sets out the Partnership's vision for Harlow some 20 years hence. I further understand that preparation of this document included several consultation exercises involving a large number of local people. It is thus reasonable for me to conclude that Harlow 2020 accurately represents the views of consultees on a number of selected topics. However, while the RHP includes reference to Harlow 2020, neither its vision nor objectives form part to the Plan. Thus, while I have no reason to question the validity of the Harlow 2020 vision, it is not a matter that is before me for consideration as part of the Local Plan.

Recommendation

- 3.2.4 No modification be made in response to this objection.

LOCAL PLAN

3.3 PARAGRAPH 3.2.1

Objectors

None

Supporter

566/1194 English Partnerships

VISION

3.4 PARAGRAPH 3.3.1

Objectors

None

Supporter

566/4386 English Partnerships

3.5 PARAGRAPH 3.3.2

Objectors

None

Supporters

566/1196 English Partnerships
706/1616 Essex Wildlife Trust

PARAGRAPH 3.3.3

Objectors

None

Supporter

566/1197 English Partnerships

4.0 CHAPTER 4 : AIMS

AIMS

4.1 CONCEPT

Objectors

380/635	R P C Hinton
705/1577	HOOP

Supporter

380/634	R P C Hinton
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Key Issue

- 4.1.1 Whether the Aims should include reference to the Master Plan drawn up by Sir Fredrick Gibberd.

Inspector's Conclusions

- 4.1.2 The Local Plan seeks to contribute to the land use planning objectives for sustainable development set out in the Government's Strategy for Sustainable Development in the UK, published in 1999. Chapter 4 identifies a series of aims, which in turn form the basis for the objectives that precede subsequent chapters in the Plan.
- 4.1.3 I appreciate that many of these aims and objectives carry forward similar aims and objectives embodied in Sir Fredrick Gibberd's Master Plan. However, it is already proposed to include mention of the contribution Sir Frederick and his Plan have made to the successful development of Harlow in para. 1.1.1 of the Local Plan, and I recommend that further mention be made in Chapter 3. Hence, I can see no point in making further reference in Chapter 4, given that this chapter provides the context for the detailed policies and proposals in subsequent topic chapters of the Plan.

Recommendation

- 4.1.4 No modification be made in response to these objections.

INTRODUCTION

4.2 PARAGRAPH 4.1.1

Objectors

None

Supporters

516/958 Ron Bill
566/1198 English Partnerships

AIMS**4.3 PARAGRAPH 4.2.1****Objector**

704/4389 Harlow Rugby Union Football Club

Supporters

566/1199 English Partnerships
704/4388 Harlow Rugby Union Football Club
706/1617 Essex Wildlife Trust
696/1495 Sapphire Retail Fund

Key Issue

- 4.3.1 Whether the Plan establishes an acceptable balance between the need for housing, sports and recreational provision, and adequately recognises the relationship between community facilities and community involvement with education.
- 4.3.2 Whether the Plan fails to take the opportunity to allocate land for residential development in locations that could achieve other and wider planning objectives, including a reduction in the need to travel and the improvement of sport in the community.

Inspector's Conclusions

- 4.3.3 This objection is tied to more detailed objections concerning the suggested allocation of land at Ram Gorse for residential development, and the identification of land at Latton Farm for use by Harlow Rugby Football Club. I deal with these and similar objections concerning the possible allocation of other sites in Chapter 15 of my Report.
- 4.3.4 I appreciate that the allocation of additional sites would have various social and community implications, and alter the balance between housing and recreational facilities. However, notwithstanding my recommendations on each of these objections, I am not persuaded that these potential consequences are in themselves sufficient to precipitate a change in the broad housing, leisure and culture Aims expressed in Chapter 4 of the Plan.

Recommendation

4.3.5 No modification be made in response to this objection.

4.4 PARAGRAPH 4.2.2

Objectors

None

Supporter

566/1200 English Partnerships

5.0 CHAPTER 5 : SUSTAINABLE DEVELOPMENT

OBJECTIVES

5.1 PARAGRAPH 5.1.3

Objectors

None

Supporter

516/959 Ron Bill

SUSTAINABLE DEVELOPMENT

5.2 SECTION 5.2

Objector

799/2042 Frank Jackson

Supporters

557/1152 English Nature
557/1153 English Nature

Key Issue

5.2.1 Whether the Plan should include recognition of the fact that there is an ultimate limit to economic growth.

Inspector's Conclusions

5.2.2 I agree the objector's summation that on our finite planet, with finite resources, there must be an ultimate limit to economic growth. However, the RHLP deals with land use and related issues within the DC's boundaries, and it seems to me that the ultimate limit of economic growth in Harlow is still somewhat off. Thus, while the philosophical debate that surrounds this issue is of considerable academic interest, in my view little, if any, point would be served by widening the concept of sustainability in the manner suggested.

Recommendation

5.2.3 No modification be made in response to this objection.

PROTECTING AND ENHANCING ENVIRONMENTAL WEALTH

5.3 POLICY SD1

Objectors

316/4208	David Wilson Homes Ltd
566/1206	English Partnerships
1039/4781	Taylor Woodrow Dev Ltd
1040/4782	Westbury Homes Ltd

Supporter

566/1205	English Partnerships
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Key Issues

- 5.3.1 Whether the policy should be widened to embrace all aspects of sustainability, in recognition of the need for the Plan to balance the importance of protecting the environment with the need to deliver appropriate development.
- 5.3.2 Whether the policy is sufficiently clear.

Inspector's Conclusions

- 5.3.3 Policy SD1 is not specifically concerned with sustainable development, but with the protection and enhancement of the environmental wealth of the District within a sustainable environment. It would thus be inappropriate to widen the policy in the manner suggested. Not only would this negate the object of the policy, but would also, I fear, result in a statement of intent rather than a planning policy against which development proposals can be assessed.
- 5.3.4 The policy contained in the FDD is unclear, particularly the comment *will normally be given primary importance*. I note that it is intended that this be changed to *will be permitted* (PC14), and am satisfied that this PC resolves the second issue raised by these objections.

Recommendation

- 5.3.5 Policy SD1 be modified in accordance with PC14, but no other modification be made in response to these objections.

REGENERATION

5.4 POLICY SD2

Objectors

316/4610	David Wilson Homes Ltd
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1039/4784 Taylor Woodrow Dev Ltd
1040/4785 Westbury Homes Ltd
1045/R4880 Molyneux Harlow Ltd

Supporters

566/1207 English Partnerships
1051/R4941 East of England Regional Assembly

Further Proposed Change

FPC030.2

Key Issues

- 5.4.1 Whether the proposed text requires amendment to give clarity to the policy intention.
- 5.4.2 Whether the proposed changed text requires further clarification with regards to '*achieve economic success*'.

Inspector's Conclusions

- 5.4.3 The policy contained in the FDD is both unclear and a statement of intent. I note that it is intended that the policy be substantially re-written (PC15), and am satisfied that this PC resolves, in the main, the first issue raised by these objections.
- 5.4.4 However. I agree the objection to the changed policy in the SDD in that the intention of the policy in its local context would be further clarified by the substitution of *improve the local economy* in place of *achieve economic success*. While the latter may be construed as embracing the local economy, it is unclear as written as to whether reference to *economic success* relates to the local economy or the development proposal.
- 5.4.5 I note and agree the FPC to provide grammatical clarity.

Recommendation

- 5.4.6 Policy SD2 be modified in accordance with PC15, subject to the substitution of *improve the local economy* in place of *achieve economic success*, and in accordance with FPC030.2.

APPLYING THE SEQUENTIAL TEST

5.5 PARAGRAPH 5.5.1

Objectors

316/4209 David Wilson Homes Ltd

527/1004	Copthorn Homes
799/2043	Frank Jackson
1039/4786	Taylor Woodrow Dev Ltd
1040/4787	Westbury Homes Ltd

Key Issues

- 5.5.1 Whether the paragraph should confirm that where previously developed sites perform so poorly in relation to other sites these other sites should come forward first for development.
- 5.5.2 Whether reference to *the town's urban area* requires clarification.
- 5.5.3 Whether the sequence set out in para. 5.5.1 is consistent with the search sequence set out in para. 30 of PPG3.
- 5.5.4 Whether clarification is required to confirm that the emphasis on maximising the re-use of previously developed land and buildings is not to be at the expense of other considerations, including the environmental impact on the site and its surroundings.

Inspector's Conclusions

- 5.5.6 Paragraph 5.5.1 in the FDD did not fully reflect the widely accepted guidance in PPG3 concerning the search sequence and prioritisation of sites for development. However, I note that it is intended that the paragraph be changed (PC16), and the sequential test clarified. I am satisfied that this amended text accords with guidance in PPG3, and that further modification in this respect is unnecessary.
- 5.5.7 Paragraph 5.5.2 qualifies the sequential test by confirming that development must be located where there is adequate infrastructure. It is thus unnecessary, in my view, to include specific reference to the need to assess the performance of brownfield sites against these criteria, given that these criteria are applicable to all sites.
- 5.5.8 I can see no need to clarify reference to *the town's urban area*. I am satisfied that this will be understood by readers of the Plan to mean the developed area within Harlow District. Mention in para. 5.5.1 to *planned extensions to the urban area* reflects advice in PPG3. The LPA do not have jurisdiction beyond their administrative boundary, and thus the Plan should not – indeed cannot – be construed to suggest that development will take place outside the District boundaries.
- 5.5.9 Finally, I am satisfied that policies elsewhere in the Plan provide adequate environmental protection for sites that are subject to development proposals, for their surroundings, and for the character of the area as a whole. No additional comment is required.

Recommendation

5.5.10 Paragraph 5.5.1 be modified in accordance with PC16, but no other modification be made in response to these objections.

5.6 POLICY SD3

Objectors

316/4611	David Wilson Homes Ltd
1039/4788	Taylor Woodrow Dev Ltd
1040/4789	Westbury Homes Ltd

Supporters

557/1167	English Nature
701/4387	Countryside Residential (North Thames) Ltd

Key Issue

5.6.1 Whether the Council's interpretation of the sequential test should be included within the policy.

Inspector's Conclusions

5.6.2 Criterion 3 of policy SD3 refers to the sequential test, details of which are set out in para. 5.5.1. Both para. 5.5.1 and policy SD3 are the subject of Proposed Changes. I have confirmed above that the amended text in para. 5.5.1 accords with guidance in PPG3, and am likewise satisfied that the Proposed Change to SD3 (PC18) effectively links the policy with its supporting text. Given that both amended policy and text accord with PPG3 advice, there is no need for interpretation of the sequential test to be included in the policy.

Recommendation

5.6.3 Policy SD3 be modified in accordance with PC18, but no other modification be made in response to these objections.

5.7 POLICIES SD3 - SD5

Objectors

706/1658	Essex Wildlife Trust
706/R4835	Essex Wildlife Trust

Further Proposed Change

FPC001

Key Issue

- 5.7.1 Whether policies SD3–SD5 should be expanded to provide protection for all protected species, not just ‘*rare protected species*’.

Inspector's Conclusions

- 5.7.2 Policy SD3.5 in the FDD seeks to ensure that there is no loss of valued local habitats and rare protected species. This criterion is to be re-written (PC19) and amended further (FPC001) to embrace habitats and species that are subject to statutory and non-statutory protection, or which can be shown to be worthy of protection. I am satisfied that these Changes resolve these objections.

Recommendation

- 5.7.3 Policy SD3.5 be modified in accordance with PC19 and FPC001.

MIXED USES : INTEGRATING DEVELOPMENT AND TRAVEL

5.8 SECTION 5.6

Objector

799/2035 Frank Jackson

Key Issue

- 5.8.1 Whether problems associated with mixed use activities should preclude or otherwise restrict this form of development.

Inspector's Conclusions

- 5.8.2 Policies SD4-SD6 deal with mixed use developments. Policies SD4 and SD5 include reference to the need to ensure compatibility between uses, while SD6 is concerned with potential problems associated with intensification. Each of these policies is subject to one or more PCs.
- 5.8.3 Mixed use developments, including and in particular housing in town and local centres, is encouraged by Government guidance in PPG3 and elsewhere. Policies SD4-SD6 reflect this advice. And in my view these amended policies and supporting text adequately recognise the problems of incompatibility associated with mixed use developments, and by so doing provide effective control over relevant proposals.

Recommendation

5.8.4 Policies SD4 – SD6 be modified in accordance with PCs 20, 21, 22, 23 and 24, but no other modification be made in response to this objection.

5.9 POLICY SD4

Objector

516/969 Ron Bill

Supporter

696/1497 Sapphire Retail Fund

Key Issue

5.9.1 Whether policy SD4 should include reference to the convenience of shoppers.

Inspector's Conclusions

5.9.2 Policy SD4 relates to proposals for mixed use developments in town and neighbourhood centres, and is properly concerned with a range of land use planning issues. However, convenience for shoppers is not a planning issue as such (although undoubtedly it will be a commercial consideration for any prospective developer and may possibly be a health and safety issue), and thus cannot be included as a policy criterion.

Recommendation

5.9.3 No modification be made in response to this objection.

5.10 POLICY SD5

Objector

1045/R4881 Molyneux Harlow Ltd

Supporters

530/1061 CPREssex
798/2030 Harlow Civic Society

Key Issues

5.10.1 Whether all the criteria should be met.

Inspector's Conclusions

- 5.10.2 The objector argues for a stronger strategy in the Plan for the local economy, and notes that the retail economy has a significant part to play in the regeneration of Harlow, not just in the central area but elsewhere.
- 5.10.3 I do not dispute the importance of the retail economy to Harlow. However, policy SD5 relates to mixed use development proposals *within the rest of Harlow* outside of the town and neighbourhood centres (which are subject to policy SD4), and is concerned to ensure that proposals in residential and industrial areas are compatible with their surrounds and properly located. Nonetheless, I agree with the objector's submission specific to this policy in that it is grammatically incorrect to require *all of the ... criteria to be met*. Criteria nos. 1 and 3 are essential requirements. However, criteria nos. 2 and 4 relate to alternative scenarios. The policy should thus be amended further for grammatically clarity.

Recommendation

- 5.10.4 Policy SD5 be further modified to provide grammatical clarity.

ENERGY**5.11 POLICY SD7****Objectors**

1039/4791	Taylor Woodrow Dev Ltd
1040/4792	Westbury Homes Ltd
316/4612	David Wilson Homes Ltd
486/823	Harlow Conservation Volunteers
682/4390	Wm Morrison Supermarkets PLC
706/R4837	Essex Wildlife Trust
798/2032	Harlow Civic Society
798/R4922	Harlow Civic Society
799/2073	Frank Jackson
800/2153	GO-East

Supporters

706/1659	Essex Wildlife Trust
1033/4772	Future Energy Solutions (DTI)
800/R4965	Wm Morrison Supermarkets PLC

Key Issues

- 5.11.1 Whether it is unreasonable and unduly onerous to require the submission of an Energy Report in support of development proposals.

- 5.11.2 Whether it is reasonable to require the submission of a detailed Energy Report in support of modest development schemes.
- 5.11.3 Whether the requirement for an Energy Report should be extended to all developments.
- 5.11.4 Whether the policy should include reference to orientation.

Inspector's Conclusions

- 5.11.5 I agree the Council's conclusion that the requirement for an Energy Report is not a land use planning issue. It cannot therefore be the subject of a local plan policy. And I note that as a result policy SD7 is to be deleted (PC25).
- 5.11.6 The encouragement and expectation that major development proposals will reduce energy consumption by means of an Energy Report has been transferred to supporting text (new para. 5.7.3 PC26), which is itself subject to further modification (FPC002) for clarity and grammatical correctness. I agree these Proposed Changes, which resolve the first two issues raised by objectors.
- 5.11.7 In contrast it would, in my view, be inappropriate to extend the need for an Energy Report to all developments, as this would be excessive and in part duplicate Building Regulation requirements. Orientation, and its effect upon potential solar energy generation, is one of a range of issues that would need to be considered in an Energy Report.

Recommendation

- 5.11.8 The Plan be modified by the deletion of policy SD7 in accordance with PC25, and by the insertion of additional para. 5.7.3 in accordance with PC26, as further modified by FPC002, but no other modification be made in response to these objections.

5.12 PARAGRAPH 5.7.3 (RENUMBERED 5.7.4)

Objectors

- 1033/4213 Future Energy Solutions (DTI)
- 1033/4214 Future Energy Solutions (DTI)

Supporter

- 1033/R4955 Future Energy Solutions (DTI)

Key Issues

- 5.12.1 Whether reference should be made to Government policy for renewable energy, as expressed in PPG22.

- 5.12.2 Whether reference should be made to the Government's target for renewable energy.
- 5.12.3 Whether reference should be made to the need to balance the potential benefits of renewable energy development against any adverse effects on local amenity.
- 5.12.4 Whether reference should be made to the findings of the Report to the East of England Sustainable Development Round Table which updates the Eastern Region Renewable Energy Planning Study.

Inspector's Conclusions

- 5.12.5 The RHLP has been prepared in the context of Government Planning Policy, and thus reiteration of PPG22 (as superseded by PSS22) advice is unnecessary. However, PC28 introduces reference to the Government's target for renewable energy and its source, thereby resolving the second issue raised by the objector.
- 5.12.6 Reference to the need to balance the potential benefits of renewable energy development with any adverse effects on local amenity and to the findings of the Report to the East of England Sustainable Development Round Table have been included in para. 5.7.5 (renumbered 5.7.6), which I deal with below.

Recommendation

- 5.12.7 Paragraph 5.7.3 (renumbered 5.7.4) be modified in accordance with PC28, but no other modification be made in response to these objections.

5.13 PARAGRAPH 5.7.5 (RENUMBERED 5.7.6)

Objector

800/R4966 GO-East

Supporter

1033/R4960 Future Energy Solutions (DTI)

Further Proposed Change

FPC003

Key Issue

- 5.13.1 Whether the additional text introduced by PC31 needs to be clarified.

Inspector's Conclusions

- 5.13.2 Additional text inserted by PC31 confirmed the updated 9% renewable energy target for Essex identified by the Report to the East of England Sustainable Development Round Table. However, this text is subject to FPC003 which clarifies the relationship between the national and local (Essex) targets, and thereby resolves this objection.
- 5.13.3 Renumbered and amended para. 5.7.6 includes comment on the possible adverse environmental effects of renewable energy, and in my view resolves the objection concerning this issue recorded in respect of para. 5.7.3.

Recommendation

- 5.13.4 Paragraph 5.7.5 (renumbered 5.7.6) be modified in accordance with PC31 and FPC003.

5.14 POLICY SD8 (RENUMBERED SD7)

Objectors

- 799/2074 Frank Jackson
- 1033/4215 Future Energy Solutions (DTI)

Supporters

- 682/R4894 Wm Morrison Supermarkets PLC
- 706/1660 Essex Wildlife Trust
- 706/R4838 Essex Wildlife Trust
- 1033/R4961 Future Energy Solutions (DTI)
- 1051/R4940 East of England Regional Assembly

Key Issues

- 5.14.1 Whether the policy is suggesting that planning permission would be granted for a new power station in Harlow.
- 5.14.2 Whether reference to specific examples of renewable energy sources could infer that technologies not listed would not be supported.
- 5.14.3 Whether reference to *significant adverse environmental impacts* should replace *materially adverse environmental impacts* to accord with Environmental Impact Assessment legislation.

Inspector's Conclusions

- 5.14.4 It is proposed to amend renumbered policy SD7 by the substitution of *facilities* in place of reference to specific examples of renewable energy sources, and by the substitution of *significant* in place of

materially (PC33). These changes widen the scope of the policy to embrace all forms of renewable energy, and provide compatibility with EIA legislation. In so doing, they resolve the second and third issues raised by objectors.

5.14.6 I further note that PC33 amends renumbered SD7 from a statement of intent to a usable land use planning policy.

5.14.7 Renumbered and amended policy SD7 reflects Government guidance that encourages all local authorities to consider and where possible promote renewable energy. It is recognised that proposals for renewable energy are frequently controversial, and this is recognised in both the policy and supporting text. However, the policy does not specifically suggest that there is scope for a new power station in Harlow, but provides the policy background against which such a proposal would be assessed.

Recommendation

5.14.8 Policy SD8 (renumbered SD7) be modified in accordance with PC33, but no other modification be made in response to these objections.

WASTE REDUCTION, RE-USE AND RECOVERY

5.15 SECTION 5.8

Objector

799/2036 Frank Jackson

Supporter

799/2044 Frank Jackson

Proposed Change

FPC030.3

Key Issue

5.15.1 Whether reference should be made in policy or supporting text to the design of recycling facilities.

Inspector's Conclusions

5.15.2 It is acknowledged that consideration needs to be given to the design of recycling facilities in order to ensure that they are not detrimental to the general environment in their vicinity. However, detailed design issues do not form part of the Local Plan. They are more appropriately dealt with by means of Supplementary Planning Guidance (SPG) or at the planning application stage.

- 5.15.3 I note that mention is made in para. 5.8.6 of the Council's intention to produce SPG on the design implications of storing recyclable goods for collection, and the desirability of early discussions with the Council's Cleansing and Environmental Services Department on this issue at an early stage in the design / development process.

Recommendation

- 5.15.4 No modification be made in response to this objection.

5.16 POLICY SD9 (RENUMBERED SD8)

Objectors

316/4613	David Wilson Homes Ltd
682/4391	Wm Morrison Supermarkets PLC
1039/4793	Taylor Woodrow Dev Ltd
1040/4794	Westbury Homes Ltd

Supporters

706/1661	Essex Wildlife Trust
706/R4839	Essex Wildlife Trust

Key Issue

- 5.16.1 Whether the policy is unreasonable or unduly onerous.

Inspector's Conclusions

- 5.16.2 I understand that Waste Strategy 2000 and The Essex and Southend-on-Sea Waste Local Plan, produced by Essex CC, set County-wide waste management targets to be achieved during and beyond the Plan period. These targets include minimising waste generation and increasing the level of waste recovery by recycling, composting and recovering value. It is appropriate that those targets that have land use planning implications should be carried forward in detail at the local level, and hence included in the Local Plan.
- 5.16.4 I note that renumbered policy SD8 is to be amended by the substitution of *Major* in place of *Substantial* and agree this provides greater clarity. However, it seems to me that the need to show that buildings are adaptable and capable of being used for other purposes is excessive (criterion 5). Many buildings are purpose designed and built, for example petrol filling stations. As such they may meet all relevant criteria for waste management and recycling, but are incapable of being put to an appropriate alternative use. Furthermore, the exercise of agreeing an alternative use would be meaningless if that use was unacceptable in that location for other planning reasons. Criterion 5 is thus misguided and should be deleted.

Recommendation

- 5.16.5 Policy SD9 (renumbered SD8) be modified in accordance with PC36 and by the deletion of criterion 5. Supporting text be modified as necessary. No other modification be made in response to these objections.

5.17 POLICY SD10 (RENUMBERED SD9)

Objectors

316/4614	David Wilson Homes Ltd
1039/4795	Taylor Woodrow Dev Ltd
1040/4796	Westbury Homes Ltd

Supporters

706/1655	Essex Wildlife Trust
706/R4841	Essex Wildlife Trust
1051/R4942	East of England Regional Assembly

Key Issues

- 5.17.1 Whether the policy is grammatically correct.
- 5.17.2 Whether the policy should *encourage* rather than *expect* the re-use of excavated materials.

Inspector's Conclusions

- 5.17.3 The FDD of policy SD10 was grammatically incomprehensible, and as a result is to be re-written (PC38). Renumbered policy SD9 provides comprehensive policy guidance for the conservation and re-use of soil. Soil is generally recognised as an important resource, and hence I am satisfied that the policy should be expressed as a requirement (ie *should*), and not as an encouragement. An expression of encouragement would, in any event, constitute a statement of intent, and as such would not provide an enforceable planning policy.

Recommendation

- 5.17.4 Policy SD10 (renumbered SD9) be modified in accordance with PC38, but no other modification be made in response to these objections.

5.18 POLICY SD11 (RENUMBERED SD10)

Objectors

316/4218	David Wilson Homes Ltd
1039/4797	Taylor Woodrow Dev Ltd

1040/4798 Westbury Homes Ltd

Supporters

706/1656 Essex Wildlife Trust
706/R4846 Essex Wildlife Trust

Key Issue

5.18.1 Whether the policy is unduly onerous.

Inspector's Conclusions

5.18.2 The FDD version of policy SD10 required the provision of waste recycling facilities for all development proposals, and as such was, in my view, unduly onerous. However, the policy is to be amended to require the provision of recycling facilities as part of *major* development proposals and for grammatical clarity (PCs 41 and 42). I am satisfied that these proposed changes provide a policy that is both reasonable and workable, and by restricting application to major development schemes is not unduly onerous.

Recommendation

5.18.3 Policy SD11 (renumbered SD10) be modified in accordance with PCs 41 and 42, but no other modification be made in response to these objections.

5.19 POLICY SD12 (RENUMBERED SD11)

Objectors

797/1995 Environment Agency
800/R4963 GO-East

Supporters

706/1657 Essex Wildlife Trust
706/R4847 Essex Wildlife Trust
797/1994 Environment Agency

Key Issues

5.19.1 Whether water re-use should be promoted, rather than just welcomed.

5.19.2 Whether the policy should be extended to include reference to the installation of sustainable drainage systems (SuDs) and water efficient appliances in domestic and commercial premises.

- 5.19.3 Whether the installation of water efficient appliances is outside the scope of planning control.

Inspector's Conclusions

- 5.19.4 Policy SD12 in the FDD *welcomed* developments that maximised water efficiency and conservation measures, and as such formed a statement of intent. However, I note that it is intended that the original policy be changed, tying the inclusion of water conservation and reuse systems to the grant of planning permission.
- 5.19.5 Water conservation and reuse is a laudable objective. However, in my view, with the exception of criterion 1 (which is fundamental to all development proposals) and criterion 4 (which is a marginal planning matter), none of the criteria in renumbered policy SD11 relate to land use planning issues, and as such cannot form the basis of a local plan policy or be specifically linked to a grant (or more critically to a refusal) of planning permission. Extended reference to the provision of water conservation and reuse facilities may, however, be included in supporting text, and could perhaps usefully form the subject of SPG.

Recommendation

- 5.19.6 Policy SD12 (renumbered SD11) be deleted, and supporting text modified as necessary to encourage the inclusion of water conservation and recycling facilities in development proposals.

6.0 CHAPTER 6 : HOUSING

OVERVIEW

6.1 CONCEPT

Objectors

715/1688	B Bostock
755/1787	Mr P J O'Reilly
798/2004	Harlow Civic Society

Supporter

798/2005	Harlow Civic Society
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Key Issues

- 6.1.1 Whether Burnt Mill Village should be re-built
- 6.1.2 Whether the boundaries of Harlow should be re-drawn to accommodate a large increase in population.
- 6.1.3 Whether reference to `Social Housing' throughout the Plan should be changed to `Council Housing'.

Inspector's Conclusions

- 6.1.4 I understand that the area formerly occupied by Burnt Mill Village has been redeveloped and replaced by Field House, the railway station and concourse, and the former Longmans House. Redevelopment is thus no longer a practicable proposition.
- 6.1.5 Any possible re-drawing of administrative boundaries is far beyond the remit of the RHLP. It is possible that additional future development at Harlow may involve development in adjoining administrative areas. However, as explained in the Introduction to my Report, these are issues that must be determined outside of this Local Plan.
- 6.1.6 Current Government policy prevents Councils from building the type of accommodation formerly known as `Council Houses'. The term `Social Housing' is thus the correct generic term to cover all types of housing provided to meet a recognised social need.

Recommendation

- 6.1.7 No modification be made in response to these objections.

OBJECTIVES**6.2 SECTION 6.1****Objectors**

527/1003	Cophorn Homes
799/2045	Frank Jackson
704/4430	Harlow Rugby Union Football Club
492/873	Harlow Area Access Group

Supporters

566/1188	English Partnerships
701/R4822	Countryside Residential (North Thames) Ltd
704/4429	Harlow Rugby Union Football Club

Key Issues

- 6.2.1 Whether additional text should be added to criterion 4 requiring the release of previously developed residential land or buildings to be specifically subject to the provisos set out in the objection by Cophorn Homes to para. 5.5.1 of the Plan.
- 6.2.2 Whether additional priority should be given to meeting Harlow's own housing demand within the town's boundaries before consideration is given to accepting an additional influx of population from the rest of the South-East.
- 6.2.3 Whether full and proper consideration has been given to these objectives when identifying land for housing development, particularly at New Hall, in relation to other greenfield locations which are, relatively, better related to the town centre and other facilities.
- 6.2.4 Whether the term 'Special Needs Housing' requires clarification, and whether design issues should be included in SPG.

Inspector's Conclusions

- 6.2.5 I have earlier dealt with the objection by Cophorn Homes concerning the application of the search sequence for additional residential land (Chapter 5, section 5.5), and concluded that no modification was required in response to that objection. Cophorn Homes's above objection to the Objectives in Chapter 6 of the Plan is based on the premise that their earlier objection was successful. In light of my aforementioned conclusion, it thus follows that no further modification is necessary in response to this objection. Furthermore, section 5.5 of the Plan as proposed to be changed sets out the tests for the prioritisation of land for development as laid down in PPG3. It is thus unnecessary for them to be repeated in the Housing Chapter.

- 6.2.6 I turn now to the objection concerning the desirability of giving priority to meeting Harlow's local housing need. PPG3 requires local planning authorities to assess local housing need, and to respond to that need in their local plan. Policy H4 identifies sufficient sites to meet the housing requirement established in the RSP, while policy H8 seeks to meet the need identified in the Council's Housing Needs Study for affordable and special needs housing. I deal with objections to policies H4 and H8 later in this Chapter of my Report. However, I am satisfied that the principles of housing provision established by policies H4 and H8 effectively meet this objection.
- 6.2.7 I have no doubt that the Council have given careful consideration to the objectives in section 6.1 of the Plan when identifying sites to be allocated for housing development. I deal with specific objections to the allocation of New Hall and other housing allocations, together with objections concerning the suggested allocation of alternative sites, later in my Report.
- 6.2.8 Finally, 'Special Needs Housing' is defined in para. 6.9.1 of the Plan. And design issues specific to this form of housing are, I understand, contained in the Essex Design Guide.

Recommendation

- 6.2.9 No modification be made in response to these objections.

INTRODUCTION**6.3 SECTION 6.2****Supporter**

798/2005 Harlow Civic Society

MEETING THE HOUSING NEEDS**6.4 SECTION 6.3****Objectors**

697/4407 Leach Homes
799/2046 Frank Jackson
799/2047 Frank Jackson

Supporter

566/1190 English Partnerships

Key Issues

- 6.4.1 Whether the Plan should consider the potential and/or need for additional growth at Harlow, including the need to look beyond the District boundaries for suitable housing sites and the desirability of extending the Plan period.
- 6.4.2 Whether the RSP allocation of 5450 new dwellings for Harlow for the period 1996-2011 can be met.
- 6.4.3 Whether the concept of 'windfall sites' contradicts the basic idea of planning.

Inspector's Conclusions

- 6.4.4 I have earlier in the Introduction to my Report considered and rejected the suggestion that the Plan period be extended. There is no need for me to reiterate my conclusions on that issue. Likewise, I have earlier concluded that proposals for the longer-term expansion of Harlow, including possible development beyond the town's administrative boundaries, must be considered as part of a wider regional strategy, and thus cannot form part of this Local Plan.
- 6.4.5 Over half the dwellings required by the RSP have already been built or are committed, leaving a residual total of 2041 dwellings to be provided between 2003 and 2011. I consider objections relating to deliverability and specific sites later in this Chapter of my Report, but in broad terms am satisfied that it is possible to deliver the requisite number of dwellings during the Plan period.
- 6.4.6 It is an established practice that local plans allocate sites capable of accommodating 10 or more dwellings. Unidentified smaller sites are universally identified as 'windfall sites'; their potential contribution to total housing supply is properly recognised in Chapter 6 of the Plan, and their development controlled by relevant policies. There is thus no conflict between the concept of 'windfall sites' and planning.

Recommendation

- 6.4.7 No modification be made in response to these objections.

6.5 POLICY H1

Objectors

516/961	Ron Bill
522/4438	Hubbards Hall Estates
527/1008	Cophorn Homes
701/4425	Countryside Residential (North Thames) Ltd
701/R4825	Countryside Residential (North Thames) Ltd
703/1552	Railtrack PLC

704/4221	Harlow Rugby Union Football Club
704/4431	Harlow Rugby Union Football Club
705/1584	HOOP
799/2064	Frank Jackson
800/R4967	GO-East

Supporter

530/1021	CPREssex
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Further Proposed Change

FPC004

Key Issues

- 6.5.1 Whether policy H4 should indicate that the supply of housing will be monitored in order to ensure that there is sufficient to meet the District's strategic housing requirement and to provide an appropriate balance between housing and other social objectives.
- 6.5.2 Whether policy H4 should include reference to the proviso that in exceptional circumstances greenfield land may be released in advance of previously developed land.
- 6.5.3 Whether policy H4 as proposed to be changed is inconsistent with PPG3 with regard to the phasing of development, in particular with regard to the emphasis given to the contribution from greenfield development at New Hall in preference to the development of previously developed land and buildings.
- 6.5.4 Whether reference to *greenfield land which is an extension to the existing urban area* (criterion 3) requires clarification.
- 6.5.5 Whether criterion 3 should be qualified by reference to accessibility by public transport.
- 6.5.6 Whether allocation of the Sport Centre conflicts with criterion 1, on grounds that para. 14 of PPG17 states: *Parks, recreation grounds and allotments must not be regarded as previously developed land.*
- 6.5.7 Whether criteria 1 and 2 should be combined to form a single criterion relating to the use of previously developed land.
- 6.5.8 Whether reference to the Special Restraint Areas (SRAs) should be included at the end of criterion 3.
- 6.5.9 Whether Harlow should be treated as a special case, and the development of greenfield land at New Hall encouraged in preference to infilling within established neighbourhoods.

- 6.5.10 Whether the policy as proposed to be changed requires further clarification in order to provide consistency with para. 6.3.5.

Inspector's Conclusions

- 6.5.11 It is proposed that policy H1 be amended (PC48) to delete reference to the release of sites, thereby focussing the policy on the assessment of new proposals and allocations for housing development. This PC obviates that objection relating to the monitoring of supply. Nonetheless, policy H6 (or my recommended replacement text) confirms that housing land supply will be monitored throughout the Plan period, reinforcing my conclusion that there is no need to include mention of monitoring in policy H1.
- 6.5.12 Policy H1 properly reflects PPG3 advice that previously developed sites (or buildings for re-use or conversion) should be prioritised for developed before greenfield land. The exception to this principle is where previously developed land performs so poorly in relation to the criteria listed in para. 31 of PPG3 as to preclude their use for housing before a particular greenfield site. However, the Plan specifically confirms that the prioritisation of sites for development accords with PPG3 advice, and hence there is no need to include reference to the exception referred to above. Furthermore, I am satisfied that H1 as proposed to be changed remains consistent with PPG3, given that the identification and release of land for development are subject to similar guidance.
- 6.5.13 Reference to greenfield land as an extension to the existing urban area reflects terminology used in PPG3 and elsewhere. I am satisfied that this is widely understood and does not require further clarification.
- 6.5.14 The sequential criteria in policy H1 are based on the search criteria contained in para. 31 in PPG3. These include reference to the need to ensure that development sites are accessible by modes other than the car. It is unnecessary and contrary to Government guidance to reiterate PPG advice in a local plan. Hence the suggestion that criterion 3 be qualified by reference to accessibility by public transport cannot be supported.
- 6.5.15 I deal with objections to the allocation of the Sport Ground in this Chapter my Report, and comment on the potential conflict between policy H4 and PPG17. There is thus no need for me to debate this issue in response to an objection to policy H1.
- 6.5.16 With regards to the suggestion that criteria 1 and 2 be combined, I note that PPG3 does not differentiate between previously developed land within or on the edge of an urban area. On-the-other-hand I also recognise that it may be desirable to introduce additional prioritisation criteria in order to assess the range of development options that are available throughout the town. However, if the purpose of H1 is to provide a policy base for assessing development

proposals (but see my comments below) the policy should, for clarity of purpose, establish the priority to be given to the development of brownfield land over greenfield sites, without further sub-categorisation. In such circumstances, criteria 1 and 2 should be combined.

- 6.5.17 I deal with objections concerning the possible release of several of the SRAs for housing later in my Report. And see also my recommendation re policy NE6 in Chapter 10 of my Report. However, in principle it is not intended that any of the SRAs will be assessed (let alone released) until such time as a review of the Plan indicates that additional land is required for housing. As policy H1 relates to the assessment process, it would thus be inappropriate to include reference to SRAs as potential housing sites.
- 6.5.18 Turning to the suggestion that development at New Hall should be encouraged further, it seems to me that it would be neither desirable nor legally possible for Harlow to be treated as a special case or otherwise set aside the priority to be given to the development of brownfield land. PPG3 guidance is applicable throughout the country, and clearly requires priority to be given to the development of brownfield land in advance of greenfield sites. And while I appreciate that the development of New Hall in its entirety would facilitate the creation of a neighbourhood in line with the Master Plan, I am not persuaded that development of this greenfield site should take priority over the re-use of brownfield land elsewhere within the town. The completion of development at New Hall in the longer term will, in any event, bring about the creation of a new neighbourhood. Meantime a balance must be struck between the proper re-use of previously developed land and the release of greenfield land for development.
- 6.5.19 As noted above, PC48 deleted reference to the release of sites, focussing the policy on the assessment of new proposals and allocations for housing development. However, para. 6.3.5 refers to *the release of housing sites*, leading to an inconsistency between the policy and supporting text. It is suggested that this inconsistency could be removed by the re-introduction of reference to the release of sites, or the substitution of *prioritise for release* in place of *assessed*. In response the Council suggest the deletion of *allocations* (FPC004), directing the policy towards the consideration of new proposals for housing development on grounds that H1 only relates to unidentified sites. In my view, neither suggestion resolves fundamental problems surrounding policy H1.
- 6.5.20 It seems to me that there is some confusion in the Council's mind as to the purpose of policy H1, and that this confusion is exacerbated by inconsistencies between the policy and supporting text and the proposed changes brought about by PC48 and FPC004. The Council need to decide as to the purpose of the policy and to clearly express the same. For my part I can see no reason to include a policy in this part of the Plan dealing with the priority to be given to the allocation

or release of unidentified sites, given that this would normally be expected to form part of a review of the Plan. Supporting text elsewhere identifies the search sequence used to identify allocated sites; however there is no need to express this as a policy as there is no intention to identify further sites during the Plan period. And if the intention of the policy (as suggested by para. 6.3.5) is to prioritise the release of land, then it and associated supporting text should be moved to section 6.5 of the Plan. Either way, it seems to me that in either its present or proposed form, and in this part of the Plan, neither policy H1 nor its supporting text serve any useful purpose and should therefore be deleted.

Recommendation

- 6.5.21 Policy H1 and supporting text (para. 6.3.5) be deleted.
- 6.5.22 Alternatively, if the intention is to prioritise the release of land identified for development, policy H1 and supporting text, modified as necessary, be moved to section 6.5 of the plan in support of Table H1, Phasing. But this recommendation must be read in conjunction with my conclusions regarding objections to Table H1 and phasing proposals in the Plan.

6.6 POLICY H2

Objector

701/4426 Countryside Residential (North Thames) Ltd

Key Issue

- 6.6.1 Whether the policy should include an additional category dealing with the sub-division of residential properties in large grounds and garden assembly sites.

Inspector's Conclusions

- 6.6.2 The Council suggest that criterion 4 in policy H2 encompasses the sub-division of residential properties and garden assembly sites. However, as written criterion 4 is a statement of intent while the sub-division of garden plots and the development of vacant plots is, in any event, better covered by policy H14.
- 6.6.3 Unfortunately policy H2 is further flawed.
- 6.6.4 Criterion 1 foresees bringing vacant housing units back into residential use. However, unless the use can be shown to have been abandoned, which is highly unlikely, the reuse of vacant residential property does not require planning permission. Criterion 1 is thus inappropriate. Furthermore, criteria 2, 3 and 5 are adequately

covered by policies H16, RTCS20 (renumbered RTCS19) and RTCS4 (renumbered RTCS3) respectively.

- 6.6.5 On balance I can see little purpose in policy H2. The types of development it seeks to promote either do not require planning permission or are adequately covered by more detailed policies elsewhere in the Plan. Policy H2 and supporting text should thus be deleted.

Recommendation

- 6.6.6 Policy H2 and supporting text (para. 6.3.6) be deleted.

6.7 POLICY H3

Objectors

701/R4828	Countryside Residential (North Thames) Ltd
798/R4923	Harlow Civic Society
800/2120	GO-East
800/R5065	GO-East

Supporters

688/4398	New Hall Projects Ltd
688/R4869	New Hall Projects Ltd

Key Issues

- 6.7.1 Whether policy H3 and supporting text in both the FDD and as proposed to be changed (SDD) accurately reflects PPG3 advice.
- 6.7.2 Whether policy H3 as proposed to be changed unnecessarily duplicates PPG3 advice.
- 6.7.3 Whether policy H3 as proposed to be changed or supporting text should include reference to those circumstances where the upper density range may be appropriate.
- 6.7.4 Whether policy H3 as proposed to be changed or supporting text should include reference to the influence the character of the surrounding area will have on determining density requirements.

Inspector's Conclusions

- 6.7.5 Supporting text (para. 6.3.7) for policy H3 in the FDD was a little misleading in that it could be construed that PPG3 advises that 30 dwellings per hectare net (dphn) is the usual density level that would be acceptable in new residential schemes. A proposed change to the text (PC49) removes this ambiguity and confirms that in order to make more efficient use of land densities of between 30-50 dphn will

be encouraged. It is proposed that policy H3 be amended likewise (PC50).

6.7.6 I am satisfied that both policy and supporting text as proposed to be changed accurately reflect PPG3 advice without unnecessary duplication. Furthermore, I note that supporting text includes reference to those circumstances where the upper density range may be appropriate. However, it seems to me that for completeness supporting text should also include comment confirming that a high quality of design and layout must be maintained at higher densities, and that the character of the surrounding area should not be compromised.

6.7.7 Finally, although a minor point, it seems to me that policy H3 as proposed to be changed is grammatically weak, in that one cannot seek a density *in the range* between two points when the upper point is not fixed eg *50 (or more)*. Policy H3 should thus be re-written, to satisfy the purist in me.

Recommendation

6.7.8 Policy H3 be re-written as follows:

To avoid the inefficient use of land, new residential development should be built at a density of 30 dwellings per hectare net or more.

6.7.9 Paragraph 6.3.7 be modified to include comment confirming that a high quality of design and layout must be maintained within high density development, and that the character of the surrounding area must not be compromised.

HOUSING ALLOCATIONS

6.8 SECTION 6.4

Objectors

697/4408	Leach Homes
697/4409	Leach Homes

Key Issues

6.8.1 Whether windfall projections are optimistic.

6.8.2 Whether land east of Churchgate Street should be allocated for residential development.

Inspector's Conclusions

- 6.8.3 A number of objectors in addition to Leach Homes have objected to the Urban Capacity Study Windfall figure included in policy H4 of the Plan. I deal with objections to policy H4 later in my Report. However, as this is the first recorded objection to the projected windfall allowance, I consider the issue in detail below. In doing so, I have had regard to evidence submitted by other objectors concerning this issue.
- 6.8.4 Windfall projections used throughout Chapter 6 are based on the conclusions of an Urban Capacity Study (UCS) produced in April 2002 by David Lock Associates on behalf of the Council (CD19). In undertaking the UCS assessment attention has been paid to the good practice guidance contained in the DETR publication Tapping the Potential – Assessing Urban Housing Capacity : Towards Better Practice, published in December 2000.
- 6.8.5 Para. 35 of PPG3 confirms that windfall sites are those which have not been specifically identified as available in the local plan process, and comprise previously developed sites that have unexpectedly become available for development. Para. 36 requires authorities to make specific allowance for all of the different types of windfalls in their plans, based on an examination of past trends and the likely future windfall potential as assessed in a capacity study.
- 6.8.6 In its assessment of windfall capacity from 'small sites' (ie less than 0.4ha) the UCS focussed on potential provision from the development of unpopular garage courts and infill plots, other redevelopment opportunities including local hatches, the sub-division of existing dwellings, and 'living over the shop'. This produced a discounted windfall capacity of between 506 and 787 dwellings; the lower end of the range having been calculated using density multipliers of 35 dphn and the higher discount rates set out in Tapping the Potential, while the higher end of the range has been calculated using density multipliers of 45 dphn and the lower end of the aforementioned discount rates¹. The Council have taken a mid-point in this range, and envisage a total of 650 windfall dwellings coming forward during the period 2001-2011, being the period covered by the FDD of the Plan. This figure has been updated to 520 dwellings for the period 2003-2011, as indicated in the SDD of the Plan (PC52).

¹ Para. 8.13 of the Urban Capacity Study states that the lower end of the range involves density multipliers of 35 dphn and the lower end of the discount rates set out in Tapping the Potential, while the high end of the range involves density multipliers of 45 dphn and the higher end of the discount rates set out in Tapping the Potential. I believe this to be an error. To achieve the lowest figure in the range it is necessary to apply the lower density multiplier coupled with the **highest discount rate**; to achieve the highest figure in the range it is necessary to apply the higher density multiplier coupled with the **lowest discount rate**. Nonetheless, I have continued on the assumption that this is a textual error, and that the quoted figures are correct.

6.8.7 It appears from the Council's reduction of estimated windfalls from 650 to 520 that 130 windfall dwellings came forward during the period 2001-2003 at an average of 65 dwellings per annum (dpa). And it will be necessary for this annual rate to be maintained throughout the remaining Plan period (8 years) if the UCS windfall allowance is to be achieved ($8 \times 65 = 520$). However, several objectors have expressed concern that the assumed level of contributions from windfall sites is over optimistic for a variety of cogent reasons, and that the figure should be significantly reduced.

6.8.8 Completion rates for the period 1991-2000 are set out in Table 2.1 of the UCS. This shows that the contribution from small sites over this period was 111 dwellings, at an average of 12 dpa. UCS text acknowledges that there has been very low rates of development on small sites, and that of the limited development that has taken place almost 75% has occurred in the Old Harlow Ward. Survey evidence in the Council's Residential Land Availability Study (CD3) indicates that completions on small sites have continued at the rate of 10-12 dpa for the period 2001-2003, which appears to conflict with the 65 dpa deducted by the Council from the FDD windfalls figure in response to windfall completions during the same period, - but see below. Furthermore, several objectors maintain that a range of factors will impact on the possibility of further small sites coming forward for development during the Plan period. These factors reflect the age and character of the town and may be summarised as follows:

- Many typical sources of urban capacity that tend to be identified in more traditional urban areas have not materialised in Harlow. These include the sub-division of existing properties, the conversion of commercial premises, the re-use of derelict land, and 'living over the shop'.
- The limited provision made for parking in existing urban areas may limit any further relaxation in parking provision to allow higher density development to take place.
- Redevelopment within existing residential areas will produce few additional dwellings, because the original high density form of many of the existing residential areas is similar to that advocated by PPG3.
- The redevelopment of employment areas or allocations for residential use will be limited by policy E6, which seeks to resist the change of use or redevelopment within these areas for non-employment uses.

The likely impact of the above factors on potential provision is acknowledged in the UCS.

6.8.9 However, it is important not to confuse the supply from small sites with windfall allowance. In practice it is highly likely that other large

sites not identified in the local plan and/or UCS will come forward during the Local Plan period and thereby contribute towards the estimate of 'Urban Capacity Study Windfall' allowance. Indeed it is significant to note that in its definition of windfall sites para. 35 of PPG3 examples *large sites such as might result from a factory closure*, confirming that windfall allowance calculations are not restricted to the provision from small sites. In practice, therefore, a more realistic estimate of future windfall rates may be achieved by means of an analysis of past completion rates on brownfield sites, although it must be recognised that in the future, once the plan has been adopted, some of the capacity realised on previously developed land will emerge from allocated rather than windfall sites. During 2001-2003 there were 47 completions on previously developed land, - contributing to the updating from 650 in the FDD to 520 in the SDD of the windfall allowance in policy H4. However, prior to 2000 significant brownfield developments came forward, with completion rates averaging 78 dpa between 1994/5-1999/2000. Schemes included Harlow College West, Harlow Foyer, Adams House and Riverside Works in Old Harlow. None of these sites were identified in the adopted 1995 Local Plan, yet collectively they contributed over 350 windfall completions to the total supply throughout the period 1997-2002, at an average of 70 dpa.

- 6.8.10 In response to concern that the anticipated level of windfall provision is unduly optimistic, the Council maintain that a number of measures have been put in place to secure the delivery of windfall development. These include the inclusion of specific Plan policies and supporting text to facilitate the conversion of larger houses to smaller units, the conversion of former office buildings to residential use, the redevelopment of vacant or derelict land, and the redevelopment of shopping hatches and disused garage courts to include an element of residential use. Likewise, the relaxation of parking standards to permit higher densities and the use of good design to secure acceptable higher density development will maximise provision. It should be noted, however, that both the Plan and UCS discount allotments, school sites and green wedges as a potential source of windfall supply.
- 6.8.11 It is notoriously difficult to estimate the number of windfalls that may come forward during the life of a local plan. Estimates are based on predicting the unpredictable, while past completion rates do not necessarily provide an accurate guide to future provision. Furthermore, the situation is made more complex in Harlow where the development of much of the town as a 1960ies New Town, with intensive and structured use of land, significantly reduces the number and range of opportunities for windfall development found in more traditional towns. In Harlow variations in past annual completion rates confirm the fluctuating nature of this source of housing supply. Nonetheless, it is clear that windfalls will continue to come forward, and as the town ages opportunities for the redevelopment of outworn and non-conforming sites and uses will increase. The majority of windfalls will thus, as in the past, come forward as a result of the un-

predicted (at Plan preparation stage) redevelopment of larger brownfield sites, rather than by infilling or other small site developments. Furthermore, redevelopment will be carried out in the context of policies requiring higher densities with relaxed parking requirements.

- 6.8.12 Balancing local characteristics that limit windfall opportunities against evolving yet unpredictable circumstances that may precipitate an increase in windfall development, all in the context of current density and parking policies, it seems to me that the Council's estimate of 65 windfall dpa is somewhat optimistic. In my view, realistically and having regard to all cogent factors, it is more likely that some 50 windfall dwellings per annum net will come forward throughout the remainder of the Plan period, providing a total of 400 net during the period 2003-2011.
- 6.8.13 I consider objections to other elements of policy H4 below. Meantime, I conclude that the Urban Capacity Study Windfall figure in policy H4 should be reduced from 520 to 400 net.
- 6.8.14 I consider the second Key Issue raised by the objector, concerning land east of Churchgate Street, in Chapter 15 of my Report.

Recommendation

- 6.8.15 Policy H4 be modified by the substitution of 400 in place of 520 as the Urban Capacity Study Windfall allowance, and that para. 6.4.7 (renumbered 6.4.9) be revised as necessary.

6.9 POLICY H4

Objectors

1/4	Mr Dave Lambert
299/461	Mr J Fennell
300/464	Mr H Simmons
301/467	Mr S Denovan
302/470	Mr D Lawley
303/473	Mr B Quinn
304/476	Mr H Wilson
316/4615	David Wilson Homes Ltd
316/4616	David Wilson Homes Ltd
317/514	Ms M Simmons
464/768	J E Allen
521/991	P Hambro
522/4439	Hubbards Hall Estates
527/1010	Cophorn Homes
700/4417	D Mitchell
701/4427	Countryside Residential (North Thames) Ltd
701/4428	Countryside Residential (North Thames) Ltd
701/R4826	Countryside Residential (North Thames) Ltd

704/4433	Harlow Rugby Union Football Club
800/2121	GO-East
800/R5067	GO-East
1031/2171	James Keir
1039/4799	Taylor Woodrow Dev Ltd
1039/4801	Taylor Woodrow Dev Ltd
1040/4800	Westbury Homes Ltd
1040/4802	Westbury Homes Ltd

Supporters

566/1203	English Partnerships
566/R4954	English Partnerships

Further Proposed Change

FPC005

Key Issues

- 6.9.1 Whether land at Eastend should be allocated for residential development.
- 6.9.2 Whether land south of Commonsidge Road should be allocated for residential development.
- 6.9.3 Whether windfall projections are optimistic.
- 6.9.4 Whether the low densities indicated for Darlington Garage, Old Harlow and Marshgate Farm Depot sites require justification. And whether the indicated capacity for the Rye Croft Garage site is achievable.
- 6.9.5 Whether the allocation of land at New Hall meets the sequential objectives and principles expressed in the Plan. And whether the increase in scale envisaged in the SDD can be justified.
- 6.9.6 Whether land at Ram Gorse should be allocated for residential development.
- 6.9.7 Whether land south of Mulberry Green, Old Harlow, should be allocated for residential development.
- 6.9.8 Whether land north of Gilden Way should be allocated for residential development.
- 6.9.9 Whether the Plan should take the expectation that a significant amount of additional development will take place at Harlow into account.
- 6.9.10 Whether there is sufficient certainty that allocated sites will come forward during the Plan period, or yield the anticipated level of new housing.

- 6.9.11 Whether new housing development will be at the expense of Green Wedges and other smaller areas of open space.
- 6.9.12 Whether land at the Temple Fields Employment Area (Prospect Royal Site) and the adjoining Green Wedge up to the A414 should be allocated for residential use.

Inspector's Conclusions

- 6.9.13 I deal with objections suggesting the allocation of land at Eastend, south of Commons Road, Ram Gorse, south of Mulberry Green, north of Gilden Way and at and adjoining the Temple Fields Employment Area (Prospect Royal Site) for residential development in Chapter 15, sections 15.2 – 15.7, of my Report.
- 6.9.14 I have considered objections suggesting that windfall projections are optimistic in section 6.8 of my Report above.
- 6.9.15 I thus turn to the suggestion that the densities indicated for Darlington Garage, Old Harlow Area of Opportunity, Marshgate Farm Depot and Rye Croft Garage sites require justification. I note that reference to Darlington Garage has been deleted following the grant of planning permission (PC53). And that in response to an objection recorded against para. 6.4.6 the Council have submitted a Further Proposed Change (FPC005) introducing additional supporting text to para. 6.4.6 (renumbered 6.4.8) giving their reasoning for the indicative densities at Marshgate Farm and the Rye Croft Garage site. I am satisfied that this additional text justifies the densities shown, although it may require updating in light of the grant of planning permission for the Garage site. The indicative density for the Old Harlow Area of Opportunity is 5 dphn below the minimum suggested by PPG3. Given the character of Old Harlow and the location of the site close to its historic core, I do not regard this difference as significant. Nonetheless, I agree that for completeness the Plan would benefit from a brief justification for the indicative density.
- 6.9.16 I consider objections to the allocation of land at New Hall, including the increase in the scale of development proposed in the SDD, under policy H4/10 below. However, I note that the adopted 1995 Local Plan allocated much of the New Hall area as a SRA, until such time its development was required, and that the initial allocation of land for housing (and associated policies) was quashed by the High Court in February 1996. Nonetheless, permission for phase 1 was granted in 1998, signalling the commencement of development at New Hall in anticipation of it extending in the longer term over a much wider area. The subsequent RSP allocation of 5450 dwellings to Harlow necessitates additional land to be released to enable the Plan to meet its current housing provision target. The principle of development at New Hall has clearly been established with development well underway. And hence I am satisfied that, as a progression of on-going development, the New Hall allocation meets the sequential objectives and principles expressed in the Plan.

- 6.9.17 I have earlier, in the Introduction to my Report, rejected suggestions that the Plan should take into account the expectation that a significant amount of additional development will take place at Harlow, either by extending the Plan period and/or allocating a number of additional sites. There is no need for me to reiterate my detailed conclusions in response to these further objections.
- 6.9.18 I review the certainty of allocated sites coming forward for development during the Plan period in the following section of my Report. Overall, given both the need and demand for additional housing in Harlow, I am satisfied that there is reasonable certainty that these sites will come forward. However, in Chapter 15 I recommend the allocation of land at Ram Gorse for residential development in order to maintain the required rate of delivery.
- 6.9.19 Finally, with regards to concern that new housing development will be at the expense of Green Wedges and other areas of open land, I am satisfied that the Plan contains adequate policies for the protection of Wedges and smaller areas of amenity space. I recognise that Plan policies seek to promote higher density development. However, this should not be at the expense of the areas of open space valued by the residents of Harlow, neither should it be allowed to precipitate over intensive infill development at the expense of local character or visual amenity.

Recommendation

- 6.9.20 Para. 6.4.6 (renumbered 6.4.8) be modified in accordance with FPC005.
- 6.9.21 Section 6.4 be modified by the inclusion of additional supporting text to provide reasoning for the indicative density for the Old Harlow Area of Opportunity.
- 6.9.22 Policy H4 and supporting text be modified in accordance with recommendations elsewhere in my Report, but no other modification be made in response to these objections.
- 6.9.23 Note : A recommended replacement policy H4, including a schedule of sites recommended to be allocated to meet the housing requirement between 1st April 2003 and 31st March 2011 is included as Annex A at the end of this Chapter of my Report.

6.10 POLICY H4/1 : HARLOW SPORT CENTRE**Objectors**

1/5	Mr Dave Lambert
2/22	Morley Grove Residents Association
3/26	Dave Jaynes
4/28	Richard Harenburg

7/34	Ms Patricia Bylne
16/46	Alan Wheeldon
17/47	Mr E Rampling
19/49	Mr John Wilson
20/53	Mr R Brown
22/59	Mr P Long
27/74	Mr Pini
28/79	Mrs Pini
29/84	Mr Statham
30/88	Mrs Statham
32/107	Richard Hanrahan
33/119	J Foot
34/122	R T Adams
37/132	Mr A Speller
306/479	A R Murray
311/489	Mrs I E Garnett
312/492	Mr L Mundy
318/518	M D Smith
355/593	Jean Clark
356/596	Mr BE Humphrey
357/598	V Humphrey
389/648	J Griffin
399/666	Mrs Noakes
431/722	Ann Flint
432/727	Mr N Taylor
460/761	P Allen
464/769	J E Allen
482/797	Gary Roberts
485/804	C Browne
489/826	Mr I Messenger
490/830	A Lidster
496/901	KR Morgan
498/905	Mr J Humphrey
499/909	Rex Amor
500/915	Adam Amor
501/916	Ms V Amor
502/921	Bob Delbridge
508/934	Jane Gibbon
513/945	D S Weston
515/955	Keith Ray
516/962	Ron Bill
517/972	S Herbert
518/977	Town Park User Group
562/1178	J Dalley
563/1180	K J Dalley
611/1297	D B Bennett
613/1309	Rudolf Heinecke
614/1310	S C Clay
617/1318	MP Wellsman
681/1448	T Kent
691/1482	P I Watts
692/1486	Christine Saunders

701/4418	Countryside Residential (North Thames) Ltd
702/1540	Margaret Smith
705/1585	HOOP
709/1673	K Wright
711/1679	A Batrick
713/1683	K Smith
715/1691	B Bostock
720/1707	M J Armsworth
722/1714	K Shannahan
798/2013	Harlow Civic Society
799/2067	Frank Jackson
801/2161	Cathy Dunlea
1034/4324	Gisela Heinecke
1041/23	Chris Lambert

Supporters

31/92	Simon Turner
294/4341	Mark Logan
308/483	Margaret J Torkildsen
473/4342	S Foster
519/981	Harlow Sports Centre
612/1305	P Bruce
615/1311	R Bruce
708/1667	N M Davis
718/1701	P A Hay
726/1724	Harlow NHS Primary Care Trust
770/1826	Steven Smith
771/1830	J Guyton
772/1835	T Taylor
773/1840	M Gladden
774/1845	C Kavanaugh
775/1850	Lee Jessey
776/1855	Lee Smith
777/1860	Tony Hills
778/1865	Daniel Jones
779/1870	Chris Ellis
780/1875	Kevin Ellis
781/1880	Ross Barrs
782/1885	Seamus O'Brien
783/1890	Francis Browne
784/1895	Robert Cochrane
785/1900	Steve Bowgring
786/1905	Allen Maddocks
787/1910	Alan Durack
788/1915	Aaron Durack
789/1920	Kirsty Durack
790/1925	Rebecca Durack
792/1930	Jason Spencer
793/1934	M D Perry
794/1938	K Reed

795/1942 C Laing
796/1946 L Laing

Key Issues

- 6.10.1 Whether the Sport Centre comprises previously developed land.
- 6.10.2 Whether development of the Sport Centre for housing would conflict with Government guidance in PPG17, and / or RHLP policy L3.
- 6.10.3 Whether development of the Sport Centre will result in unacceptable traffic congestion on surrounding roads.
- 6.10.4 Whether local infrastructure is adequate to cope with the additional demands generated by the amount of housing proposed.
- 6.10.5 Whether the Indicative Site Capacity is an over-estimate.
- 6.10.6 Whether the proposed development conflicts with legal covenants that restrict the use of the site to sport and recreational activities.
- 6.10.7 Whether the existing facilities could be refurbished to meet current needs, rather than being re-built.

Inspector's Conclusions

- 6.10.8 The allocation of the Harlow Sport Centre for residential development attracted a significant amount of opposition, ranging from queries as to whether the site can, as the Council claim, be regarded as previously developed land, to concern that redevelopment for housing would conflict with covenants introduced by the former Harlow New Town Development Corporation when the land was initially transferred to the Trust responsible for the operation of the Sport Centre. These objections represent the legitimate concerns of many local residents. And it would have been incumbent upon me to consider them in detail as outstanding objections to the Local Plan. However, the Council has recently, as part of their Gateway Scheme proposals, agreed to grant outline planning permission for the redevelopment of the Sport Centre, subject to the completion of an Agreement under s106 of the TCPA 1990. There is no evidence before me to suggest that the Agreement, requiring amongst other things the provision of replacement sport facilities elsewhere, will not be finalised, and accordingly I must conclude that planning permission for the development of the site for residential use will be granted. It is beyond my powers when dealing with objections to the Plan to prevent or revoke any planning permission that may have, or is in the process of being, granted. As a result, objections to the allocation of the Sport Centre are now academic.
- 6.10.9 Policy H4/1 indicates the provision of 456 dwellings on the Sport Centre site at a density of 40 dphn. However, the Council suggest that, in light of details supporting the aforementioned application, the

site is capable of accommodating some 530 dwellings, at a net density of some 46 dphn, and that any surplus above 456 should be regarded as contributing to the Urban Capacity Study Windfall allowance. I have earlier considered objections to the UCS Windfall allowance, and concluded that it should be considered on its own merits and reduced to 400. I thus do not accept the suggested 'transference' of any surplus in housing need calculations. Furthermore, it seems to me that the anticipated (recalculated) overall density of 46 dphn may be a little optimistic for an 11ha site, and suggest that it be marginally reduced to provide some 500 dwellings on the site.

Recommendation

6.10.10 The Indicative Site Capacity for Harlow Sport Centre policy H4/1 be modified to 500 (gross and net), and the Indicative Density be amended to 44 dphn, but no other modification be made in response to these objections.

6.11 POLICY H4/2 : HARLOW SWIMMING POOL

Objectors

1/6	Mr Dave Lambert
4/29	Richard Harenburg
5/30	John Gilligan
19/4632	Mr John Wilson
20/54	Mr R Brown
22/60	Mr P Long
25/71	Mr R Malster
27/75	Mr Pini
28/80	Mrs Pini
29/85	Mr Statham
30/89	Mrs Statham
32/109	Richard Hanrahan
33/120	J Foot
34/124	R T Adams
37/133	Mr A Speller
311/490	Mrs I E Garnett
318/519	M D Smith
355/594	Jean Clark
389/649	J Griffin
390/653	Margaret L Bailey
391/654	C Bailey
431/723	Ann Flint
460/762	P Allen
464/770	J E Allen
473/780	S Foster
482/798	Gary Roberts
485/805	C Browne
486/812	Harlow Conservation Volunteers

489/827	Mr I Messenger
490/831	A Lidster
496/902	KR Morgan
497/903	Mrs J M Humphrey
499/910	Rex Amor
501/917	Ms V Amor
502/922	Bob Delbridge
513/946	D S Weston
515/956	Keith Ray
516/963	Ron Bill
517/973	S Herbert
562/1179	J Dalley
563/1181	K J Dalley
572/1221	N Tingle
573/1222	W Tingle
611/1298	D B Bennett
617/1319	MP Wellsman
681/1449	T Kent
691/1483	P I Watts
692/1487	Christine Saunders
701/4419	Countryside Residential (North Thames) Ltd
702/1541	Margaret Smith
705/1588	HOOP
709/1674	K Wright
711/1680	A Batrick
715/1692	B Bostock
798/2015	Harlow Civic Society
799/2068	Frank Jackson
801/2162	Cathy Dunlea
1041/24	Chris Lambert

Supporters

31/93	Simon Turner
294/4343	Mark Logan
308/4340	Margaret J Torkildsen
473/4344	S Foster
519/982	Harlow Sports Centre
612/1306	P Bruce
615/1312	R Bruce
708/1668	N M Davis
718/1702	P A Hay
726/1725	Harlow NHS Primary Care Trust
770/1827	Steven Smith
771/1831	J Guyton
772/1836	T Taylor
773/1841	M Gladden
774/1846	C Kavanaugh
775/1851	Lee Jessey
776/1856	Lee Smith
777/1861	Tony Hills
778/1866	Daniel Jones

779/1871	Chris Ellis
780/1876	Kevin Ellis
781/1881	Ross Barrs
782/1886	Seamus O'Brien
783/1891	Francis Browne
784/1896	Robert Cochrane
785/1901	Steve Bowgring
786/1906	Allen Maddocks
787/1911	Alan Durack
788/1916	Aaron Durack
789/1921	Kirsty Durack
790/1926	Rebecca Durack
792/1931	Jason Spencer
793/1935	M D Perry
794/1939	K Reed
795/1943	C Laing
796/1947	L Laing

Key Issues

- 6.11.1 Whether the Swimming Pool is an integral part of the Town Park.
- 6.11.2 Whether redevelopment of the Swimming Pool for housing would conflict with Government guidance in PPG17 and / or RHLP policy L3.
- 6.11.3 Whether the proposed housing and replacement facility would be in sustainable locations.
- 6.11.4 Whether the proposed development conflicts with legal covenants that restrict the use of the site to sport and recreation activities, and / or Harlow DC's commitment not to build on the Town Park.
- 6.11.5 Whether the proposed redevelopment would result in the loss of valuable car parking spaces serving the Town Park and / or additional traffic congestion.
- 6.11.6 Whether local infrastructure is adequate to cope with the additional demands generated by the amount of housing proposed.
- 6.11.7 Whether existing facilities could be refurbished to meet current needs, rather than being re-built.
- 6.11.8 Whether housing would conflict aesthetically with the Town Park.

Inspector's Conclusions.

- 6.11.9 The allocation of the Harlow Swimming Pool for residential development, in common with the allocation of the Sport Centre, attracted a significant amount of opposition, ranging from queries as to whether the swimming pool forms part of the Town Park to concern that redevelopment would be aesthetically unacceptable. These objections represent the legitimate concerns of many local residents.

And again it would have been incumbent upon me to consider them in detail as outstanding objections to the Local Plan. However, the Council have recently, as part of their Gateway Scheme proposals, agreed to grant outline planning permission for the redevelopment of the Swimming Pool, subject to the completion of an Agreement under s106 of the TCPA 1990. There is no evidence before me to suggest that the Agreement, requiring amongst other things the provision of a replacement swimming pool elsewhere, will not be finalised, and accordingly I must conclude that planning permission for the development of the site for residential use will be granted. It is beyond my powers when dealing with objections to the Plan to prevent or revoke any planning permission that may have, or is in the process of being, granted. As a result, objections to the allocation of the Swimming Pool are now academic.

- 6.11.10 Policy H4/2 indicates the provision of 60 dwellings on the Swimming Pool site at a density of 45 dphn. Given the scale of the site, its sustainable location and the character of residential development nearby, I am satisfied that this is an achievable density. The Indicative Site Capacity total and Indicative Density in policy H1 should thus remain unchanged.

Recommendation

- 6.11.11 No modification be made in response to these objections.

6.12 POLICY H4/3 : DARLINGTON GARAGE

Objectors

21/57	H J Adams
32/110	Richard Hanrahan
705/7	HOOP
705/1589	HOOP

Supporter

31/4325	Simon Turner
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Key Issues

- 6.12.1 Whether the site would be better developed for community use.
- 6.12.2 Whether additional development on the site is necessary or desirable.

Inspector's Conclusions

- 6.12.3 Planning permission for the redevelopment of the Darlington Garage site has been granted subsequent to the publication of the FDD. The site thus no longer forms part of the housing supply equation, and the

Council propose that reference to Darlington Garage be deleted from policy H4 (PC53).

6.12.4 I agree this PC, and as a result objections to H4/3 fall away.

Recommendation

6.12.5 Policy H4 be modified in accordance with PC53, but no other modification be made in response to these objections.

6.13 POLICY H4/4 (RENUMBERED H4/3) : OLD HARLOW AREA OF OPPORTUNITY

Objectors

21/58	H J Adams
157/339	Mr Rampling
158/340	Mrs Rampling
159/341	Joan Pavitt
160/342	Jim Pavitt
161/343	S Bell
162/344	A Bowe
164/346	Jean Jacobson
165/347	F P Webb
305/478	Ms Maud Childs
374/627	R Rodwell
375/628	D Wakeman
376/629	Mrs G A Jones
377/630	L O'Neale
379/633	J Hudson
381/636	J Harrington
382/637	H Sharpe
383/638	D Lister
385/640	G Jones
469/774	M Jones
531/1062	Joe Jacobson
705/8	HOOP
705/1590	HOOP
769/1825	The Crown Public House

Supporter

31/4326 Simon Turner

Key Issues

6.13.1 Whether the Area of Opportunity boundaries should be extended.

6.13.2 Whether additional development within the Area is necessary or desirable.

6.13.3 Whether the rumoured closure of the Anuerin Bevan Centre is correct.

Inspector's Conclusions

6.13.4 Policy H4 identifies the Old Harlow Area of Opportunity as an area within which opportunities for redevelopment and the restructuring of existing land uses will be sought and encouraged. The existing pattern of land uses within the area is conducive to this approach, and while it is difficult to predict the number of additional dwellings that may emerge as a result of rationalisation and redevelopment, it seems to me that the suggested gross/net increase of 25 dwellings is not unreasonable.

6.13.5 It is necessary for clarity and policy implementation to show the boundary of the Opportunity Area on the Proposals Map. However, the incentive for development provided by policy H4/3 need not be confined solely to the Area. Should it be shown that an adjacent area is capable of supporting similar development opportunities the boundary could be extended in a future Review of the Plan. However, until such evidence emerges, it seems to me that it is preferable to adhere to a tighter boundary in order to focus policy objectives within a cohesive area. Hence it would be premature to make a change at this stage.

6.13.6 I appreciate the genuine concern expressed by a number of local residents, many of them elderly, that the Anuerin Bevan Centre is to close. However, the Council inform me that there is no intention to close the Centre, and trust that this assurance will assuage their fear.

Recommendation

6.13.7 No modification be made in response to these objections.

6.14 POLICY H4/5 (RENUMBERED H4/4) : FAIRCROFT LITTLE BAYS

Objectors

32/111	Richard Hanrahan
34/125	R T Adams
701/4420	Countryside Residential (North Thames) Ltd
705/9	HOOP
705/1591	HOOP

Supporter

31/4327	Simon Turner
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Key Issues

6.14.1 Whether the site will come forward for redevelopment within the Plan period.

- 6.14.2 Whether additional development on the site is necessary or desirable.
- 6.14.3 Whether redevelopment of the site (and others) will result in an unacceptable increase in traffic congestion.

Inspector's Conclusions

- 6.14.4 The objection site is allocated in the adopted Local Plan, and has thus been identified for redevelopment for some considerable time. While it cannot be stated for certain that redevelopment will occur during the current Plan period, it seems to me that, given the site's relationship with the Opportunity Area, the chances are sufficiently strong for the allocation to be retained. The Council may, however, wish to re-consider the situation during any future Review of the Plan.
- 6.14.5 The site comprises previously developed land, and lies immediately adjacent to the Old Harlow Area of Opportunity. Its redevelopment could act as a catalyst for further redevelopment throughout the Area, thereby precipitation improvements for the benefit of all. The allocation of the site is thus a positive step in achieving a desirable objective.
- 6.14.6 I am not persuaded that the redevelopment of this site to provide an additional 20 dwellings net will result in an unacceptable increase in traffic congestion. The circumstances appertaining to other sites will, of course, have to be assessed on an individual basis in consultation with the Highway Authority.

Recommendation

- 6.14.7 No modification be made in response to these objections.

6.15 POLICY H4/6 (RENUMBERED H4/5) : NORTHBROOKS REGENERATION AREA

Objectors

6/33	Michael Hanrahan
15/45	Peter Allen
32/112	Richard Hanrahan
34/126	R T Adams
705/1592	HOOP

Supporters

31/4328	Simon Turner
31/4329	Simon Turner
798/2017	Harlow Civic Society

Key Issues

- 6.15.1 Whether additional development would exacerbate local problems of social exclusion.
- 6.15.2 Whether the increase in housing numbers will result in the loss of green spaces and an increase in traffic problems within an area already lacking in recreational and social facilities.

Inspector's Conclusions

- 6.15.3 The Northbrooks Area has been identified as an area requiring environmental and economic improvements, and I understand that the Council are working with the local community to bring about changes and to improve social inclusion. The regeneration of the Area is to be guided by a Master Plan, under which the future of certain properties will be reassessed with a view to redevelopment. It is anticipated that this regeneration process will produce an additional 53 dwellings net.
- 6.15.4 I concur with the Council's view that the Northbrooks Areas is in need of regeneration, and trust that the Master Plan will include the provision and / or retention of green spaces, minimise traffic congestion and enhance social inclusion. I also accept that the redevelopment of a number of properties and sites will produce a net increase in the number of dwellings within the Area. It is difficult at this stage to be precise as to the level of increase, and note that the Council's anticipated net of 53 dwellings is based on the assumption that the total number of dwellings within the Area will increase from 367 to 420. I have no reason to dispute this figure.

Recommendation

- 6.15.5 No modification be made in response to these objections.

6.16 POLICY H4/7 (RENUMBERED H4/6) : SHERARDS HOUSE

Objectors

32/113	Richard Hanrahan
34/127	R T Adams
701/4421	Countryside Residential (North Thames) Ltd
705/1593	HOOP

Supporter

31/4330	Simon Turner
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Key Issues

- 6.16.1 Whether the site will come forward for redevelopment during the Plan period.
- 6.16.2 Whether redevelopment of the site is necessary or desirable.
- 6.16.3 Whether redevelopment of the site will result in an unacceptable increase in traffic congestion.

Inspector's Conclusions

- 6.16.4 I understand that Sherards House is currently used to provide temporary accommodation for those in housing need, and it is reasonable to assume that the provision of alternative accommodation, either on site or elsewhere, will be a pre-requisite of redevelopment. However, the site is previously developed land, and its redevelopment in accordance with PPG3 advice should produce the net increase of 10 dwellings indicated in the Plan. While it cannot be stated for certain that the site will come forward during the Plan period, it seems to me that the incentive for redevelopment given by PPG3 is sufficiently strong for the allocation to be retained. The Council may, however, wish to re-consider the situation during any future Review of the Plan.
- 6.16.5 The site comprises previously developed land, and its redevelopment should generate sufficient funds to provide improved accommodation either on site or elsewhere for those in housing need. The allocation of the site is thus a positive step in achieving a desirable objective.
- 6.16.6 I am not persuaded that the provision of an additional 10 dwellings net on this site will result in an unacceptable increase in traffic congestion. The circumstances appertaining to other sites will, of course, have to be assessed on an individual basis in consultation with the Highway Authority.

Recommendation

- 6.16.7 No modification be made in response to these objections.

6.17 POLICY H4/8 (RENUMBERED H4/7) : RYE CROFT GARAGE SITE

Objectors

8/36	David Shaw
11/41	Mr Barlow
12/42	Mrs Barlow
13/43	I Ball
32/114	Richard Hanrahan
34/128	R T Adams
395/659	Mr D Hall

396/660	Mrs Hall
463/767	A Llewellyn-Knott
701/4422	Countryside Residential (North Thames) Ltd
705/1594	HOOP

Supporter

31/4331	Simon Turner
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Key Issue

- 6.17.1 Whether the loss of existing garages on the site will result in an unacceptable increase in on-street parking on congested nearby roads.

Inspector's Conclusions

- 6.17.2 The Rye Croft Garages site comprises a group of 66 garages, the majority of which are disused and vandalised. It is proposed that the site be redeveloped, and local residents are concerned that this will aggravate problems of on-street parking in an area that is already heavily parked, particularly during the evenings and at weekends.
- 6.17.3 In late 2003, immediately prior to the publication of the SDD, planning permission was granted for the redevelopment of the garages and an area of adjacent land to provide 12 flats and a pair of semi-detached dwellings. Within the site 18 parking spaces are to be provided to serve the new dwellings, 10 of the existing garages will be retained and refurbished, and 22 new parking spaces provided for Rye Croft residents; a total of 50 spaces overall. As a result, given that only 26 of the existing garages are in use, the proposed scheme will result in an increase in off-street parking provision (10 + 22 = 32) for local residents. Thus, while I fully appreciate residents' concern regarding on-street parking, the approved scheme should go some way towards providing some relief.
- 6.17.4 It could be argued that, in light of the aforementioned permission, allocation H4/8 (renumbered H4/7) should be deleted from the Plan. However, the SDD housing need and allocation calculations have a base date of April 2003, whereas permission for the redevelopment of the Rye Croft site was granted later that year. Hence, unless the Council decide to up-date their calculations to a later base date, say 2004, (which would necessitate up-dating a whole range of statistics and calculations throughout the Plan), reference to the Rye Croft Garage site should be retained. The Indicative Site Capacity should, however, be reduced to 14, and the Indicative Density reduced to 35.

Recommendation

- 6.17.5 The Indicative Site Capacity for the Rye Croft Garage site policy H4/8 (renumbered H4/7) be modified to 14, and the Indicative Density

reduced to 35 dphn, but no other modification be made in response to these objections.

6.18 POLICY H4/9 (RENUMBERED H4/8) : MARSHGATE FARM DEPOT**Objectors**

1/10	Mr Dave Lambert
5/31	John Gilligan
19/4633	Mr John Wilson
25/72	Mr R Malster
32/115	Richard Hanrahan
33/121	J Foot
34/129	R T Adams
37/134	Mr A Speller
311/491	Mrs I E Garnett
318/520	M D Smith
355/595	Jean Clark
389/650	J Griffin
431/724	Ann Flint
460/763	P Allen
473/781	S Foster
486/813	Harlow Conservation Volunteers
496/4349	KR Morgan
499/911	Rex Amor
501/918	Ms V Amor
502/923	Bob Delbridge
513/947	D S Weston
515/957	Keith Ray
516/964	Ron Bill
517/974	S Herbert
518/980	Town Park User Group
525/1000	Mr M.R. Ruocco
617/1320	MP Wellsman
681/1450	T Kent
692/1488	Christine Saunders
702/1542	Margaret Smith
705/4435	HOOP
709/1675	K Wright
711/1681	A Batrick
798/2018	Harlow Civic Society
799/2069	Frank Jackson
1041/25	Chris Lambert

Supporter

31/4332	Simon Turner
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Key Issues

- 6.18.1 Whether development of the site would conflict with the Council's principle of not building in the Town Park.
- 6.18.2 Whether development would conflict with PPG17 guidance concerning the protection of open space and / or with RHLP policies concerning the protection of the Green Wedges and Conservation Areas.
- 6.18.3 Whether development would result in an unacceptable increase in traffic in an environmentally sensitive area, with resultant danger to pedestrians, especially children and those with mobility difficulties.
- 6.18.4 Whether development would be visually incompatible with the Town Park.
- 6.18.5 Whether development would threaten the listed Essex barn that occupies part of the site.
- 6.18.6 Whether the provision of alternative accommodation for maintenance equipment will result in encroachment elsewhere within the Town Park or other greenspace.

Inspector's Conclusions

- 6.18.7 The Marshgate Farm site lies towards the northern edge of the Town Park, and comprises the Council's park maintenance depot. It is anticipated that the depot will become surplus to HDC's requirements during the latter part of the Plan period, and it has thus been identified for development, policy H4/9 (renumbered H4/8).
- 6.18.8 Local residents and others are concerned that H4/9 (H4/8) amounts to development within the Town Park. However, the site is clearly distinct from the wider recreational areas of the Park in terms of use, visual character and public access. Given that the site constitutes previously developed land, development here would not conflict with Government guidance in PPG17 concerning the protection of parks and gardens; neither would it conflict with Plan policies concerning the protection of Green Wedges. And neither would it conflict with any commitment not to build in the Town Park, although it appears that there is some doubt as to whether such a commitment exists.
- 6.18.9 Only that part of the site containing the listed Essex barn lies within the Town Park Conservation Area. A design brief is to be prepared for the site, and I am confident that development will respect the character and appearance of the Conservation Area and the setting of the listed building. New development is to be kept below the height of the wall surrounding much of the site, and I am satisfied that this will minimise its visual impact on the Park, as also will the application of a density (20 dphn) below the level advocated in PPG3.

- 6.18.10 I appreciate that the existing vehicular access to the site via School Lane passes through the heart of the Park. However, the depot presently generates a number of traffic movements throughout the working day, including lorries and other goods vehicles. Although no figures are to hand, I anticipate that the proposed development will result in an increase in traffic movements along School Lane, but that this increase, and any consequential increase in danger to pedestrians and other road users, would not be so great as to cause me to recommend the deletion of the site.
- 6.18.11 Finally, I understand that the depot will become surplus to HDC's requirements as a result of the rationalisation of the Council's activities elsewhere. There is thus no reason to fear that development at Mashgate Farm will precipitate the creation of a replacement depot elsewhere within the Park or other greenspace.

Recommendation

- 6.18.12 No modification be made in response to these objections.

6.19 POLICY H4/10 (RENUMBERED H4/9) : NEW HALL**Objectors**

32/108	Richard Hanrahan
34/123	R T Adams
316/4779	David Wilson Homes Ltd
518/978	Town Park User Group
705/1587	HOOP
1039/4803	Taylor Woodrow Dev Ltd
1040/4804	Westbury Homes Ltd

Supporters

31/4333	Simon Turner
530/1023	CPREssex
688/4399	New Hall Projects Ltd

Key Issues

- 6.19.1 Whether there is an inconsistency between policy H4/10 (H4/9) and the Proposals Map; the policy proposes the release of 751 dwellings whereas the Proposals Map identifies the whole of the remaining SRA originally identified in the adopted Local Plan as a housing allocation.
- 6.19.2 Whether it is feasible for the 751 dwellings proposed at New Hall to be delivered during the Plan period. And if not, whether additional land should be allocated to compensate for this shortfall.
- 6.19.3 Whether local infrastructure is sufficient to cope with the additional demands generated by the amount of development proposed.

Inspector's Conclusions

- 6.19.4 The adopted Local Plan allocated much of the New Hall area as a SRA, until such time its development was required, while the initial allocation of land for housing was quashed in the High Court in February 1996. Nonetheless, permission for phase 1 of development at New Hall was granted in 1998 and is presently on-going with over 250 dwellings either completed or under construction. The subsequent RSP allocation of 5450 dwellings to Harlow has necessitated the allocation of additional land to enable the RHLP to meet its current RSP housing provision target. The principle of development at New Hall is now clearly established, and I have earlier concluded that, as a progression of development and to facilitate the completion of the proposed neighbourhood, the New Hall allocation meets the sequential objectives and principles expressed in the Plan.
- 6.19.5 In the FDD of the Plan policy H4/10 allocated some 18ha for development at an Indicative Density of 40 dphn, providing 751 dwellings overall. However, following a reduction in the estimated Urban Capacity Study Windfall allowance from 650 to 520, and the deletion of the Darlington Garage site (capacity 21 dwellings), both as a result of updated housing requirement statistics, the amount of land allocated at New Hall in the SDD was increased from 18ha to 22ha, with an estimated total provision of 871 dwellings (policy H4/10 renumbered H4/9). Both the 751 and 871 provision figures in the First and Second Deposit Drafts equate exactly to the amount of housing required to meet the residual SP housing requirement of 2072 and 2041 dwellings respectively.
- 6.19.6 Phase 1 of the New Hall development comprised 440 dwellings, although it is anticipated that the total provision within phase 1 may approach 600 as a result of an increase in densities throughout this part of the site. The second phase will embrace the 22ha proposed to be allocated in the SDD. The additional 871 dwellings will thus provide a projected total of 1311 dwellings (440 + 871) by 2011. The wider area identified for development at New Hall in the adopted Local Plan, namely phase 1 and the SRA, has a capacity of some 2700 dwellings overall, providing 1389 additional capacity beyond 2011. However, the Proposals Map accompanying the SDD indicates the whole of the approved New Hall SRA for housing, suggesting that it is available for development during the current Plan period. In my view this creates an inconsistency between policy H4/10 (H4/9) and the Proposals Map which needs to be rectified. The Plan should only allocate that area of land to be developed during the Plan period. The residual need not remain allocated as a SRA (see also my recommendation re policy NE6 in Chapter 10 of my Report), but for clarity, to provide developers with assurance that the Council are committed to the long-term development of the area, and to provide certainty for the determination of planning applications, the residual area beyond that required to accommodate the number of dwellings proposed in the Plan should be indicated as an area committed for development post 2011. The extent of the area to be allocated will,

of course, be dependent on the number of dwellings to be constructed at New Hall during the Plan period. I deal with that issue below.

- 6.19.7 It is evident that, for a variety of reasons, development of phase 1 has not progressed as rapidly as was initially anticipated. As a result, in order to gain better control of the development programme and to secure faster build rates, New Hall Projects, who are promoting development at New Hall, have formed a subsidiary company to manage the development of the site. New Hall Projects are hoping to gear up to a rate of 200 house completions per annum. This will require a rolling programme of development on 4 parcels of land, each of approximately 100 dwellings, starting at 6-month intervals and each taking approximately 30 months to complete. New Hall Projects are confident of achieving this high build rate by mid-2006, provided the H4/10 (H4/9) planning consent is granted sometime during 2005. Regrettably I do not share their confidence.
- 6.19.8 I fully appreciate that the lower than anticipated level of completions to date has arisen primarily as a result of New Hall Project's commendable insistence on high standards of construction and an innovative approach to design. And I applaud the Company's commitment to maintaining these high standards and innovative approach. But a consequence is that delivery rates are reduced, primarily as a result of the longer than normal lead in time to construction, and to some extent by customer caution. While completion rates in recent months may have increased, I am not persuaded that completion rates at the level suggested by New Hall Projects will be achieved by 2006, let alone sustained throughout the Plan period. And a cumulative year-on-year shortfall in provision will, of course, make it increasingly difficult to provide the number of dwellings projected in the Plan.
- 6.19.9 In my view a more realistic assessment needs to be taken of the level of provision expected at New Hall, rather than the somewhat naive suggestion that development here will simply make up the residual provision required by the RSP. Given the location (locally and regionally), character and demand for the type of development proposed, together with the evidence of past performance, I believe a more realistic estimate would be that a total of some 750 dwellings will be completed during the period 2006-2011, at an average rate of 125 dpa. This is significantly below the level anticipated in the SDD, but comparable with that indicated in the FDD. In coming to this conclusion I have had particular regard to the on-going demand for houses in the South-east and the inherent advantages and difficulties associated with the construction of large numbers of dwellings by a consortium of different developers on a large site. Hence, in accordance with my comments above, a total of 18ha of land should be allocated for development at New Hall.
- 6.19.10 My conclusion that the allocation at New Hall be reduced to 750 dwellings, together with my recommended reduction in the Urban Capacity Windfall allowance from 520 to 400, produces a shortfall in

housing provision. The anticipated increase in provision at Harlow Sport Centre from 456 dwellings to my recommended 500 goes some way towards meeting this shortfall. However, overall it is evident that additional land will need to be allocated for development if the Plan is to remain in general conformity with the RSP. I consider several suggested alternative sites in Chapter 15 of my Report, and there conclude that land at Ram Gorse should be allocated for residential development, with an estimated provision of 110 dwellings. I calculate that this, together with other allocations and windfalls, will provide a total of 1952 dwellings throughout Harlow during the Plan period. This is 89 dwellings below the 2041 dwellings housing need requirement identified in the Plan. However, I do not regard this 4.3% shortfall in any way significant, given that it is well within the 10% margin of deviation generally accepted as sufficient to ensure that a local plan remains in general conformity with a structure plan.

- 6.19.11 The development of New Hall is a long-term project that will result in a significant increase in the number of persons and households in the area. This will, inevitably, place additional demands on all forms of local infrastructure. However, the scheme has been comprehensively planned from the outset, and I am confident that these matters have and will continue to be satisfactorily dealt with during future negotiations and the processing of relevant applications for planning permission.

Recommendation

- 6.19.12 The Area of land allocated for development at New Hall under policy H4/10 (renumbered H4/9) be modified to 18ha, and the Indicative Site Capacity be modified to 750 (gross and net).
- 6.19.13 The Proposals Map be modified to indicate the 18ha extent of land to be developed under modified policy H4/10 (renumbered H4/9), and the residual area shown on the SDD Proposals Map for housing development at New Hall be shown as land committed for development post 2011.
- 6.19.14 No other modification be made in response to these objections.

6.20 PARAGRAPH 6.4.3

Objector

697/4410 Leach Homes

Key Issues

- 6.20.1 Whether windfall projections are optimistic.

- 6.20.2 Whether land east of Churchgate Street should be allocated for residential development.

Inspector's Conclusions

- 6.20.3 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that neither they nor this objection trigger any modification to para. 6.4.3 of the Plan.

Recommendation

- 6.20.4 No modification be made in response to this objection.

6.21 PARAGRAPH 6.4.4**Objectors**

697/4411	Leach Homes
799/2048	Frank Jackson

Supporter

566/R4956	English Partnerships
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Key Issues

- 6.21.1 Whether windfall projections are optimistic.
- 6.21.2 Whether land east of Churchgate Street should be allocated for residential development.
- 6.21.3 Whether the Sport Centre and Swimming Pool should be allocated for development.

Inspector's Conclusions

- 6.21.4 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. Likewise I have dealt with objections concerning the allocation of the Sport Centre and Swimming Pool for residential development in sections 6.10 and 6.11. There is no need for me to reiterate my conclusions and recommendations on each of these issues. Suffice to say that neither they nor these objection trigger any modification to para. 6.4.4 of the Plan.
- 6.21.5 I note that para. 6.4.4 is subject to a PC, and have no comment thereon.

Recommendation

6.21.6 Paragraph 6.4.4 be modified in accordance with PC54, but no other modification be made in response to these objections.

6.22 PARAGRAPH 6.4.5 (RENUMBERED 6.4.6)

Objectors

697/4412	Leach Homes
799/2049	Frank Jackson
799/2053	Frank Jackson

Supporter

798/R4924	Harlow Civic Society
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Further Proposed Change

FPC030.4

Key Issues

- 6.22.1 Whether windfall projections are optimistic.
- 6.22.2 Whether land east of Churchgate Street should be allocated for residential development.
- 6.22.3 Whether the contribution New Hall will make to overall housing provision should be properly assessed, rather than using the site to 'top-up' provision after the contribution from other sites has been totalled.
- 6.22.4 Whether Sherards House is in Old Harlow.

Inspector's Conclusions

- 6.22.5 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. Likewise I have dealt with objections concerning the New Hall allocation in section 6.19. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that neither they nor these objections trigger any modification to para. 6.4.5 (6.4.6) of the Plan.
- 6.22.6 I agree that Sherards House is not in Old Harlow, and note that sub-policies H4/4 (renumbered H4/3) and H4/7 (H4/6) distinguish between the two. Para. 6.4.5 is subject to several PCs and a FPC which clarify this and other points.

Recommendation

- 6.22.7 Paragraph 6.4.5 (renumbered 6.4.6) be modified in accordance with PCs 57-59 and FPC030.4, but no other modification be made in response to these objections.

6.23 PARAGRAPH 6.4.6 (RENUMBERED 6.4.8)**Objectors**

8/35	David Shaw
697/4413	Leach Homes
800/2087	GO-East (also recorded as 800/R2087)

Further Proposed Change

FPC005

Key Issues

- 6.23.1 Whether there should be reference to the need to provide additional off-street parking to serve the Rye Croft area.
- 6.23.2 Whether windfall projections are optimistic.
- 6.23.3 Whether land east of Churchgate Street should be allocated for residential development.
- 6.23.4 Whether there is a need for supporting text to explain the proposed low densities at the Darlington Garage, Old Harlow and Marshgate Farm Depot sites.

Inspector's Conclusions

- 6.23.5 I have dealt with objections concerning the Rye Croft Garage Site in section 6.17 of my Report. Planning permission has been granted for the redevelopment of the site, and includes provision for additional off-street parking for use by local residents. Unless the Council decide to update the Plan in response to this (and possibly other) permission, no further modification is required to para. 6.4.6 (6.4.8) in response to this objection.
- 6.23.6 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that neither they nor this objection trigger any modification to para. 6.4.6 (6.4.8) of the Plan.
- 6.23.7 Para. 6.4.6 is subject to several PCs and a FPC clarifying the reasoning behind the lower than PPG3 recommended density. Given

that planning permission has already been granted at Rye Croft Garages and the Darlington Garage site has been deleted from the Plan, no further clarification is required.

Recommendation

- 6.23.8 Paragraph 6.4.6 (renumbered 6.4.8) be modified in accordance with PCs 61-63 and FPC005, but no other modification be made in response to these objections.

6.24 PARAGRAPH 6.4.7 (RENUMBERED 6.4.9)**Objectors**

697/4414 Leach Homes
799/2050 Frank Jackson

Supporter

798/R4925 Harlow Civic Society

Further Proposed Change

FPC030.5

Key Issues

- 6.24.1 Whether the UCS is sound, or whether windfall projections are optimistic.
- 6.24.2 Whether land east of Churchgate Street should be allocated for residential development.

Inspector's Conclusions

- 6.24.3 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that my recommendation in section 6.8 should be reflected in para. 6.4.7 (6.4.9).
- 6.24.4 I note that para. 6.4.7 is subject to a FPC, and have no comment thereon.

Recommendation

- 6.24.5 Paragraph 6.4.7 (renumbered 6.4.9) be modified to ensure consistency with my recommendation in section 6.8 that the Urban Capacity Study Windfall allowance in policy H4 be reduced to 400, but no other modification be made in response to these objections.

6.25 PARAGRAPH 6.4.8 (RENUMBERED 6.4.10)

Objectors

697/4415 Leach Homes
799/2051 Frank Jackson

Supporter

798/R4926 Harlow Civic Society

Key Issues

- 6.25.1 Whether windfall projections are optimistic.
- 6.25.2 Whether land east of Churchgate Street should be allocated for residential development.
- 6.25.3 Whether the contribution New Hall will make to overall housing provision should be properly assessed, rather than using the site to 'top-up' provision after the contribution from other sites has been totalled.

Inspector's Conclusions

- 6.25.4 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. Likewise I have dealt with objections concerning the New Hall allocation in section 6.19. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that para. 6.4.8 (6.4.10) will need to be re-written and the dwelling potential figure recalculated to reflect my recommendations in section 6.19 and elsewhere concerning the scale of development at New Hall, the capacity of previously developed land, and the allocation of land at Ram Gorse.

Recommendation

- 6.25.5 Para. 6.4.8 (renumbered 6.4.10) be modified to ensure consistency with my recommendations in section 6.19 and elsewhere concerning the scale of development at New Hall, the capacity of previously developed land, and the allocation of land at Ram Gorse, but no other modification be made in response to these objections.

6.26 PARAGRAPH 6.4.9 (RENUMBERED 6.4.11)

Objectors

697/4416 Leach Homes
799/2052 Frank Jackson

Key Issues

- 6.26.1 Whether the UCS is sound, or whether windfall projections are optimistic.
- 6.26.2 Whether land east of Churchgate Street should be allocated for residential development.

Inspector's Conclusions

- 6.26.3 I have dealt with objections concerning Urban Capacity Windfall projections in section 6.8 of my Report, and deal with objections suggesting the allocation of land east of Churchgate Street in section 15.1. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that para. 6.4.9 (6.4.11) should be re-written to ensure consistency with my recommendation in section 6.8, and to clarify the relationship between the historic rates of windfall provision, the UCS, and my recommended reduced windfall allowance.

Recommendation

- 6.26.4 Paragraph 6.4.9 (renumbered 6.4.11) be re-written to ensure consistency with my recommendation in section 6.8, and to clarify the relationship between the historic rates of windfall provision, the UCS, and my recommended reduced windfall allowance, but no other modification be made in response to these objections.

PHASING**6.27 PARAGRAPH 6.5.2 AND TABLE H1****Objectors**

527/1005	Cophorn Homes
704/4432	Harlow Rugby Union Football Club

Further Proposed Changes

FPC006
FPC030.7

Key Issue

- 6.27.1 Whether Table H1 should be amended to include reference to the allocation of land at Temple Fields Employment Area and Ram Gorse.

Inspector's Conclusions

- 6.27.2 These objections are consequential to objections suggesting the allocation of land at Ram Gorse and Temple Fields for residential

development. I deal with those objections in sections 15.4 and 15.7 respectively of my Report, where I conclude that land at Ram Gorse should be allocated but that land at Temple Fields should not. Table H1 will thus need to be modified to reflect my recommendation concerning Ram Gorse, together with my recommendation concerning windfall provision. However, in light of my recommendation re policy H5 below, Table H1 should be deleted, and supporting text modified or deleted as necessary.

Recommendation

6.27.3 If retained, Table 1 be modified to include reference to the allocation of land at Ram Gorse, but that otherwise Table 1 be deleted, and supporting text modified or deleted as necessary. No other modification be made in response to these objections.

6.28 POLICY H5

Objectors

316/4617	David Wilson Homes Ltd
527/1011	Cophorn Homes
701/4423	Countryside Residential (North Thames) Ltd
1039/4805	Taylor Woodrow Dev Ltd
1040/4806	Westbury Homes Ltd

Supporters

530/1024	CPREssex
688/4403	New Hall Projects Ltd

Key Issues

6.28.1 Whether policy H5 should include reference to the phasing of development on land north of Gilden Way and at Temple Fields Employment Area.

6.28.2 Whether policy H5 conflicts with Government guidance concerning the phasing of development proposals in a local plan.

Inspector's Conclusions

6.28.3 Objections referring to land north of Gilden Way and at Temple Fields are consequential to objections suggesting the allocation of these sites for residential development. I deal with those objections in sections 15.6 and 15.7 respectively of my Report, where I conclude that neither should be allocated. Hence these objections fall.

6.28.4 The suggestion that policy H5 conflicts with Government guidance has more substance. PPG12 does not require plans to include phasing,

only suggesting that it *may be necessary* (para. 6.9). In my view phasing is neither necessary nor gainful in this case.

- 6.28.5 The Plan period for the RHLP (SDD) extends for just 8 years, from 2003 to 2011. It is thus not possible to divide the Plan period into two 5 year periods, traditionally held to be the minimum time-frame required to achieve effective phasing. Instead policy H5 proposes two 4 year periods, 2003-2007 and 2007-2011, the first of which has, of course, already partly elapsed.
- 6.28.6 I appreciate that the Council are anxious to ensure that development, particularly of the larger allocated sites, proceeds in an orderly manner. However, the development of allocated sites is unlikely to fall conveniently into the two phasing periods proposed, but will probably extend from one into the next. Development at New Hall will continue throughout the whole of the Plan period. While given the lead-in time for development at Harlow Sport Centre, the Swimming Pool and Ram Gorse, each of which is reliant upon the provision of replacement sports facilities elsewhere, it is unlikely that these sites will make a meaningful contribution to housing numbers until 2006 or beyond. In contrast it is reasonable to assume that smaller allocated sites and windfalls will continue to come forward at a steady rate throughout the Plan period.
- 6.28.7 The reality of the situation is that development will commence at a steady pace, rising towards the end of the Plan period as several of the larger sites come 'on-line' subject, as always, to the uncertainties of the housing market and national economy. Given that the Plan is striving against a rapidly approaching time horizon to meet the RSP housing requirement there is, in my view, no point in seeking to restrict development by means of phasing over so short a period of time; rather the Plan should seek to encourage development. Neither, in this instance, will the absence of a phasing policy result in over-provision or cause other harm. Given the moderating effect of market forces (specifically developers' understandable reluctance to build houses they cannot sell), it is inconceivable that there will be an over-provision of houses for any extended period. And, of course, a phasing policy cannot guarantee that specific allocations will be implemented if, at that time, unforeseen physical or economic circumstances discourage development. Hence, given the brevity of the Plan period, the need to encourage rather than artificially constrain development, and the controlling influence of market forces, I can see no useful purpose for a phasing policy in the Plan. Policy H5 (together with Table H1) should thus be deleted, and supporting text modified as necessary.

Recommendation

- 6.28.8 Policy H5 (together with Table H1) be deleted, and supporting text be modified as necessary.

6.29 POLICY H6**Objectors**

316/4618	David Wilson Homes Ltd
1039/4807	Taylor Woodrow Dev Ltd
1040/4808	Westbury Homes Ltd

Supporter

688/4404	New Hall Projects Ltd
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Key Issue

- 6.29.1 Whether policy H6 and the Monitoring Indicators contained in Chapter 14 of the Plan are deficient.

Inspector's Conclusions

- 6.29.2 Policy H6 seeks to establish the principle under which housing land supply will be monitored, while Chapter 14 identifies a range of indicators against which the performance of the Plan will be assessed. However, objectors are concerned that Indicator 7 (Chapter 14) requires 90% (rather than 100%) of the annual dwelling requirement to be met.
- 6.29.3 Monitoring ensures that early warning is given of the possible need to 'manage' a plan, and is often expressed as a series of targets to be met. While absolute conformity may be a desirable objective, something short of perfection is usually regarded as acceptable. And I am satisfied that in the case of housing 90% of annual provision is a respectable minimum target – given that from time to time provision may 'exceed' the 100% target.
- 6.29.4 However. Policy H6 is a statement of intent, and as such cannot form a land use planning policy. Furthermore, it is tied to phasing and other policies that I have recommended by deleted. Nonetheless it is appropriate to include reference to monitoring, in particular the need to ensure that allocations come forward for development at a reasonably early stage of the Plan period. In view of my recommended deletion of policy H5 and Table H1, I recommend that this be done by means of supporting text.

Recommendation

- 6.29.5 Policy H6 be deleted, and that an explanation of the monitoring process be included as supporting text.

6.30 PARAGRAPH 6.5.4

Objectors

522/4440 Hubbards Hall Estates
799/4437 Frank Jackson

Key Issues

- 6.30.1 Whether the New Hall Master Plan should take account of the likelihood of development extending eastwards to meet the long-term needs of Harlow.
- 6.30.2 Whether the contribution New Hall will make to overall housing provision should be properly assessed, rather than using the site to 'top-up' provision after the contribution from other sites has been totalled.

Inspector's Conclusions

- 6.30.3 Land east of New Hall is Green Belt. And until such time as the long-term development needs of Harlow are re-assessed, either on a stand alone basis or as part of the LSCP growth corridor, there is neither the need nor intention to release Green Belt land for development.
- 6.30.4 I have dealt with a range of objections concerning the New Hall allocation in section 6.19 of my Report. There is no need for me to reiterate my conclusions and recommendations. Suffice to say that neither they nor these objections trigger any modification to para. 6.5.4 of the Plan. However, para. 6.5.4 includes reference to Table H1 and policy H5, both of which I have earlier recommended be deleted. Para. 6.5.4 should thus be modified to reflect those deletions.

Recommendation

- 6.30.5 Paragraph 6.5.4 be modified to reflect my recommended deletion of Table 1 and policy H5.
- 6.30.6 No other modification be made in response to these objections.

AFFORDABLE HOUSING

6.31 SECTION 6.8

Objector

799/2037 Frank Jackson

Key Issue

- 6.31.1 Whether the requirement for 30% affordable housing is sufficient to meet Harlow's affordable housing need.

Inspector's Conclusions

- 6.31.2 The Housing Needs Survey undertaken by Consultants in 1999 (CD15 published February 2000) to identify the type of housing required in the town is a supporting document to the Local Plan. The Study's findings indicate that over the Plan period some 1840 affordable homes will be required to meet Harlow's need in full. This represents over 90% of the total estimated requirement for the period 2003-2011 (2041 dwellings). (But see my comments in section 6.32 below re the 'corrected requirement'). Clearly it would be impossible to secure this (or the corrected – 1320 ie 65%) level of affordable housing by agreement or other conventional means. However, it is incumbent on the Council to maximise the number of affordable dwellings within the guidelines established by Circular 6/98 and PPG3. And in my view, given the level of need, 30% is a not unreasonable base figure for provision on sites of 0.5ha or more irrespective of the number of dwellings, or developments of more than 15 dwellings, being both achievable by negotiation and in accordance with Government guidance. (See also my conclusions re policy H8 below).

Recommendation

- 6.31.3 No modification be made in response to this objection.

6.32 PARAGRAPH 6.8.2

Objector

799/2054 Frank Jackson

Further Proposed Change

FPC030.9

Key Issue

- 6.32.1 Whether the average annual need figures for affordable housing are mathematically correct.

Inspector's Conclusions

- 6.32.2 Para. 6.8.2 confirms that the Housing Needs Survey (HNS) concluded that for the 5 year period 1999-2004 some 825 affordable dwellings would be required to meet Harlow's need. Between 1999 and 2001 some 140 affordable dwellings were completed, leaving a residual of 685 to be provided between 2001 and 2004 at an average of 230

dpa. I can find no fault with these calculations. However. The paragraph continues by extrapolating the 2001-2004 average annual requirement figure over the remaining 8 years of the Plan, 2003-2011, to produce a total of 1840 dwellings (8 x 230 = 1840). But the annual average figure of 230 dwellings contains an element of 'catch-up' arising from under-provision during the previous 3 years. It is thus misleading and mathematically incorrect to use this figure to calculate total need. As HNS figures are to be used to estimate total affordable housing need, it would be more appropriate to recognise that the 1999-2004 825 dwelling requirement equates to 165 dpa, which extrapolated across the Plan period indicates a total requirement of 1320 affordable dwellings (8 x 165 = 1320). This comprises some 65% of the total estimated requirement of 2041 dwellings for the period 2003-2011.

Recommendation

- 6.32.3 Paragraph 6.8.2 be modified to provide a more mathematically correct assessment of affordable housing need.

6.33 PARAGRAPH 6.8.4**Objector**

799/2055 Frank Jackson

Key Issues

- 6.33.1 Whether the total affordable housing need figure is mathematically correct.
- 6.33.2 Whether it is appropriate to rely on private developers to meet social needs.

Inspector's Conclusions

- 6.33.3 I have dealt with the first key issue in section 6.32 above.
- 6.33.4 The provision of affordable housing by means of agreements with private developers in accordance with guidance in C6/98 and PPG3 is an established part of planning control. Whether it is appropriate for private developers to fulfil a social need is a matter for debate outside of the Local Plan

Recommendation

- 6.33.5 Paragraph 6.8.4 be modified in accordance with my recommendation concerning para. 6.8.2 to provide a more mathematically correct assessment of affordable housing need.

6.34 POLICY H8**Objectors**

316/4225	David Wilson Homes Ltd
527/1012	Cophorn Homes
556/1150	Bob Dunn
569/4226	McCarthy & Stone (Developments) Ltd
688/4405	New Hall Projects Ltd
695/4406	British Telecom
1039/4809	Taylor Woodrow Dev Ltd
1040/4810	Westbury Homes Ltd
705/1595	HOOP
705/1596	HOOP
705/1597	HOOP

Supporters

566/1204	English Partnerships
566/R4957	English Partnerships

Further Proposed Change

FPC030.12

Key Issues

- 6.34.1 Whether policy H8 accurately reflects the findings of the Housing Needs Survey. And whether the HNS is out of date.
- 6.34.2 Whether the thresholds above which the provision of affordable dwellings is required are excessive and / or properly justified.
- 6.34.3 Whether it is appropriate to require a minimum of 30% of the dwellings proposed on any one site to be affordable dwellings.
- 6.34.4 Whether policy H8 conflicts with C6/98 by setting a specific, rather than indicative, target for provision.
- 6.34.5 Whether policy H8 should encompass all categories of affordable housing type and tenure.
- 6.34.6 Whether policy H8 should confirm that negotiations with developers should have regard to site suitability and the economics of provision.
- 6.34.7 Whether the requirement that affordable housing provision should be in the form of social rented accommodation and shared ownership is contrary to advice in C6/98 which requires policies not to be expressed in favour of any particular form of tenure.

Inspector's Conclusions

- 6.34.8 Policy H8 sets out the Council's aspirations regarding the provision of affordable housing, and is based on the findings of the HNS. I have no reason to question the findings of the Survey, and am satisfied that it adequately quantifies Harlow's housing need sufficient to inform H8 and supporting text. Furthermore, in my view the HNS is sufficiently up to date to provide a robust basis for policy use. I understand that a new HNS has been commissioned by the LPA, and that this will inform the LDF.
- 6.34.9 C6/98 states that, other than in Inner London, policies requiring the provision of affordable housing should be applied to housing developments of 25 or more dwellings or residential sites of 1ha or more, irrespective of the number of dwellings. But continues by confirming that where a local planning authority is able demonstrate exceptional local constraints, it may be appropriate to adopt lower thresholds.
- 6.34.10 Policy H8 conflicts with broad C6/98 guidance by seeking the provision of affordable housing on residential developments of 15 dwellings or more or on sites of 0.5ha or more irrespective of the number of dwellings. However, I am satisfied that the number and type of households in Harlow identified by the HNS as being in need, the limited scope for provision afforded by the built character of Harlow as a former New Town, and the limited number and nature of sites identified for development capable of providing affordable housing, are sufficiently exceptional, both individually and in particular combined, to justify lowering the thresholds as proposed.
- 6.34.11 Likewise, I am satisfied that a base-line proportion of 30% affordable dwellings on relevant sites is not unreasonable, given that (by my calculation) some 65% of the total estimated housing requirement for the period 2003-2011 would be required to meet the current affordable housing need. It is thus essential to maximise provision where possible in order to minimise the affordable housing shortfall.
- 6.34.12 The level of provision required by policy H8 is stated as *30% or more*, and is thus indicative rather than specific. Furthermore, H8 accords with C6/98 advice by confirming that this level of provision will be sought by negotiation, while PC77 confirms that negotiations will take into account the economics of provision and site suitability.
- 6.34.13 Both C6/98 and PPG3 require local planning authorities to seek a range of affordable housing by means of local plan policies. I am not persuaded by the Council's assertion that this will be achieved by policy H7 which, in my view, is directed towards securing a range of house types per-se, rather than a range of affordable house types and tenures. Additionally, C6/98 confirms that policies should not be expressed in favour of any particular form of tenure. It is thus appropriate for supporting text (para. 6.8.3), rather than policy as originally proposed (PC78), to indicate the required division between

shared ownership (4%) and social rented (26%) housing, as elements of the total 30% affordable housing requirement. These figures are based on the findings of the HNS, and are subject to FPC007 which confirms that the 4% provision includes other types of affordable housing. I do not dispute these percentage figures and raise no objection to the FPC.

- 6.34.14 However. Para. 6.8.3 continues by stating that *low cost market housing and low cost discounted housing does not meet housing need*. I disagree. And note that C6/98 requires affordable housing policies to *include both low-cost market and subsidised housing, as both will have some role to play in providing for local needs*. I appreciate that the Council are seeking to meet the needs of those who cannot afford to rent or buy in the open housing market, and that the number of those in need able to enter the open market is limited. Nonetheless, the Plan should recognise in both policy and supporting text the role of low cost market and subsidised housing in meeting Harlow's housing need by identifying the threshold above which provision will be sought, (which for consistency should be the same as that for affordable housing) and the percentage level of provision to be made. The policy should also confirm that provision of low cost market and / or subsidised housing will be secured by negotiation.
- 6.34.15 Policy H8 presently includes a definition of affordable housing. In my view this would be better expressed in supporting text, and while agreeing that reference to the rent cap is inappropriate (PC78), suggest that the definition should, as indicated in C6/98, include reference to the level of local incomes and their relationship to local house prices and rents.
- 6.34.16 Finally, I recommend that H8 be redrafted to provide a more succinct policy statement.

Recommendation

- 6.34.17 Policy H8 be modified to state: -

To meet the affordable housing requirement, on residential development sites of 15 or more dwellings or 0.5 of a hectare or more irrespective of the number of dwellings, the Council will negotiate the provision of 30% or more of the development proposed as affordable dwellings. Negotiations will take into account the economics of provision and site suitability.

There is a presumption that provision will be made on site. However, in exceptional circumstances and by mutual agreement between the developer and Council, a financial or other contribution may be agreed for provision to be made on another site within the District.

- 6.34.18 The definition of affordable housing be included within supporting text. The definition to include reference to the levels of local income and their relationship to local house prices and rents.
- 6.34.19 An additional policy and supporting text be included in the Plan confirming that the Council will negotiate the provision of an appropriate percentage of low cost market housing and / or subsidised housing on residential development sites of 15 or more dwellings or 0.5ha or more irrespective of the number of dwellings, taking into account the need locally for low cost market dwellings, Government guidance, the economics of provision and individual site circumstances. The definition of low cost market and subsidised housing to be included in supporting text.

6.35 POLICY H9

Objectors

527/1013	Copthorn Homes
688/4227	New Hall Projects Ltd
704/4434	Harlow Rugby Union Football Club

Key Issues

- 6.35.1 Whether certain of the specified sites should be allocated for development.
- 6.35.2 Whether policy H9 should include reference to land at Ram Gorse.
- 6.35.3 Whether policy H9 accords with advice in C6/98
- 6.35.4 Whether policy H9 should confirm that the provision of affordable housing will be secured by negotiation.
- 6.35.5 Whether the Indicative Number of Affordable Houses at New Hall is excessive.

Inspector's Conclusions.

- 6.35.6 I have dealt with objections concerning the sites referred to in policy H9 earlier in my Report. There is no need for me to reiterate my conclusions, suffice to say that I support the allocation of these sites. Likewise, I deal with objections concerning land at Ram Gorse in section 15.4 of my Report, where I conclude that the site should be allocated for residential development. It thus follows that reference to this site, including an indication of the number of affordable houses to be provided, should be included in this part of the Plan.
- 6.35.7 Policy H9 accords in principle with C6/98 advice in that it sets indicative targets for specific suitable sites. Policy H8 as recommended to be modified confirms that the provision of affordable

housing will be secured by negotiation. There is no need for this intention to be reiterated in H9.

- 6.35.8 Policy H9 in the FDD suggested that some 290 affordable dwellings will be provided on the 23ha New Hall site. Notwithstanding the discrepancy in site areas identified in policy H4 (18ha) and policy H9 (23ha), the affordable housing quota comprised nearly 39% of the 751 dwelling total. Following changes arising from the update of H4, it is proposed in the SDD that the site area and indicative number of affordable houses to be provided at New Hall be changed (PC80) to 22ha (which is consistent with the PC53 figure in H4) and 261 dwellings respectively. This is 30% of the revised 871 dwelling total, and thus fully accords with the percentage guidance established in policy H8. However, my recommendation in response to objections to policy H4/10 (renumbered H4/9) in section 6.19 of my Report that the area of land allocated for development at New Hall be reduced to 18ha, and the Indicative Site Capacity be reduced to 750, will need to be reflected in policy H9 (but see my recommendation below). An indicative total of 225 affordable dwellings (30% of the total) would be appropriate.
- 6.35.9 It will, of course, be necessary to modify other figures throughout H9 to accord with the recommended Indicative Site Capacity totals arising from my consideration of objections to policy H4, sections 6.9-6.19 of my Report.
- 6.35.10 C6/98 requires local planning authorities to include in their plans a *policy* seeking an element of affordable housing on suitable sites, and an *indication* of how many affordable homes are to be provided throughout the plan area and on specific sites. It is significant to note that it does not require the latter to be expressed as a policy. The reason being that the mere indication of numbers to be provided in accordance with an earlier policy (H8 in this case) does not in itself comprise a land use policy as such, but rather a statement of intent. Policy H9 would thus be better expressed as a table in supporting text, with additional explanatory text as necessary. And reference to policy H8 substituted in place of policy H7.
- 6.35.11 Finally, as an aside, I note that the final column of policy H9 is headed *Indicative Number of Affordable Houses*, footnote 1 states that *the figures in the table are indicative of the level of provision* and that footnote 2 confirms that *the total number of affordable houses provided may change ...*. I doubt whether anyone could be left in any doubt that the number of affordable dwellings on these sites is not fixed.

Recommendation

- 6.35.12 Policy H9 be deleted, and its contents expressed as a table in supporting text, modified as necessary to reflect the revised Indicative Site Capacity figures identified in response to objections to

policy H4 and its component parts. Additional explanatory supporting text to be provided as necessary.

6.36 POLICY H9/1 : HARLOW SPORT CENTRE

Objectors

3/27 Dave Jaynes
692/1489 Christine Saunders

Key Issue

6.36.1 Whether the redevelopment of the Sport Centre site will reduce the quality of life for the current population.

Inspector's Conclusions

6.36.2 This objection raises issues of noise, traffic congestion and pollution that I have considered earlier in response to objections to the proposed allocation of the Sport Centre site, policy H4/1. There is no need for me to reiterate my conclusions; suffice to say that I support the allocation of this site.

Recommendation

6.36.3 No modification be made in response to these objections.

6.37 POLICY H9/10 (RENUMBERED H9/9) : NEW HALL

Objector

688/R4865 New Hall Projects Ltd

Key Issue

6.37.1 Whether the Indicative Number of Affordable Houses at New Hall shown in the SDD is excessive.

Inspector's Conclusions

6.37.2 I have earlier dealt with an objection to policy H9 concerning the Indicative Number of Affordable Houses to be provided at New Hall in the context of both the First and Second Deposit Drafts of the Plan. There is no need for me to reiterate my conclusions in detail. However, I again draw attention to the fact that my recommended modification to the scale of development at New Hall, arising from my consideration of objections to policy H4, will result in a reduction in the total number of dwellings to be provided during the current Plan period, with a consequential reduction in the number of affordable

dwellings. The percentage level of provision should, however, remain at 30%, as proposed in policy H8.

Recommendation

6.37.3 No modification be made in response to this objection.

6.38 POLICY H10**Objectors**

800/2118	GO-East
800/R5066	GO-East

Further Proposed Change

FPC030.13

Key Issues

- 6.38.1 Whether reference to the rent cap is inappropriate.
- 6.38.2 Whether policy H10 conflicts with C6/98 by seeking to secure the occupation of affordable housing on an affordable basis in perpetuity.

Inspector's Conclusions

- 6.38.3 The proposed deletion of reference to the rent cap (PC83) resolves the objection to the FDD version of policy H10.
- 6.38.4 Control over the long-term occupation of affordable dwellings is most often exercised by the involvement of a Registered Social Landlord, usually a housing association. Policy H10 proposes that where a social landlord is not involved, successive occupation will be secured by the use of a planning obligation. However, it is suggested that H10 as proposed to be changed should be further amended to provide for those instances where affordable housing meets an immediate housing need without its occupation on an affordable basis having to be secured in perpetuity.
- 6.38.5 In my view the shortfall between existing need and estimated provision of affordable housing in Harlow is so great that it is unlikely that the relaxation of affordable housing controls, other than in exceptional circumstances, could be justified in the foreseeable future. However, should such circumstances arise, the obligation could be removed by mutual agreement between the Council and developer / occupant. It is unnecessary for policy H10 to provide for this unlikely contingency.

Recommendation

6.38.6 Policy H10 be modified in accordance with PC83 and FPC030.13, but no other modification be made in response to these objections.

SPECIAL NEEDS HOUSING

6.39 PARAGRAPH 6.9.1

Objector

800/2088 GO-East

Further Proposed Change

FPC030.13

Key Issues

- 6.39.1 Whether policy H11 and supporting text duplicates Part M of the Building Regulations.
- 6.39.2 Whether policy H11 should recognise the need to take into account site suitability and the economics of provision.

Inspector's Conclusions

6.39.3 This objection has been recorded against para. 6.9.1 but is, in effect, against policy H11. I thus consider this objection together with others to H11 below.

Recommendation

6.39.4 No modification be made in response to this objection.

6.40 POLICY H11

Objectors

316/4619	David Wilson Homes Ltd
492/884	Harlow Area Access Group
569/4441	McCarthy & Stone (Developments) Ltd
1039/4811	Taylor Woodrow Dev Ltd
1040/4812	Westbury Homes Ltd

Key Issues

6.40.1 Whether policy H11 and supporting text duplicates Part M of the Building Regulations.

- 6.40.2 Whether policy H11 should recognise the need to take into account site suitability and the economics of provision.
- 6.40.3 Whether policy H11 should provide for a wider range of accessible housing, including that occupied by the 'active elderly'.

Inspector's Conclusions

- 6.40.4 The Council recognise that Part M of the Building Regulations and the Lifetime Homes Standards duplicate the design issues in policy H11, and thus concede that the policy should be re-written as suggested in para. 11 of Council proof of evidence HDC/Housing/1. I raise no objection to this Further Proposed Change (although it does not appear to be recorded as a FPC in CD66 or elsewhere), subject to the inclusion of additional text confirming that the provision of special needs housing will be secured by negotiation, having regard to the demand for the different types of accommodation required, site suitability and the economics of provision.
- 6.40.5 Policy H11 seeks to ensure that suitable housing is provided for those with physical disabilities, including the ambulant disabled and wheelchair users. Provision must also be made for other non-disabled persons with special housing needs, including the single and active elderly. However, this need is recognised by policy H7, which requires new housing development to include a range of dwelling types and accommodation. Hence it would be inappropriate to include reference to housing for the actively elderly or other non-disabled persons / groups in policy H11.

Recommendation

- 6.40.6 Policy H11 be modified to state: -

All new housing development proposals will be required to take account of the needs of those with disabilities and special needs.

The Council will negotiate the provision of housing to meet the requirements of special need groups in order to create a mixed development catering for a variety of housing needs. Negotiations will take into account site suitability, together with the demand for and economics of provision.

- 6.40.7 Supporting text be modified as necessary.

6.41 POLICY H12

Objector

527/1009 Copthorn Homes

Supporter

530/1022 CPREssex

Key Issue

6.41.1 Whether the HNS provides a rigorous and robust assessment of needs across all types and tenures of housing in Harlow.

Inspector's Conclusions

6.41.2 I have no reason to question the quality of the HNS or its findings. In my view the HNS provides a thorough assessment and analysis of housing needs throughout Harlow, and thereby properly informs affordable and special needs housing policies.

6.41.3 Although not the subject of objection, I can see no justification for the inclusion of reference to Large Windfall Housing Sites (H12/4) in policy H12. In the absence of supporting text, I presume that sites in H12 have been chosen because of their proximity to shops and other facilities. However, this cannot be assumed of any emerging windfall site. Sub-policy H12/4 should thus be deleted. Furthermore, for clarity and to avoid duplication of purpose with policy H7, policy H12 should confirm that reference to elderly people excludes the active elderly.

Recommendation

6.41.4 Policy H12 be modified by the deletion of sub-policy H12/4, Large Windfall Housing Sites (greater than 30 dwellings), and that reference to *dwellings for elderly people* be clarified, confirming that policy H11 relates to sheltered or other forms of supported accommodation. Additional supporting text should explain the rationale behind the selection of sites H12/1-3.

6.41.5 No other modification be made in response to this objection.

PROVISION FOR TRAVELLERS AND TRAVELLING SHOWPEOPLE

6.42 POLICY H13

Objector

800/R4968 GO-East

Further Proposed Changes

FPC008
FPC030.15
FPC030.16
FPC030.17

Key Issue

6.42.1 Whether policy H13 as proposed to be changed requires further clarification.

Inspector's Conclusions

6.42.2 FPC008 proposes the substitution of *and / or* in place of *In addition* in criterion 1, and thereby resolves this objection.

Recommendation

6.42.3 Policy H13 be modified in accordance with FPC008.

EXISTING HOUSING AREAS

6.43 POLICY H14

Objectors

701/1526 Countryside Residential (North Thames) Ltd
799/2065 Frank Jackson

Supporter

701/4424 Countryside Residential (North Thames) Ltd

Further Proposed Change

FPC030.18

Key Issues

6.43.1 Whether policy H14 would be strengthened by confirming that *planning permission will only be granted*

6.43.2 Whether reference to *the planning concept of the area* is ambiguous.

Inspector's Conclusions

6.43.3 In my view the opening statement in policy H14 would not be strengthened by the inclusion of *only*. Neither would it be clarified, given that the statement is so unclear at present that major restructuring is required.

6.43.4 I appreciate that *the planning concept of the area* referred to in criterion 1 is a reference to the principles established in the original Master Plan on which Harlow was built. However, the RHP needs to be read and understood by all, not just those with an appreciation of Harlow's planning history. Thus, while the reference provides an cryptic link with the past, it adds nothing to H14 that isn't already

covered by criterion 2. Furthermore, I find it hard to imagine how a single infill proposal would itself undermine the planning concept of an area. Criterion 1 should thus be deleted.

Recommendation

6.43.5 The opening statement in policy H14 be modified to state:-

Planning permission for residential infill development, including the subdivision of garden plots, small redevelopment schemes and the development of vacant plots, will be granted if all of the following criteria are met:

6.44 PARAGRAPH 6.11.3

Objector

799/4705 Frank Jackson

Key Issue

6.44.1 Whether consideration should be given to the need to monitor and enforce the criteria in policy H15.

Inspector's Conclusions

6.44.2 This objection (together with the Council's response) is identical to that made in respect of policy H15, which I consider below.

Recommendation

6.44.3 No modification be made in response to this objection.

6.45 POLICY H15

Objector

799/2066 Frank Jackson

Key Issue

6.45.1 Whether consideration should be given to the need to monitor and enforce criteria in policy H15.

Inspector's Conclusions

6.45.2 The incidental use of a residential property for business use may not require planning permission. However, I am satisfied that when the nature of use is such that permission is required, policy H15 provides an appropriate range of criteria against which the proposal may be

assessed. Enforcement of these criteria will be a matter for the Council using its powers of development control.

6.45.3 While not the subject of objection, the purpose of the final part of policy H15 is unclear. As written it appears to relate to proposals for the change of use of dwellings to non-residential use. If so, it would be better expressed as a separate policy, strengthened with appropriate criteria, and supported by explanatory text. If not, then its purpose should be clarified. Or, if it is not the Council's intention to permit free-standing businesses to fully occupy dwellings scattered throughout the town, deleted.

6.45.4 Finally, as an aside, *residential dwelling* is an example of tautology (I think), numerous examples of which can no doubt without question be found throughout this Report.

Recommendation

6.45.5 The final part of policy H15 be expressed as a separate policy, strengthened with appropriate criteria and supported with explanatory text. Alternatively, its purpose be clarified in supporting text. Or, deleted.

6.45.6 No other modification be made in response to this objection.

6.46 POLICY H16

Objector

492/885 Harlow Area Access Group

Further Proposed Change

FPC030.19

Key Issue

6.46.1 Whether criterion 3 should include comment that conversions for people with disabilities should be built to mobility standards *in accordance with the Council's Supplementary Planning Guidance*.

Inspector's Conclusions

6.46.2 I understand that the Council do not have, and have no plans to produce. SPG specifically for mobility standards. Clearly, therefore, reference to such guidance cannot be included in criterion 3.

Recommendation

6.46.3 No modification be made in response to this objection.

Annex A

Recommended Replacement Policy H4

The following sites of 10 or more dwellings net are identified to meet the housing requirement between 1st April 2003 and 31st March 2011.

Reference	Site	Area (ha)	Indicative Site Capacity (Gross)	Indicative Site Capacity (Net)	Indicative Density (dph)
H1	Harlow Sport Centre	11.4	500	500	44
H2	Harlow Swimming Pool	1.3	60	60	45
H3	Old Harlow Area of Opportunity	1.0	25	25	25
H4	Faircroft Little Bays	0.6	27	20	45
H5	Northbrooks Regeneration Area	10.5	420	53	40
H6	Sherards House	0.4	18	10	40
H7	Rye Croft Garage Site	0.4	16	14	35
H8	Marshgate Farm Depot	0.5	10	10	20
H9	New Hall	18.0	750	750	40
H10	Ram Gorse	3.7	110	110	30
			SUB-TOTAL	1552	
	UCS Windfall		400	400	
			TOTAL	1952	

Note : The total of 1952 dwellings is 89 dwellings, ie some 4.3% ,short of the up-dated Replacement Structure Plan requirement total of 2041 dwellings. However, this is within the 10% margin of deviation regarded as acceptable in order for the RHLP to remain in general conformity with the approved Essex and Southend on Sea Replacement Structure Plan.

7.0 CHAPTER 7 : ECONOMIC REGENERATION

OBJECTIVES

7.1 CONCEPT

Objector

755/1788 Mr P J O'Reilly

Key Issue

7.1.1 Whether small light industries could be introduced into each community area.

Inspector's Conclusions

7.1.2 The concept of mixed use developments within the town centre, neighbourhood centres and in appropriate locations elsewhere is encouraged and provided for by policies SD4 and ER11.

Recommendation

7.1.3 No modification be made in response to this objection.

PRIORITY AREA FOR ECONOMIC REGENERATION

7.2 PARAGRAPH 7.4.4

Objectors

None

Supporter

716/1698 P Kent

7.3 POLICY ER1

Objectors

None

Supporter

566/1202 English Partnerships

NEW EMPLOYMENT LAND**7.4 PARAGRAPH 7.5.1****Objectors**

706/R4849	Essex Wildlife Trust
1044/R4843	Nortel Networks
1045/R4882	Molyneux Harlow Ltd
	Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Supporter

798/R4928	Harlow Civic Society
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Key Issues

- 7.4.1 Whether clause 3 and 4 of policy ER3 could lead to the loss of peripheral Green Belt countryside.
- 7.4.2 Whether proposed changes to supporting text (PC96) in the SDD relating to the deletion of policy ER2/1, Land north of Nortel Networks, for employment purposes are appropriate.
- 7.4.3 Whether the contribution of the retail sector to employment and the economy in general has been properly recognised, in particular the role played by retail warehouses.

Inspector's Conclusions

- 7.4.4 I deal with objections relating to clause 3 and 4 of policy ER3 later in this Chapter of my Report.
- 7.4.5 Paras. 7.5.1 and 7.5.2 provide supporting text to policy ER2. I thus deal with objections concerning proposed changes to para. 7.5.1 jointly with objections to ER2. However, for completeness, my recommendation regarding para. 7.5.1 is stated below.
- 7.4.6 The role played by the retail sector, including retail warehouses, in the local economy is recognised in Chapter 12, Retailing the Town Centre and Shopping, of the Plan. There is no need to make specific reference to this fact in Chapter 7, Economic Regeneration.

Recommendation

- 7.4.7 Paragraph 7.5.1 be re-written to confirm the allocation of land north of Nortel Networks for employment purposes, specifically to facilitate the Research and Development sector of the local economy, but otherwise no modification be made in response to these objections.

7.5 PARAGRAPH 7.5.2**Objectors**

706/R4850	Essex Wildlife Trust
799/4728	Frank Jackson
1044/R4845	Nortel Networks
1045/R4883	Molyneux Harlow Ltd
	Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Supporter

798/R4929	Harlow Civic Society
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Key Issues

- 7.5.1 Whether employment policies encourage the release of greenfield land rather than promoting the more intensive use of existing employment sites
- 7.5.2 Whether clause 3 and 4 of policy ER3 could lead to the loss of peripheral Green Belt countryside.
- 7.5.3 Whether proposed changes to supporting text (PC96) in the SDD relating to the deletion of policy ER2/1, Land north of Nortel Networks, for employment purposes are appropriate.
- 7.5.4 Whether the contribution of the retail sector to employment and the economy in general has been properly recognised, in particular the role played by retail warehouses.

Inspector's Conclusions

- 7.5.5 Para. 5.7.2, in both the First and Second Deposit Drafts, recognises the need to release some greenfield land for employment purposes. However, strategic aims and relevant policies throughout the Plan seek to ensure that the development of greenfield land is kept to a minimum. Furthermore, policy ER8 (as recommended to be modified)

provides for the redevelopment and more intensive use of existing employment sites in order to maximise employment generating potential.

- 7.5.6 I deal with objections relating to clause 3 and 4 of policy ER3 later in this Chapter of my Report.
- 7.5.7 Paras. 7.5.1 and 7.5.2 provide supporting text to policy ER2. I thus deal with objections concerning proposed changes to para. 7.5.2 jointly with objections to ER2. However, for completeness, my recommendation regarding para. 7.5.2 is stated below.
- 7.5.8 The role played by the retail sector, including retail warehouses, in the local economy is recognised in Chapter 12, Retailing the Town Centre and Shopping, of the Plan. There is no need to make specific reference to this fact in Chapter 7, Economic Regeneration.

Recommendation.

- 7.5.9 Paragraph 7.5.2 be re-written to confirm the allocation of land north of Nortel Networks for employment purposes, specifically to facilitate the Research and Development sector of the local economy, but otherwise no modification be made in response to these objections.

7.6 POLICY ER2

Objectors

316/4303	David Wilson Homes Ltd
316/R4870	David Wilson Homes Ltd
527/1006	Cophorn Homes
1039/4813	Taylor Woodrow Dev Ltd
1039/R4871	Taylor Woodrow Dev Ltd
1040/4814	Westbury Homes Ltd
1040/R4872	Westbury Homes Ltd
1044/R4848	Nortel Networks
1045/R4884	Molyneux Harlow Ltd Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Supporters

668/4715	PW Hall
688/4739	New Hall Projects Ltd
723/R4895	Sport England

Key Issues

- 7.6.1 Whether additional land should be allocated for employment use.
- 7.6.2 Whether policy ER2 should place greater emphasis on mixed use development as part of any major housing release.
- 7.6.3 Whether the balance between housing and employment in the New Hall Farm allocation requires adjustment.
- 7.6.4 Whether land north of Gilden Way should be allocated for employment use as part of a wider allocation for predominantly residential development.
- 7.6.5 Whether the deletion of land north of Nortel Networks from policy ER2 (SDD:PC96) will prejudice employment opportunities in Harlow.

Inspector's Conclusions

- 7.6.6 Policy ER2 in the FDD provided for a total of some 16ha net of additional employment land for business, industry and warehousing uses (Class B1, B2 and B8 uses). I deal with objections to the proposed allocation of land north of Nortel Networks and the subsequent proposed deletion of that allocation (PC96) below. However the FDD of the Plan stated that at April 2001 some 39ha of employment land was available for development. Some 5ha were subsequently lost to other uses, leaving a balance of some 34ha. The allocation of 16ha under policy ER2 in the FDD thus assured conformity with policy BIW1 of the RSP, which requires a total provision of 50ha net of employment land in Harlow for the period 1996-2011.
- 7.6.7 There is a complexity of statistics and reports of varying degrees of consistency and complexity concerning the amount of land available for employment use and vacant employment premises throughout Harlow. However, the Council's Employment Land Availability Study 2003 (CD2) suggests that at April 2003 some 22ha of employment land was available. A contemporaneous floorspace survey indicated that some 58,000m² of employment premises are vacant or otherwise available for occupation. It is thus evident that a significant amount of land and premises are available, although I recognise that not all of the available land and premises are presently being actively marketed or promoted for employment use, and that despite overall availability there are a number of gaps in the qualitative supply. However, notwithstanding my conclusions regarding land north of Nortel Networks below, it seems to me that, given apparent rates of up-take, sufficient land and premises are, in principle, available or allocated to meet Harlow's current (predominantly internal) employment needs to 2011. The allocation of additional land (ie beyond that allocated in the FDD) would, in my view, prejudice the development or re-occupation of that which is presently available and

would, I fear, result in pressure for such land to be put to an alternative, non-employment, use.

- 7.6.8 Policy ER2 is concerned with the specific allocation of land for employment use. It would thus be inappropriate, and an unnecessary duplication of policies SD4 and ER11, to expand policy ER2 to include reference to mixed use proposals.
- 7.6.9 Policy ER2/2 (renumbered in the SDD as ER2/1) allocates 2ha of land for employment use at New Hall Farm. New Hall is a major housing allocation. The identification of part of the site for mixed use employment development thus accords with the principles of sustainability. I have earlier recommended that the New Hall allocation be reduced to some 18ha. In my view the use of some 11% of the reduced allocation for employment purposes represents a reasonable balance between employment and other uses. And hence I can see no reason to allocate additional land or otherwise increase the proportion to be developed for employment use. (See also section 7.8 of my Report).
- 7.6.10 Finally, I deal with objections concerning the suggested allocation of land north of Gilden Way for residential development in Chapter 15 of my Report. There I recommend that no modification be made. And hence objections suggesting the allocation of part of the area for employment use as an element of a wider allocation fall away.

Recommendation

- 7.6.11 No modification be made in response to these objections.

7.7 POLICY ER2/1 : LAND NORTH OF NORTEL NETWORKS

Objectors

1/2	Mr Dave Lambert
9/37	Alison Harrison
10/39	Sarah Taylor
32/105	Richard Hanrahan
33/117	J Foot
40/143	Maypole S/S Club
43/149	S Aslandogdu
44/151	Mr B Wood
45/153	P Dangerfield
46/155	A J Crook
47/157	C Deacon
48/159	D Hoddle
49/161	SYNTHOHER
50/163	Jimmy Burns
51/165	E J See
52/167	Mr Nanifold
53/169	Mrs Nanifold

54/171	Mr Wood
55/173	Mrs Wood
57/177	T Lowles
58/179	Ms Hollings
59/181	Peter Brown
60/183	Mr Munro
61/185	Mrs F Munro
62/187	R T Grange
63/189	Ruth Cocking
64/191	R H Copson
65/193	D W Reynolds
66/195	D L Reynolds
67/197	T Bishop
68/199	L Lamb
70/203	Mrs S Rouse
71/205	K E Rouse
72/207	Mrs M Holden
73/209	J Roberts
74/211	S Roberts
75/213	Mrs J Dunford
76/215	R Welch
77/217	P Adams
78/219	F J Marshall
79/221	A Wollard
81/225	P Mats
82/227	R Tuppor
83/229	S Richardson
84/231	R Faulkner
85/233	Tony Palmer
86/235	W Blackburn
88/239	T C Hale
90/243	C Cotterell
91/245	D Wrenne
92/247	David Garner
93/249	W T Ivory
94/251	D Montgomery
95/253	S P Turnbull
96/255	M Scozah
97/257	Alan Heywood
98/4472	Terry Barrett
99/261	S Lithauer
100/263	G Taylor
101/265	W Beehan
103/269	Peter Cotterell
104/271	M Gregg
105/273	Steve Beenan
106/275	Andy Connelly
135/1401	Allen Maddocks
146/317	Stephen Garaty
147/319	Steve Hastler
148/321	Andy Lewis
149/323	David Deacon

150/325	Richard Hilson
151/327	Chris Reddin
152/329	Michael Cowley
153/331	Richard Sagers
154/333	Robert Redington
155/335	Andrew Clark
156/337	Trevor Dennis
167/350	D Ambrose
168/352	Andrew Newman
169/354	Shaun Hastler
171/358	John Garner
172/360	Nick Moss
173/362	Paul Hufton
174/364	James Crook
175/366	Greg Hughes
176/368	Darren Fountain
177/370	Stephen Ratcliffe
178/372	Lee Baker
179/4313	Daniel Crook
180/374	Steve Burr
181/376	Scott Clark
182/378	S Cross
183/380	David Evans
184/382	Duncan Ashley
185/384	Jason Jones
186/386	P M Goode
187/388	Stephen Jobling
189/392	D Sweeney
190/394	Mrs D Mastler
191/4748	Nikki Wood
192/4474	Joyce Maddin
193/4475	R Gardner
194/4476	Michelle Kempzell
195/4477	Gary Kempzell
195/4478	Gary Kempzell
196/4749	K Dunn
197/4750	R Macdonald
198/4485	Patrick Watford
199/4486	G Mole
200/4487	Howard King
201/4488	Mercedes Creus-Cantero
202/4489	Pete Davis
203/4490	Kevin Andrews
205/4492	G Burden
206/4484	Keith Smith
206/4493	Keith Smith
207/4494	Geoff Stockie
208/4495	Raymond Bruce
209/4496	Michael Harten
210/4497	Michael O'sullivan
212/4499	T Doherty
213/4500	Leroy Hall

214/4501	D Broadstock
215/4502	Paul Mortimer
216/4503	J Young
217/4504	Mr C Taylor
218/4505	Geoff Brooks
219/4506	S Andrews
220/4507	Tony Wilson
221/4508	Del Wallace
222/4509	Toni Hastler
223/4510	S Baxter
224/4511	Bill Manzi
226/4513	Ian Wilson
227/4514	Chris Falconer
229/4516	Wendy Barden
230/4517	Mr Jones
231/4518	Alax Poole
233/4520	Kate Dingley
235/4522	Steve Winters
236/4523	Mrs Julie Winters
237/4524	J Archer
239/4526	Steve Butler
240/4527	Vicky Attridge
241/4528	Kevin Mulligan
242/4529	N Clear
243/4530	Carole Clear
244/4531	Susan Barden
245/4532	Peter Smith
246/4533	Teresa Smith
247/4534	Peter Barden
248/4535	DG Oliver
249/4536	S Bow
250/4537	S Shibchum
251/4538	L Weight
252/4539	D Pite
253/4540	Chris Leaf
254/4541	Colin Lenihan
255/4542	B Cook
256/4543	R Holding
257/4544	B Harten
258/4545	P J Boxal
259/4546	N O'Brien
260/396	Tony Dennis
261/398	Mick Horridge
264/404	E Dedman
265/406	E Butler
266/408	RE Liles
268/412	R Higgins
269/414	A Garratt
270/416	E M James
271/418	Shona Ralph
313/493	Maypole Sports & Social Club
318/516	M D Smith

319/521	Mrs Hazel Liles
320/523	Carol Boucher
321/524	P Taylor
322/526	Geoff Garner
323/528	Gary Lewis
324/530	R E Garner
326/534	Jason Perry
327/536	Gary Knott
328/538	Teresa Knott
329/540	Michelle Spokes
330/542	Patrick Aldridge
332/546	Paul Finn
333/548	Nancy Mitchell
334/550	Mr K Laffoley
335/552	G Bennett
336/554	David Perham
337/556	D Mitchell
338/558	Marion Mitchell
339/560	A Hall
343/568	Ryan Blackwell
344/570	Adam Cooper
345/572	Ben Richardson
346/574	Michael Palmer
347/576	SJ Cooper
348/578	A Cooper
349/580	J E Wonfor
351/583	G Thorogood
353/587	R A James
354/589	M Horrie
355/591	Jean Clark
358/600	C Ramm
359/602	G Naumburger
360/604	John Dowdeswell
361/606	B P Day
362/608	L E Brown
364/612	William Smith
369/619	Joanne Reid
397/661	Lisa Mitchell
406/679	Mr Johnson
407/4395	Mrs Johnson
410/688	John Howard
428/717	Sharon Gregory
462/765	Amanda Wade
465/4624	E Jones
478/4625	W Lowe
500/913	Adam Amor
502/919	Bob Delbridge
503/924	AE Wiseman
506/930	Mr M J Slee
507/932	Mrs S J Slee
515/953	Keith Ray
518/975	Town Park User Group

523/996	J Marsh
529/1014	D Parkinson
538/1111	R Johnson
539/1113	P Watters
540/1115	V Watters
542/1119	D Barden
543/1121	J Rixon
544/1123	T R Page
545/1125	J Barnes
547/1132	Larry Graham
548/1134	Paul Bradley
551/1140	K J Lynch
552/1142	M Groves
553/1144	D Fisher
555/4305	Powerrapid Ltd
558/1173	T Culligan
564/1182	S Claxton
565/1186	B Gleeson
574/1223	D Snell
576/1227	A Steele
577/1229	J Arthur
578/1231	G Middleton
579/1233	R Bevan
580/1235	S Taylor
581/1237	T Santon
582/1239	T Fox
583/1241	T Lewis
584/1243	S Gough
585/1245	T Robinson
586/1247	S Evans
587/1249	D Morris
588/1251	D Jackson
589/1253	K Lamparter
590/1255	B Davis
591/1257	D Pask
592/1259	C Robinson
594/1263	A Stallman
595/1265	B Gabbidon
596/1267	S Butcher
597/1269	T Kemp
598/1271	A Mann
599/1273	J Miller
600/1275	B Homes
601/1277	A Sinclair
602/1279	B Midwinter
603/1281	G Glitton
604/1283	R McCrindle
605/1285	C Gates
606/1287	P Williams
607/1289	RT Ireland
608/1291	D Tovee
609/1293	MB Mitchell

610/1295	D Parsons
617/1316	M P Wellsman
618/1321	A Hale
619/1323	S Batchelder
620/1325	S Green
621/1327	Eugenie Crowley
622/1329	A Maycock
623/1331	D Jones
624/1333	N Hale
625/1335	W Broughton
626/1337	M Dunne
627/1339	P Lucia
628/1341	B Loughran
629/1343	R Laskey
630/1345	A Boylan
631/1347	M Piggott
632/1349	J Herrett
633/1351	F Burns
634/1353	M Selkirk
635/1355	G Clarke
637/1359	R D Howell
638/1361	T Cook
639/1363	P Palmer
640/1365	S Quick
641/1367	K Johnston
642/1369	F Jackson
643/1371	D Plows
644/1373	Christopher Harvey
645/1375	J Wildish
646/1377	A Grace
647/1379	V Reyland
648/1381	L Burns
649/1383	R Leonard
650/1385	D Elmer
651/1387	H Cartredge
653/1391	S Ingrey
654/1393	G Band
655/1395	R Redman
656/1397	J Cusack
657/1399	A Redman
659/1403	S T Euesden
660/1405	D Hunter
661/1407	M Spence
662/1409	B Fitzgerald
664/1413	D Burton
665/1415	M McGinley
666/1417	G King
667/1419	P Fleming
668/1421	PW Hall
671/1427	P Brown
672/1429	J Newland
673/1431	E Elmer

675/1435	Bob Pix
676/1437	E Devine
677/1439	S Miller
678/1441	A Fraser
679/1443	N Smiddy
681/1446	T Kent
688/R4863	New Hall Projects Ltd
698/R4830	United Glass Ltd
702/1538	Margaret Smith
705/1582	HOOP
707/1665	S Hartnell
709/1671	K Wright
711/1677	A Batrick
719/1705	Dr Stefan Schmitz
722/1712	K Shannahan
727/1728	J W Stratton
730/1734	M Watters
731/1736	C Barton
732/1738	R E Wheeler
733/1740	G Dangerfield
734/1742	D E Kenney
735/1744	A S Ascott
737/1751	M J Phillips
738/1753	B Galvin
739/1755	A Watters
740/1757	D Watters
741/1759	C Bull
742/1761	K Brown
743/1763	A Hale
744/1765	G Forshaw
745/1767	J Hughes
746/1769	D Pearcey
747/1771	A Pearcey
748/1773	L Watters
749/1775	D Watters
753/1783	Mr L Munden
754/1785	Mrs L Munden
803/2165	Steve Derrick
1028/2167	B Humphries
1041/20	Chris Lambert
1081/R5045	Essex County Council Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Supporters

31/4706	Simon Turner
51/R4971	E J See
698/4304	United Glass Ltd
798/R4930	Harlow Civic Society
1052/R5044	Glyn Shepard
1053/R4982	John Bean
1054/R4983	Sandy Strockmyck
1055/R4984	I A Reills
1056/R4985	Trevor Mead
1057/R4986	Gavin Mead
1058/R4987	Martin Mead
1059/R4988	Harry Horsyth
1060/R4989	C Hantion
1061/R4990	Malcolm Ramsey
1062/R4991	Martin Simmons
1063/R4992	Sean McDonnell
1064/R4993	Daniel Wood
1065/R4994	Tony Wood
1066/R4995	D Rattray
1067/R4996	David Webb
1068/R4997	Alan Williams
1069/R4998	Nikki Mead
1070/R4999	H Medwift
1071/R5000	Alan Wathall
1072/R5001	Dawn Filler
1073/R5002	R Jordan
1074/R5003	Andrew Jordan
1075/R5004	Rodney Clements
1076/R5005	Vicky Hunt
1077/R5006	S Quinlan
1078/R5007	Colin Barker
1079/R5008	Jamie Henderson
1080/R5009	Emma Roberts

Key Issues

- 7.7.1 Whether land north of Nortel Networks should be allocated (as per FDD) for employment use.
- 7.7.2 Whether the deletion of land allocated for employment use north of Nortel Networks (as per SDD:PC96) will prejudice employment opportunities in Harlow.

Inspector's Conclusions

- 7.7.3 The 13.7ha objection site lies within the eastern part of Harlow, north of the Nortel Networks complex, west of the A414, south of Mark Hall School and its grounds, and east of London Road. The area has been used continuously since the 1950s for recreational purposes, and consists primarily of a series of private sports grounds with associated changing pavilions and / or clubhouses, comprising the United Glass

Sports Ground, Maypole Sports Ground, the Cossors Sports and Social Club, and Nortel Sports Ground. Together these provide a range of facilities for use by the employees, their families and associates of companies in Harlow, including senior, junior and mini-soccer football pitches, tennis courts, and training areas. The various pavilions / social clubs also serve as venues for various social events, including wedding receptions, parties and the like.

- 7.7.4 The FDD of the Plan proposed the allocation of the objection site in order to meet RSP policy BIW1 requirements for employment land, and to provide a synergy for new development by reason of its proximity to the existing Nortel Networks development. This allocation attracted a significant number of objections, the overwhelming majority of which related to the consequential loss of the existing sports grounds and facilities. Subsequently, in response to these objections and having concluded that the existing stock of vacant and underused employment land and premises within the built-up area was sufficient to meet Harlow's immediate employment need, the Council deleted the allocation from the SDD of the Plan (PC96) and allocated the site as a SRA under policy NE6 (PC231). This, in turn, precipitated a further clutch of objections requesting the re-allocation of all or parts of the site for employment use and, of particular significance, precipitated a statement from Essex County Council dated 8 January 2004 advising the DC that the SDD of the RHLP was not in conformity with the Essex and Southend on Sea Replacement Structure Plan. For the purpose of my Report, in accordance with advice in PPG12 and by translation of s46(4) of the TCPA 1990, I treat this statement of non-conformity as an objection to the Local Plan.
- 7.7.5 The current RPG9 (2001) identifies Harlow as a Priority Area for Economic Regeneration (PAER). This requires, inter-alia, the identification of sufficient land for employment to support the need for diversification of the employment base in the town, attract inward investment, and to parallel the growth in new housing. Regional guidance also identifies the London – Stansted – Cambridge corridor (recently extended to include Peterborough) as a potential growth area in SE England, although it is acknowledged that details of the amount and location of additional development are still awaited. Nonetheless, the provision of sufficient employment land in Harlow remains a priority in terms of the need to regenerate the local economy.
- 7.7.6 Policy BIW1 of the RSP requires that there should be a 50ha net increase in the provision of employment land in Harlow over the period 1996-2011. In April 2001 39ha of employment land was available with planning permission for development; by April 2003 some 5ha had been lost to other uses. There thus remained a requirement to identify approximately 16ha of land to meet the BIW1 requirement. The FDD policy ER2 allocation of land at Nortel Networks ((13.7ha), New Hall Farm (2ha) and South Gate (0.5ha) was thus consistent with RPG, and met the RSP requirement.

- 7.7.7 RSP policies BIW3 and BIW5 provide the strategic background for the identification of land for employment use. In my view the allocation of land north of Nortel Networks is consistent with policies BIW3 and 5 by reason of its accessibility to the national road network (A414 and M11), the availability of local public transport services, and the site's proximity to housing areas, including the New Hall allocation. Furthermore, and in my view of particular importance, by restricting the development of the site to business use (Class B1), the site provides a unique opportunity to attract investment in the R&D sector of the economy by encouraging a cluster of such businesses adjacent to the existing Nortel site. I appreciate that employment at Nortel has contracted in the recent past. However, in my view this does not detract from the attractiveness of the site for campus style developments, including corporate headquarters and the like, the demand for which cannot be met elsewhere in the town, and which I believe could play a key role in the economic regeneration of Harlow.
- 7.7.8 The Nortel Networks allocation in the FDD was by far the largest strategic employment allocation, accounting for almost 85% of the allocated land. The subsequent deletion of the South Gate allocation has increased its primacy to over 87%. The proposed deletion of the Nortel Network site would thus result in a substantial under-provision of employment land relative to RSP requirements. And of greater concern, would result in a significant diminution in the range, quality and availability of employment land which, in my view, would be seriously prejudicial to the economic regeneration of the town. Accordingly I conclude that land north of Nortel Networks should remain allocated for employment use.
- 7.7.9 I appreciate that development of the objection site will result in the loss of existing sports facilities and the displacement of the various sports and social clubs. However, I understand that replacement playing fields and, as required, social clubs, can be provided nearby at Mark Hall School and / or north of the New Hall development. Permission for the development of the allocated site must therefore be conditional on the prior provision of suitable and adequate replacement recreation facilities.
- 7.7.10 Consequential to the proposed deletion of the Nortel Network employment site, the Council proposed that the land be allocated as a SRA under policy NE6 of the Plan (policy NE6/3:PC231). I consider objections to NE6 later in my Report, and there recommend that for reasons of planning principle the SRAs be deleted. That, together with my recommendation that the employment allocation be reinstated, obviates the need for me to review the specific role of the SRA allocation in relation to the demand for employment land, or to otherwise consider its purpose.

Recommendation

- 7.7.11 Policy ER2 be modified by the re-allocation of 13.7ha of land north of Nortel Networks specifically for business use (Class B1). The development of the site to be subject to the prior provision of adequate and suitable replacement recreation facilities, including playing fields and pavilion / social club buildings, nearby.
- 7.7.12 Supporting text in section 7.5 and elsewhere throughout the Plan be modified as necessary to provide a reasoned explanation for the allocation, and to confirm that development will be restricted to business use (Class B1) only, with priority being given to campus type R&D development.

7.8 POLICY ER2/2 (RENUMBERED ER2/1) : NEW HALL FARM

Objector

32/106 Richard Hanrahan

Supporters

31/4339 Simon Turner
31/4695 Simon Turner
31/4707 Simon Turner
530/1020 CPREssex

Key Issue

- 7.8.1 Whether policy ER2/2 (renumbered ER2/1) will result in congestion on nearby roads and the loss of green spaces.

Inspector's Conclusions

- 7.8.2 I have earlier considered objections to the New Hall housing allocation. There is no need for me to reiterate my conclusions. Suffice to say that I support the allocation, and am satisfied that the proposal will not generate unacceptable levels of congestion on nearby roads, nor result in an unacceptable loss of greenfield land.
- 7.8.3 Policy ER2/2 (renumbered ER2/1) seeks to provide 2ha of employment land, preferably located adjacent to the local centre. I am satisfied that this approach to mixed use development accords with the principles of sustainability, and thus raise no objection to the policy.
- 7.8.4 As an aside, I note that the New Hall employment policy allocation is referred to as *New Hall Farm*, whereas the New Hall residential policy allocation is referred to as *New Hall*. Is there a reason for this discrepancy?

Recommendation

7.8.5 No modification be made in response to this objection.

7.9 POLICY ER2/3 : MAGISTRATES' COURT, SOUTH GATE

Objector

705/1583 HOOP

Key Issue

7.9.1 Whether redevelopment of the Magistrates' Court site should be conditional on the provision of replacement free car parking.

Inspector's Conclusions

7.9.2 The Magistrates' Court, South Gate, was identified in the FDD as a potential site for office redevelopment. However, pursuant to their conclusion that the existing stock of vacant and underused employment land and premises within the built-up area was sufficient to meet Harlow's immediate employment need, the Council, in common with land north of Nortel Networks, deleted the allocation from the SDD of the Plan (PC96).

7.9.3 I have above recommended that the Nortel Networks site be re-allocated on grounds that it provides an important component in the quantitative and qualitative supply of employment land for the town. I appreciate, of course, that the Magistrates' Court site is far less significant in size, and that its redevelopment would have less economic impact. However, given that redevelopment for offices would be preferable to the site remaining vacant or unused, it seems to me that the ability of the site to contribute to the economic regeneration of the town centre should be recognised. Hence I conclude that the Magistrates' Court should remain allocated for employment use. The clear intention of the FDD was that the site should be redeveloped for office use. Given the character of the site and its surrounds, this should be recognised and confirmed in both policy and supporting text.

7.9.4 Whether the redevelopment of the site should be conditional on the provision of replacement car parking is a matter for the Council's development control procedures at the time a scheme is submitted for appraisal.

Recommendation

7.9.5 Policy ER2 be modified by the re-allocation of the Magistrates' Court, South Gate, specifically for business use (Class B1).

7.9.6 Supporting text in section 7.5 and elsewhere throughout the Plan be modified as necessary to provide a reasoned explanation for the

allocation, and to confirm that development will be restricted to business use (Class B1) only.

7.10 POLICY ER3

Objectors

703/1551	Railtrack PLC
706/1627	Essex Wildlife Trust
800/2114	GO-East
800/R5052	GO-East

Further Proposed Change

FPC009

Key Issues

- 7.10.1 Whether policy ER3 reflects the sequential approach to office development set out in PPG13.
- 7.10.2 Whether criteria 3 and 4 would lead to pressure for employment development on sites allocated for other uses or on greenfield land.
- 7.10.3 Whether policy ER3 should include reference to accessibility by public transport.

Inspector's Conclusions

- 7.10.4 Policy ER3 seeks to establish a sequential approach for the determination of planning applications for B1, B2 and B8 uses on sites that are not allocated in the local plan and are outside of the designated employment areas. However the SDD policy failed to properly reflect the sequential approach to office development set out in PPG13. This failing has been recognised by the Council, and FPC009 is proposed to rectify this deficiency. I raise no objection to this FPC.
- 7.10.5 I am satisfied that application of the sequential approach will minimise the possibility of pressure for employment development on sites allocated for other uses or on greenfield land. Likewise, recognition of the importance of public transport in the assessment of proposals for employment development is implicit in the sequential approach.

Recommendation

- 7.10.6 Policy ER3 be modified in accordance with FPC009, but no other modification be made in response to these objections.

EXISTING EMPLOYMENT AREA

7.11 SECTION 7.6

Objector

715/1689 B Bostock

Key Issue

7.11.1 Whether there should be a prohibition on the use of employment land for storage and distribution (warehousing) activities and retail warehouse development.

Inspector's Conclusions.

7.11.2 General industrial, warehousing and retail activities fall into different Use Classes, Classes B2, B8 and A1 respectively, and are thus subject to different criteria and control. However, notwithstanding the difference in employment generation potential, storage and distribution uses (Class B8) are often recognised as being compatible with general industrial uses (Class B2), in terms of their impact on the local environment. This is acknowledged in policy ER5. However, retailing, and in particular retail warehouses, are subject to an entirely different range of locational criteria, and are thus subject to specific Plan policies RTCS22 and 23 (renumbered RTCS21 and 22 respectively). The implementation of, and interaction between, employment and retail policies should ensure that employment land is not lost to retail warehouse development.

Recommendation

7.11.3 No modification be made in response to this objection.

7.12 POLICY ER5

Objectors

616/4444 O & H Property Ltd
800/2115 GO-East
527/1007 Copthorn Homes
800/R5053 GO-East

Key Issues

7.12.1 Whether policy ER5 should be clarified by the inclusion of reference to the Harlow Business Park.

7.12.2 Whether policy ER5 reflects the sequential approach to development set out in PPG13.

7.12.3 Whether 'normally' introduces an element of uncertainty.

- 7.12.4 Whether part of the Templefields and Riverway allocation (policy ER5/1) should be deleted, and the area allocated for predominantly residential use.

Inspector's Conclusions

- 7.12.5 The Harlow Business Park forms an integral part of the Pinnacles employment area, recorded as ER5/2. Specific reference to the Business Park is thus unnecessary.
- 7.12.6 Policy ER5 relates to a range of existing employment areas that were established prior to the sequential approach to development introduced by PPG13 and other Government guidance. I recognise that by reason of their accessibility (or inaccessibility) by public transport certain of these areas are more sustainable than others, and hence sequentially preferable for employment development. However, given that the areas identified in ER5 are well established, it seems to me that it would be unreasonable to seek to prioritise them, or possibly parts of the larger areas, on a sequential / accessibility basis.
- 7.12.7 Accessibility by public transport will be one of the issues for the Council to consider when determining an application for development under policy ER5. Thus, while the uncertainty arising from the inclusion of 'normally' in a policy is generally undesirable, its inclusion in this case will enable the Council to exercise their discretion as to whether or not to grant permission, having regard to this and other cogent factors.
- 7.12.8 I deal with the suggestion that some 3.16ha¹ of the Templefields and Riverway employment area allocation be deleted and that the area, together with land within the adjacent Green Wedge, be allocated for predominantly residential development in Chapter 15 of my Report. There is no need for me to reiterate my detailed conclusions. Suffice to say that I conclude that no modification should be made to the Plan. However, it is suggested in objection to ER5 that the allocation of the objection site for predominantly residential use incorporating some mixed-use development (including an element of employment) would satisfy the 6 criteria in policy ER6. I disagree.
- 7.12.9 I have earlier recommended the re-allocation of sites in policy ER2 on grounds, in part, that their allocation is necessary to satisfy the employment land provision required by the RSP. The deletion of part of an existing employment allocation would undermine that objective and should therefore be resisted. I recognise that, on the basis of the

¹ Evidence submitted by Copthorn Homes suggests that the part of the site presently allocated for industrial use has an area of some 3.16ha. However, information available on the Countryside Properties (who are identified on site as selling / letting agents) web-site describes the site as having an area of 5.3 acres; which equates to 2.14ha. I estimate that the site has an area of some 2.0 - 2.5ha. But for consistency, I have taken the figure given in evidence as being correct.

objector's calculations and assuming the re-allocation of sites in ER2, the suggested de-allocation would result in a small deficit in employment land below that required by the RSP. However, this still offends the principle of adequate supply, and clearly does not justify development for an inappropriate alternative use.

7.12.10 It may be argued that the site is not a high quality employment site, as required by criterion 2 in ER6. Nonetheless it contributes to the overall supply of employment land. With regards to criterion 3, given the range and intensity of uses nearby, I am not persuaded that the prospect of the site being developed for an employment use are so remote as to justify an alternative use. Problems associated with the marketing of employment land during the last decade are well documented, and the objection site is no different in that respect to many others. However, again current marketing difficulties should not be allowed to over-ride the principle of retaining an adequate supply of land for employment use, or to otherwise justify alternative development in an inappropriate location.

7.12.11 I recognise that the site is well related to the existing settlement pattern and transport network, and that it could thus be argued that its development for predominantly residential use would accord with the sequential approach to development and the broad principles of sustainability. Likewise, it is unlikely that its development for predominantly residential use would result in an increase in congestion on nearby roads significantly above that which may be generated by an employment use. However, development in this location would comprise an isolated pocket of residential development on the edge of an extensive employment area, unrelated to any other residential development nearby. I am thus firmly of the view that the de-allocation of part of the Templefields and Riverway employment allocation cannot be justified, and that the site is wholly unsuitable for residential development.

Recommendation

7.12.12 No modification be made in response to these objections.

RETAINING EXISTING EMPLOYMENT AREAS

7.13 POLICY ER6

Objectors

570/4443	Kenmore
695/4447	British Telecom
698/4448	United Glass Ltd
1045/R4885	Molyneux Harlow Ltd

Key Issues

- 7.13.1 Whether Westgate House should be removed from the employment allocation.
- 7.13.2 Whether the requirement in criterion 3 to demonstrate that a lack of market demand for an employment site *is likely to persist over the Plan period* unduly onerous.
- 7.13.3 Whether policy ER6 is unduly restrictive, and fails to provide enough flexibility for the re-use of employment sites for an alternative use.

Inspector's Conclusions

- 7.13.4 Westgate House is situated within the Town Centre North policy area, RTC5 (renumbered RTC4) and, notwithstanding the terms of objection, not within an allocated employment area. The objection relating specifically to these premises thus falls.
- 7.13.5 It is necessary for the local plan to take a long-term view of development throughout Harlow, and not to react to short-term changes in demand. Nonetheless, it seems to me that the requirement in criterion 3 that the demonstrable lack of market demand for an employment site *is likely to persist over the plan period* is unduly onerous, and somewhat inequitable, given that the remaining Plan period will shorten with the passage of time. In my view, the inclusion of reference to *a long period* provides flexibility and sufficient time for the assessment of demand, enabling the Council to effectively control development, monitor the situation and, if necessary, review or otherwise manage the policy and Plan.
- 7.13.6 Finally, as noted above, it is necessary for exiting employment areas to be retained in employment use in order to ensure that the Plan meets the RSP requirement regarding the provision of employment land. It would thus be inappropriate for policy ER6 to suggest that a change of use or the redevelopment of an employment site to an alternative use may be permissible. The Council are required to monitor the Plan, and any need for flexibility that may be indicated by longer-term trends should be introduced as part of the Review process.

Recommendation

- 7.13.7 Criterion 3 of policy ER6 be modified by the deletion of *that it likely to persist over the plan period*, but otherwise no modification be made in response to these objections.

7.14 POLICY ER7

Objector

567/4442 B & Q PLC

Key Issue

- 7.14.1 Whether policy ER7 should be amalgamated with ER6, or redrafted to incorporate criteria against which non-Class B uses can be assessed.

Inspector's Conclusions

- 7.14.2 Policy ER7 is concerned with proposals for change of use within neighbourhood service areas. These areas provide employment opportunities at the neighbourhood level. However, neighbourhood service areas have experienced a gradual change to retail use, which has undermined their original role. It is considered that these areas have reached their capacity for retail uses. Policy ER7 thus seeks to prohibit further changes, with applications for *sui generis* uses being treated on their merits.
- 7.14.3 Given that policies ER6 and ER7 relate to different types of employment areas, I am not persuaded that it is possible to combine the two into a single policy and simultaneously retain the clarity required by PPG12.
- 7.14.4 I do not dispute the Council's view that the neighbourhood service areas have reached their capacity for retail use, and thus support the objectives of policy ER7. Hence, given that the purpose of ER7 is to prevent the introduction of further retail uses, it would be inappropriate to introduce flexibility, either by the use of criteria against which non-B class uses may be assessed or by any other means.
- 7.14.5 Finally, although not the subject of objection, it occurs to me that many users of the Plan will be unaware of what a *sui generis* use is. The Use Classes Order Guide contained in Appendix 1 may not be much use to them either, given that it contains four descriptions of *sui generis*. I suggest that *other* may be a more useful alternative. Furthermore, the final sentence of ER7 is a statement of intent. While it may be necessary, from time to time, to include a statement of intent in a policy in order to assist clarity, in this case the statement serves only to confuse. It reads as though employment uses will be permitted in shopping centres in order to improve their vitality and viability. I suggest therefore that the sentence be removed to supporting text, and redrafted to confirm the Council's real intention.

Recommendation

- 7.14.6 Policy ER7 be modified by the insertion of *other* in place of *sui generis*, and that the final sentence be removed to supporting text, re-drafted as necessary to confirm the Council's intentions.
- 7.14.7 No other modification be made in response to this objection.

REGENERATION AND INTENSIFICATION

7.15 POLICY ER8

Objector

799/2063 Frank Jackson

Key Issue

- 7.15.1 Whether policy ER8 will precipitate the release of greenfield land for development.

Inspector's Conclusions

- 7.15.2 Policy ER8 is concerned with the regeneration and intensification of existing industrial areas and office stock. There is no suggestion that this would in itself precipitate the release of greenfield land for development, although I recognise that the need for the Plan to meet RSP requirements has necessitated the allocation of greenfield sites elsewhere.
- 7.15.3 I fully support policy ER8 objectives. However. Policy ER8 is clearly a statement of intent, and not a land use planning policy against which development proposals can be assessed. Policy ER8 should thus be either removed to supporting text or redrafted to form a genuine policy. I suggest the latter.

Recommendation

- 7.15.4 Policy ER8 be re-drafted to state: -

Planning permission will be granted for the redevelopment, regeneration and modernisation of existing employment sites and premises. Where practicable, proposals should seek to intensify the use of the site and maximise employment generating potential.

- 7.15.5 No other modification be made in response to this objection.

THE KNOWLEDGE DRIVEN SECTOR

7.16 PARAGRAPH 7.9.2

Objector

1044/R4852 Nortel Networks
Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Key Issue

7.16.1 Whether the final sentence of para. 7.9.2 should be re-instated.

Inspector's Conclusions

7.16.2 The final sentence in the FDD confirmed that *The allocated employment land on London Road, north of Nortel Networks, is seen as an ideal location for the expansion of this (the knowledge driven) sector, corporate headquarters and other appropriate forms of employment generating development.* As a consequence of the Council's decision to delete the aforementioned allocated site from the SDD, the Council propose that, for consistency, the final sentence of para. 7.9.2 also be deleted (PC100).

7.16.3 I have earlier, in section 7.7, recommended that policy ER2 be modified by the re-allocation of 13.7ha of land north of Nortel Networks specifically for business use (Class B1), for reasons including that expressed in the final sentence of para. 7.9.2. It thus follows that this sentence should be re-instated. As an aside, it seems to me that section 7.9 of the Plan presents an irrefutable case for the allocation of the Nortel Networks site, without which the Council's aspirations concerning the knowledge driven sector will lead nowhere.

Recommendation

7.16.4 Paragraph 7.9.2 be modified by the re-instatement of the final sentence, as contained in the FDD of the Plan.

7.17 POLICY ER9

Objectors

1/3 Mr Dave Lambert
9/38 Alison Harrison

10/40	Sarah Taylor
33/118	J Foot
40/144	Maypole S/S Club
43/150	S Aslandogdu
44/152	Mr B Wood
45/154	P Dangerfield
46/156	A J Crook
47/158	C Deacon
48/160	D Hoddle
49/162	SYNTHOHER
50/164	Jimmy Burns
51/166	E J See
52/168	Mr Nanifold
53/170	Mrs Nanifold
54/172	Mr Wood
55/174	Mrs Wood
57/178	T Lowles
58/180	Ms Hollings
59/182	Peter Brown
60/184	Mr Munro
61/186	Mrs F Munro
62/188	R T Grange
63/190	Ruth Cocking
64/192	R H Copson
65/194	D W Reynolds
66/196	D L Reynolds
67/198	T Bishop
68/200	L Lamb
70/204	Mrs S Rouse
71/206	K E Rouse
72/208	Mrs M Holden
73/210	J Roberts
74/212	S Roberts
75/214	Mrs J Dunford
76/216	R Welch
77/218	P Adams
78/220	F J Marshall
79/222	A Wollard
81/226	P Mats
82/228	R Tuppor
83/230	S Richardson
84/232	R Faulkner
85/234	Tony Palmer
86/236	W Blackburn
88/240	T C Hale
90/244	C Cotterell
91/246	D Wrenne
92/248	David Garner
93/250	W T Ivory
94/252	D Montgomery
95/254	S P Turnbull
96/256	M Scozah

97/258	Alan Heywood
98/4473	Terry Barrett
99/262	S Lithauer
100/264	G Taylor
101/266	W Beehan
103/270	Peter Cotterell
104/272	M Gregg
105/274	Steve Beenan
106/276	Andy Connelly
146/318	Stephen Garaty
147/320	Steve Hastler
148/322	Andy Lewis
149/324	David Deacon
150/326	Richard Hilson
151/328	Chris Reddin
152/330	Michael Cowley
153/332	Richard Saggars
154/334	Robert Redington
155/336	Andrew Clark
156/338	Trevor Dennis
167/351	D Ambrose
168/353	Andrew Newman
169/355	Shaun Hastler
171/359	John Garner
172/361	Nick Moss
173/363	Paul Hufton
174/365	James Crook
175/367	Greg Hughes
176/369	Darren Fountain
177/371	Stephen Ratcliffe
178/373	Lee Baker
179/4314	Daniel Crook
180/375	Steve Burr
181/377	Scott Clark
182/379	S Cross
183/381	David Evans
184/383	Duncan Ashley
185/385	Jason Jones
186/387	P M Goode
187/389	Stephen Jobling
189/393	D Sweeney
190/395	Mrs D Mastler
191/4747	Nikki Wood
192/4479	Joyce Maddin
193/4480	R Gardner
194/4481	Michelle Kempself
195/4482	Gary Kempself
196/4483	K Dunn
197/4547	R Macdonald
198/4548	Patrick Watford
199/4549	G Mole
200/4550	Howard King

201/4551	Mercedes Creus-Cantero
202/4552	Pete Davis
203/4553	Kevin Andrews
205/4555	G Burden
206/4556	Keith Smith
207/4557	Geoff Stockie
208/4558	Raymond Bruce
209/4559	Michael Harten
210/4560	Michael O'sullivan
212/4562	T Doherty
213/4563	Leroy Hall
214/4564	D Broadstock
215/4565	Paul Mortimer
216/4566	J Young
217/4567	Mr C Taylor
218/4568	Geoff Brooks
219/4569	S Andrews
220/4570	Tony Wilson
221/4571	Del Wallace
222/4572	Toni Hastler
223/4573	S Baxter
224/4574	Bill Manzi
226/4576	Ian Wilson
227/4577	Chris Falconer
229/4579	Wendy Barden
230/4580	Mr Jones
231/4581	Alax Poole
233/4583	Kate Dingley
235/4585	Steve Winters
236/4586	Mrs Julie Winters
237/4587	J Archer
239/4589	Steve Butler
240/4590	Vicky Attridge
241/4591	Kevin Mulligan
242/4592	N Clear
243/4593	Carole Clear
244/4594	Susan Barden
245/4595	Peter Smith
246/4596	Teresa Smith
247/4597	Peter Barden
248/4598	D G Oliver
249/4599	S Bow
250/4600	S Shibchum
251/4601	L Weight
252/4602	D Pite
253/4603	Chris Leaf
254/4604	Colin Lenihan
255/4605	B Cook
256/4606	R Holding
257/4607	B Harten
258/4608	P J Boxal
259/4609	N O'Brien

260/397	Tony Dennis
261/399	Mick Horridge
264/405	E Dedman
265/407	E Butler
266/409	R E Liles
268/413	R Higgins
269/415	A Garratt
270/417	E M James
271/419	Shona Ralph
313/494	Maypole Sports & Social Club
318/517	M D Smith
319/522	Mrs Hazel Liles
321/525	P Taylor
322/527	Geoff Garner
323/529	Gary Lewis
324/531	R E Garner
326/535	Jason Perry
327/537	Gary Knott
328/539	Teresa Knott
329/541	Michelle Spokes
330/543	Patrick Aldridge
332/547	Paul Finn
333/549	Nancy Mitchell
334/551	Mr K Laffoley
335/553	G Bennett
336/555	David Perham
337/557	D Mitchell
338/559	Marion Mitchell
339/561	A Hall
343/569	Ryan Blackwell
344/571	Adam Cooper
345/573	Ben Richardson
346/575	Michael Palmer
347/577	S J Cooper
348/579	A Cooper
349/581	J E Wonfor
351/584	G Thorogood
353/588	R A James
354/590	M Horrie
355/592	Jean Clark
358/601	C Ramm
359/603	G Naumburger
360/605	John Dowdeswell
361/607	B P Day
362/609	L E Brown
364/613	William Smith
369/620	Joanne Reid
397/663	Lisa Mitchell
406/680	Mr Johnson
407/681	Mrs Johnson
407/682	Mrs Johnson
407/683	Mrs Johnson

410/689	John Howard
428/718	Sharon Gregory
449/4622	Mrs Hester
462/766	Amanda Wade
465/4623	E Jones
478/4626	W Lowe
500/914	Adam Amor
502/920	Bob Delbridge
503/925	A E Wiseman
506/931	Mr M J Slee
507/933	Mrs S J Slee
515/954	Keith Ray
523/997	J Marsh
529/1015	D Parkinson
538/1112	R Johnson
539/1114	P Watters
540/1116	V Watters
542/1120	D Barden
543/1122	J Rixon
544/1124	T R Page
545/1126	J Barnes
547/1133	Larry Graham
548/1135	Paul Bradley
551/1141	KJ Lynch
552/1143	M Groves
553/1145	D Fisher
555/4310	Powerrapid Ltd
558/1174	T Culligan
564/1185	S Claxton
565/1187	B Gleeson
574/1224	D Snell
576/1228	A Steele
577/1230	J Arthur
578/1232	G Middleton
579/1234	R Bevan
580/1236	S Taylor
581/1238	T Santon
582/1240	T Fox
583/1242	T Lewis
584/1244	S Gough
585/1246	T Robinson
586/1248	S Evans
587/1250	D Morris
588/1252	D Jackson
589/1254	K Lamparter
590/1256	B Davis
591/1258	D Pask
592/1260	C Robinson
594/1264	A Stallman
595/1266	B Gabbidon
596/1268	S Butcher
597/1270	T Kemp

598/1272	A Mann
599/1274	J Miller
600/1276	B Homes
601/1278	A Sinclair
602/1280	B Midwinter
603/1282	G Glitton
604/1284	R McCrindle
605/1286	C Gates
606/1288	P Williams
607/1290	RT Ireland
608/1292	D Tovee
609/1294	M B Mitchell
610/1296	D Parsons
617/1317	M P Wellsman
618/1322	A Hale
619/1324	S Batchelder
620/1326	S Green
621/1328	Eugenie Crowley
622/1330	A Maycock
623/1332	D Jones
624/1334	N Hale
625/1336	W Broughton
626/1338	M Dunne
627/1340	P Lucia
628/1342	B Loughran
629/1344	R Laskey
630/1346	A Boylan
631/1348	M Piggott
632/1350	J Herrett
633/1352	F Burns
634/1354	M Selkirk
635/1356	G Clarke
637/1360	R D Howell
638/1362	T Cook
639/1364	P Palmer
640/1366	S Quick
641/1368	K Johnston
642/1370	F Jackson
643/1372	D Plows
644/1374	Christopher Harvey
645/1376	J Wildish
646/1378	A Grace
647/1380	V Reyland
648/1382	L Burns
649/1384	R Leonard
650/1386	D Elmer
651/1388	H Cartredge
653/1392	S Ingrey
654/1394	G Band
655/1396	R Redman
656/1398	J Cusack
657/1400	A Redman

658/1402	S Reyland
659/1404	S T Euesden
660/1406	D Hunter
661/1408	M Spence
662/1410	B Fitzgerald
664/1414	D Burton
665/1416	M McGinley
666/1418	G King
667/1420	P Fleming
668/1422	PW Hall
671/1428	P Brown
672/1430	J Newland
673/1432	E Elmer
675/1436	Bob Pix
676/1438	E Devine
677/1440	S Miller
678/1442	A Fraser
679/1444	N Smiddy
681/1447	T Kent
698/4309	United Glass Ltd
702/1539	Margaret Smith
707/1666	S Hartnell
709/1672	K Wright
711/1678	A Batrick
719/1706	Dr Stefan Schmitz
722/1713	K Shannahan
727/1729	J W Stratton
730/1735	M Watters
731/1737	C Barton
732/1739	R E Wheeler
733/1741	G Dangerfield
734/1743	D E Kenney
735/1745	A S Ascott
737/1752	M J Phillips
738/1754	B Galvin
739/1756	A Watters
740/1758	D Watters
741/1760	C Bull
742/1762	K Brown
743/1764	A Hale
744/1766	G Forshaw
745/1768	J Hughes
746/1770	D Pearcey
747/1772	A Pearcey
748/1774	L Watters
749/1776	D Watters
753/1784	Mr L Munden
754/1786	Mrs L Munden
803/2166	Steve Derrick
1028/2168	B Humphries
1041/21	Chris Lambert

1044/R4856 Nortel Networks
Essex County Council *

* Recorded as an objection pursuant to letter dated 8 January 2004 from Essex County Council to Harlow District Council issued as a statement that the Second Deposit Draft of the Replacement Local Plan was not in conformity with the Essex and Southend on Sea Replacement Structure Plan.

Supporters

690/4445 GlaxoSmithKline
1052/R5043 Glyn Shepard
1053/R5010 John Bean
1054/R5011 Sandy Strockmyck
1055/R5012 I A Reills
1056/R5013 Trevor Mead
1057/R5014 Gavin Mead
1058/R5015 Martin Mead
1059/R5016 Harry Horsyth
1060/R5017 C Hantion
1061/R5018 Malcolm Ramsey
1062/R5019 Martin Simmons
1063/R5020 Sean McDonnell
1064/R5021 Daniel Wood
1065/R5022 Tony Wood
1066/R5023 D Rattray
1067/R5024 David Webb
1068/R5025 Alan Williams
1069/R5026 Nikki Mead
1070/R5027 H Medwift
1071/R5028 Alan Wathall
1072/R5029 Dawn Filler
1073/R5030 R Jordan
1074/R5031 Andrew Jordan
1075/R5032 Rodney Clements
1076/R5033 Vicky Hunt
1077/R5034 S Quinlan
1078/R5035 Colin Barker
1079/R5036 Jamie Henderson
1080/R5037 Emma Roberts

Key Issues

- 7.17.1 Whether policy ER9 should include reference to *the employment site on London Road* as a suitable location for the expansion of the R&D sector of the economy.
- 7.17.2 Whether the deletion of reference to *the employment site on London Road* (PC101) will prejudice employment opportunities.

Inspector's Conclusions

7.17.3 Policy ER9 in the FDD confirmed that *the expansion of the research and development sector through further development (would be) encouraged in locations that cluster such businesses close to the existing R&D facilities at the employment site on London Road.* However, as a result of the Council's decision to delete the aforementioned allocated site from the SDD, the Council propose that, for consistency, reference to the *employment site on London Road* also be deleted (PC101).

7.17.4 I have earlier, in section 7.7, recommended that policy ER2 be modified by the re-allocation of the 13.7ha site off London Road, north of Nortel Networks, specifically for business use (Class B1). One of my reasons being that the site provides a unique opportunity to attract investment in the R&D sector of the economy by encouraging a cluster of such businesses adjacent to the existing Nortel site. It thus follows that reference to this site should be reinstated in policy ER9

7.17.5 I note that it is also proposed that ER9 be changed from a statement of intent to planning policy by substituting *granted planning permission* in place of *encouraged* (PC101). I raise no objection to this PC. However, while the site on London Road will provide a focus for such development, similar opportunities may arise elsewhere. The policy should be redrafted to recognise this possibility.

Recommendation

7.17.6 Policy ER9 be modified to state: -

Planning permission will be granted for development that facilitates the expansion of the research and development sector at the employment site on London Road and elsewhere, in locations that cluster such businesses close to existing research and development establishments.

7.17.7 And that reference to the beneficial effects of the 'cluster effect' arising from proximity to existing R&D facilities be included in supporting text.

ECONOMIC DIVERSITY

7.18. PARAGRAPH 7.10.1

Objectors

None

Supporter

716/1696 P Kent

Inspector's Comment

7.18.1 This representation has been recorded as being in support, but is expressed as a question, namely *where are the Council's proposals to accomplish diversity, encourage, promote and attract new business?* In the absence of a response by the Council, it seems to me that the question has been prompted by the manner in which policy ER10 is expressed, being a statement of intent to encourage and support. In the absence of a recorded objection, I thus suggest that policy ER10 be re-drafted to state: -

Planning permission will be granted for development providing sites and premises for small businesses within the allocated employment areas, or by a change to Class B1 Use in the neighbourhood service areas.

7.18.2 I note that policy ER10 and supporting text makes reference to *neighbourhood service bays* whereas policy ER7 and supporting text refers to *neighbourhood service areas*. This discrepancy should be removed.

MIXED USE

7.19 POLICY ER11

Objector

707/1664 S Hartnell

Supporter

706/R4851 Essex Wildlife Trust

Inspector's Comment

7.19.1 The Council note that this objection has been incorrectly recorded against policy ER11; it should, in fact, have been recorded against policy ER9. However, it raises no new issues, and is thus noted.

STORAGE AND DISTRIBUTION

7.20 PARAGRAPH 7.12.2

Objector

799/4730 Frank Jackson

Supporter

799/4729 Frank Jackson

Key Issue

7.20.1 Whether para. 7.12.3 requires grammatical clarification.

Inspector's Conclusions

7.20.2 This objection has been recorded against para. 7.12.2. However, it is evident that it relates to para. 7.12.3.

7.20.3 Proposed change PC105 resolves this objection.

Recommendation

7.20.4 Paragraph 7.12.3 be modified in accordance with PC105. However, see my recommendation re para. 7.12.3 below.

7.21 PARAGRAPH 7.12.3

Objector

698/4450 United Glass Ltd

Key Issue

7.21.1 Whether the use of relative employment levels is an inappropriate and crude index to determine Class B8 acceptability.

Inspector's Conclusions

7.21.2 Para. 7.12.3 provides supporting text for criterion 3 in policy ER12.

7.21.3 This objection is repeated in respect of policy ER12. I thus deal with this and other similar objections below. However, for completeness, I state my recommendation in respect of this objection.

Recommendation

7.21.4 The Plan be modified by the deletion of para. 7.12.3.

7.22 POLICY ER12

Objectors

800/2110 GO-East
800/R5049 GO-East
698/4449 United Glass Ltd

Supporters

706/R4853 Essex Wildlife Trust
520/4711 Roydon Action Group & Roydon Parish Council

Further Proposed Change

FPC030.20

Key Issue

7.21.5 Whether the use of relative employment levels is an inappropriate and crude index to determine Class B8 acceptability.

Inspector's Conclusions

7.22.1 Criterion 3 of policy ER12 seeks to restrict warehousing, storage and distribution development by requiring the number of jobs created not to be significantly less than that which would be likely to be generated by alternative Class B1 or B2 employment uses. In my view the criterion is misguided.

7.22.2 The Council state, in response to these objections, that job creation is important in Harlow, and that there is a need to ensure the best use of land in terms of jobs. Quite. But I cannot think of anywhere where job creation is not important, or where there isn't a need to ensure the best use of land. The reality is that warehousing, storage and distribution are legitimate land-use activities that need to be accommodated within the town, preferably within employment areas.

7.22.3 By their very nature Class B8 uses usually have a lower employee density than those in Classes B1 and B2, although employment levels within B1 and B2 vary greatly and can be surprisingly low. I agree that, when considering proposals for a Class B8 use, it is desirable to consider accessibility to the local rail and trunk road network and potential environmental impact. However, criterion 3 is overly restrictive and could discourage legitimate proposals. Furthermore, it is of uncertain applicability by reason of the inclusion of *significant*, and the wide variation in levels of employment in Class B1 and B2 uses. I note that policy ER5 does not attempt to distinguish between B8 and B1 / B2 uses; neither should policy ER12. Criterion 3, together with supporting text (para. 7.12.3), should thus be deleted.

Recommendation

7.22.4 The Plan be modified by the deletion of criterion 3 of policy ER12, and supporting text.

STANSTED AIRPORT

7.23 POLICY ER14

Objectors

None

Supporters

278/4698	Stansted Airport Ltd
520/4710	Roydon Action Group & Roydon Parish Council
799/2061	Frank Jackson

Inspector's Comment

7.23.1 I note that there are no recorded objections to policy ER14. However, ER14 is clearly a statement of intent, and a pretty big one at that. To encourage all business development, whether related to Stansted Airport or not, to locate on appropriate sites within Harlow is ambition writ very large indeed; ambition which, as an aside, flies in the face of the Council's decision to delete the employment allocation north of Nortel Networks and (given the nature of most off-site airport related activities) their suggested criterion 3 of policy ER12. Both of which I have rejected above.

7.23.2 It is, of course, entirely legitimate for the Council to promote Harlow as a location for airport related business development. However, given that the Use Classes Order forms the foundation for employment policies, it would be difficult, inappropriate, and possibly impossible to legitimately distinguish between airport and non-airport related uses within a land use planning policy. I thus suggest that policy ER14 be deleted.

8.0 CHAPTER 8 : TRANSPORT

CONCEPT

8.1 TRANSPORTATION INITIATIVES

Objectors

18/48	Mr N Hemmings
26/73	Majorie Child
755/1789	Mr P J O'Reilly
1029/2169	General Aviation Awareness Council

Supporters

798/4644	Harlow Civic Society
566/1191	English Partnerships

Key Issues

- 8.1.1 Whether the Plan should require more parking spaces for disabled persons.
- 8.1.2 Whether the Plan should include provision for an additional access onto the M11, in order to help relieve congestion caused by new development.
- 8.1.3 Whether priority should be given to the introduction of more bus lanes, a 24/7 bus service, a light railway network and an additional heliport.
- 8.1.4 Whether the Local Plan should include a General Aviation policy concerning proposals for all types of aviation activity.

Inspector's Conclusions

- 8.1.5 Car parking requirements are addressed in the Essex Vehicle Parking Standards, included as Appendix 2 in the Plan. These Standards are applied Countywide. It would thus be inappropriate to seek to amend them at District level by means of the Local Plan.
- 8.1.6 The M11 lies outside of Harlow District and thus the provision of a new access, which in any event requires prior identification in Government transport plans and the Local Transportation Strategy, cannot be addressed specifically in the Local Plan. Meantime, all major new developments will be required to contribute towards sustainable transportation infrastructure. Those developments likely to create a significant increase in the demand for travel will be required to produce a Transport Impact Assessment (TIA), explaining how the propose development will contribute to the objective of

reducing the need to travel, and encouraging a greater proportion of trips to be made by sustainable means of transport.

8.1.7 The Local Plan is concerned with the use of land, and thus cannot be concerned with the level of service provided by public transport operators. Major transport initiatives, including light railways and additional heliports, must be addressed in the Essex Local Transport Plan before they can be included in the Local Plan.

8.1.8 The heavily built-up character of Harlow effectively precludes the provision of aviation related development in the form of airfields and the like. In the unlikely event that a proposal is forthcoming, I am confident that it could be considered against existing Plan policies. There is an infrequently used heliport south of the town centre. I am likewise satisfied that this is sufficient for the town's needs.

Recommendation

8.1.9 No modification be made in response to these objections.

OBJECTIVES

8.2 SECTION 8.1

Objector

799/2039 Frank Jackson

Key Issue

8.2.1 Whether various initiatives should be introduced to control parking, especially within residential areas.

Inspector's Conclusions

8.2.2 I understand that various car parking schemes have been introduced for residents. However, the nature and policing of these schemes is beyond the remit of the Local Plan.

8.2.3 The creation of a hard-standing for parking in front of a dwelling is permitted development under the Town and Country Planning (General Permitted Development) Order 1995, and so, unless specifically controlled by other means, does not require planning permission. However, I understand that for many properties in Harlow, parking in front gardens is controlled by covenant. Either way, this detailed issue is not a matter for the Local Plan.

Recommendation

8.2.4 No modification be made in response to this objection.

INTRODUCTION

8.3 PARAGRAPH 8.2.4

Objector

1082/R5064 The Highways Agency

Supporter

566/1192 English Partnerships

Key Issue

8.3.1 Whether para. 8.2.4 should be updated to record the Secretary of State for Transport's July 2003 announcement relating to certain infrastructure proposals.

Inspector's Conclusions

8.3.2 I understand that the issues raised in the SoS's announcement related to the M1, M11 and A12. These routes lie outside the Harlow District area, and the SoS's announcement is thus not specifically relevant to this Local Plan.

Recommendation

8.3.3 No modification be made in response to this objection.

PROMOTING ACCESSIBLE DEVELOPMENT

8.4 POLICY T2

Objectors

None

Supporter

799/2079 Frank Jackson

TRANSPORT IMPACT ASSESSMENTS

8.5 POLICY T3

Objectors

800/2158 GO-East
800/R5054 GO-East
1082/R5063 The Highways Agency

Further Proposed Change

FPC010

Key Issue

- 8.5.1 Whether policy T3 (and supporting text) should be amended to confirm that a TIA will be required for all development proposals generating a significant increase in traffic, not just those generating a significant increase during peak periods.

Inspector's Conclusions

- 8.5.2 Policy T3 in the FDD required a TIA in respect of all major development proposals. However, supporting text (para. 8.5.1) restricted this requirement to developments generating the equivalent of 50 pcu or more during the peak hour. Consequent to objections to the FDD the Council proposed, for consistency, to change policy T3 (PC127) to confirm that the requirement for a TIA related specifically to proposals that resulted in a significant increase in traffic during the peak hour. Nonetheless, objectors continued to express concern that this excluded other forms of development, eg leisure and retail, which could generate a significant amount of additional traffic at other times. The Council have subsequently recognised the validity of those objections, and propose that policy T3 be further changed (FPC010) deleting *during the peak hour*. This FPC resolves outstanding objections. However, for consistency, supporting text in para. 8.5.1 (renumbered 8.6.1) must also be modified.

Recommendation

- 8.5.3 Policy T3 be modified in accordance with PC127 as further modified by FPC010, and that supporting text in para. 8.5.1 (renumbered 8.6.1) be modified by the deletion of *during the peak hour*.

GREEN COMMUTER PLANS

8.6 POLICY T4

Objectors

None

Supporters

520/990	Roydon Action Group & Roydon Parish Council
557/1170	English Nature

DESIGN IN REDUCING THE NEED TO TRAVEL

8.7 POLICY T5

Objector

800/2159 GO-East

Supporters

557/1171 English Nature
566/1209 English Partnerships
566/R4981 English Partnerships

Key Issue

8.7.1 Whether policy T5 is superfluous.

Inspector's Conclusions

8.7.2 Mixed use and innovative design issues are covered elsewhere in the Plan. However, policy T5 as proposed to be changed brings these topics together and relates them to the need to *reduce the length and number of journeys undertaken by motorised transport*. Bland it may be. But superfluous? Maybe not.

8.7.3 But. Unless I am very much mistaken, buses are a form of motorised transport. Government policy seeks to encourage the use of buses and to discourage the use of the private car. On the assumption that the Council is not seeking to re-introduce the horse-drawn stagecoach, policy T5 should make this distinction.

Recommendation

8.7.4 Policy T5 be modified in accordance with PC134, and by the substitution of *the private car* in place of *motorised transport*.

CYCLING AND WALKING

8.8 SECTION 8.8 (RENUMBERED 8.9)

Objector

799/2040 Frank Jackson

Key Issue

8.8.1 Whether various improvements should be made to the existing pedestrian and cycleway network.

Inspector's Conclusions

8.8.2 The objector lists a number of instances where the existing footpath / cycleway network is in need of improvement and / or maintenance. I have no doubt that the Council have noted, and where possible will act upon, these detailed comments. However, section 8.8 (renumbered 8.9) is concerned with the promotion of walking and cycling in preference to the use of the private car. Suggested improvements to the existing network thus lie beyond the remit of the Local Plan.

Recommendation

8.8.3 No modification be made in response to this objection.

8.9 POLICY T6

Objectors

None

Supporters

557/1172 English Nature
715/1694 B Bostock

Further Proposed Changes

FPC030.24

Inspector's Comment

8.9.1 There are no outstanding objections to policy T6. However, I would (yet again!) draw attention to the fact that, despite a FPC, T6 is another statement of intent, namely to promote an objective, and not a land use planning policy against which applications for planning permission can be assessed. I suggest that it be deleted, and its objective expressed in supporting text.

8.10 POLICY T7

Objectors

None

Supporter

715/1695 B Bostock

Further Proposed Changes

FPC030.25
FPC030.26

PASSENGER TRANSPORT

8.11 PARAGRAPH 8.9.2 (RENUMBERED 8.10.2)

Objector

755/1791 Mr P J O'Reilly

Key Issue

8.11.1 Whether the provision of express bus lanes should be extended to all major roads throughout Harlow.

Inspector's Conclusions

8.11.2 The final sentence of para. 8.9.2 (renumbered 8.10.2) appears to suggest that there will be only one express bus route, whereas the previous text speaks of the identification of quality bus corridors. For consistency and clarity, the final sentence should be modified to read in the plural.

Recommendation

8.11.3 Paragraph 8.9.2 (renumbered 8.10.2) be modified to confirm *the use of express bus routes, and priority at traffic signals and junctions.*

8.12 POLICY T9

Objectors

755/1801 Mr P J O'Reilly
755/1802 Mr P J O'Reilly

Key Issue

8.12.1 Whether various improvements should be made to Harlow Town and Harlow Mill railway stations.

Inspector's Conclusions

8.12.2 Local plan policies cannot go into the level of detail suggested by the objector. However, as written policy T9 is a statement of intent, and should thus either be re-drafted as a land-use planning policy, which may be difficult given that the majority of its proposals do not

require planning permission or, as para 8.9.3 (renumbered 8.10.3) identifies the improvements proposed, deleted.

Recommendation

8.12.3 Policy T9 be deleted.

8.13 POLICY T10**Objectors**

535/1080	Essex County Council
682/4640	Wm Morrison Supermarkets PLC

Supporter

557/1169	English Nature
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Further Proposed Change

FPC030.27

Key Issues

- 8.13.1 Whether policy T10 should include a requirement that public transport infrastructure and services are in place at an early stage of developments.
- 8.13.2 Whether the opening sentence of policy T10 is unnecessarily restrictive and unduly onerous.

Inspector's Conclusions

- 8.13.3 It is recognised that increased public transport usage can be secured by the provision of services and facilities at an early stage of the development process. Hence I agree that this should be a policy requirement.
- 8.13.4 The opening sentence of policy T10 applies to all developments, irrespective of size and location, and thus requires qualification. However, this sentence is symptomatic of wider failings. The second sentence is a statement of intent; none of the listed priority items (with the possible exception of elements of no.4) require planning permission and thus cannot be made the subject of a local plan policy; the opening sentence of the final paragraph is meaningless; and the final sentence is a statement of fact, not a policy.
- 8.13.5 Curiously, the heart of the intended policy can be found in the opening sentence of para. 8.9.4 (renumbered 8.9.10). I thus recommend that the substance of policy T10 be translated into

supporting text, and that the substance of para 8.9.4 (8.9.10) be translated into policy.

Recommendation

8.13.6 The substance of policy T10 be redrafted as supporting text, and the policy itself re-written to state:

The Council will secure the provision of adequate public transport access and facilities at major developments by means of negotiations with developers and / or the imposition of conditions on planning permissions.

These negotiations and / or conditions will ensure that access improvements and facilities are provided at an early stage of the development process, or as otherwise identified through a Transport Impact Assessment.

VEHICLE PARKING

8.14 SECTION 8.10 (RENUMBERED 8.11)

Objector

799/4651 Frank Jackson

Key Issue

8.14.1 Whether various initiatives should be introduced to control parking, especially within residential areas.

Inspector's Conclusions

8.14.2 This is a repeat of the objection recorded against Section 8.1 of the Plan. While the objector's comments are again noted, there is no need for me to repeat my conclusions.

Recommendation

8.14.3 No modification be made in response to this objection.

8.15 PARAGRAPH 8.10.1 (RENUMBERED 8.11.1)

Objector

800/R5055 GO-East

Further Proposed Change

FPC012

Key Issue

8.15.1 Whether para. 8.10.1 (renumbered 8.11.1) should include reference to the fact that the parking standards adopted in the Plan are derived from the Essex Standards.

Inspector's Conclusions

8.15.2 FPC012 resolves this objection.

Recommendation

8.15.3 Paragraph 8.10.1 (renumbered 8.11.1) be further modified in accordance with FPC012.

VEHICLE PARKING

8.16 POLICY T11

Objectors

690/4655	GlaxoSmithKline
799/2075	Frank Jackson
800/2155	GO-East
800/R5047	GO-East

Supporter

566/1208	English Partnerships
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Further Proposed Change

FPC011

Key Issues

8.16.1 Whether criterion 4 should be amended to recognise the need for security at certain premises.

8.16.2 Whether various initiatives should be introduced to control parking, especially within residential areas.

8.16.3 Whether the policy is clear, succinct and easily understood.

Inspector's Conclusions

8.16.4 I have no doubt that the Council will recognise the need for security when seeking to negotiate the possible use of private car parks for public use during the evenings and at weekends. However, see my comments regarding criterion 4 below.

- 8.16.5 Comment concerning various parking initiatives is a repeat of the objection recorded against Section 8.1 of the Plan. While the objector's comments are once again noted, there is no need for me to reiterate my conclusions.
- 8.16.6 It is an established principle that development plans should be clear, succinct and easily understood (PPG12 para.3.1). Sadly, policy T11 fails this and other tests. The heart of the policy lies in criterion 1 and the final paragraph. The remaining criteria are either statements of intent or statements of the obvious. All could usefully be moved to supporting text without undermining the policy.
- 8.16.7 Finally, the noun *motorcycles* is clear, succinct and easily understood. I suggest that it could usefully replace *two wheeled powered vehicles* in para. 8.10.3 (8.11.3) and criterion 5 without causing undue offence to scooterists.

Recommendation

- 8.16.8 The bulk of policy T11 be redrafted as supporting text, and the policy itself re-written to state: -

Vehicle parking for new developments shall be provided in accordance with the revised Essex Vehicle Parking Standards. These Standards are expressed as a maximum, and justification will be required for the amount of car parking proposed on the basis of operational needs and, if applicable, a Green Commuter Plan.

Where the amount of on-site car parking can be reduced, a contribution may be sought by negotiation from developers for use on schemes within the Harlow Area Transport Strategy.

The Essex Vehicle Parking Standards are included at Appendix 2.

ROAD PLANNING

8.17 PARAGRAPH 8.11.1 (RENUMBERED 8.12.1)

Objector

686/1460 A Wallace

Key Issue

- 8.17.1 Whether the final sentence of para. 8.11.1 (renumbered 8.12.1) should be amended to present a more pro-active approach by the Council.

Inspector's Conclusions

8.17.2 I have no doubt that the Council would themselves like to be more pro-active in the scheduling of trunk road improvement schemes. However, the reality is that funding is dependent upon the County Highways Department's budget and the Government. The Council's role is limited to negotiating funding for improvements to be included in the Essex LTP and HATS. To suggest otherwise would be misleading.

Recommendation

8.17.3 No modification be made in response to this objection.

8.18 PARAGRAPH 8.11.2 (RENUMBERED 8.12.2)

Objector

686/1461 A Wallace

Key Issue

8.18.1 Whether the final sentence of para. 8.11.2 (renumbered 8.12.2) should be amended to state that the re-routing of the A414 will be implemented before 2011.

Inspector's Conclusions

8.18.2 Harlow District Council is not responsible for the implementation of trunk road improvement schemes. While the early re-routing of the A414 is clearly desirable, to suggest a timetable in advance of committed funding would be misleading.

Recommendation

8.18.3 No modification be made in response to this objection.

8.19 POLICY T12

Objectors

None

Supporter

706/R4854 Essex Wildlife Trust

8.20 POLICY T13

Objector

799/2077 Frank Jackson

Supporters

688/4641 New Hall Projects Ltd
698/4643 United Glass Ltd
799/2076 Frank Jackson

Key Issue

8.20.1 Whether the new road shown on the Proposals Map would be adequate and safe.

Inspector's Conclusions

8.20.2 The road shown on the Proposals Map is indicative. Details of alignment, visibility splays and the like will be determined at the detailed design stage, and will be required to meet current highway standards.

Recommendation

8.20.3 No modification be made in response to this objection.

TRAFFIC CALMING AND MANAGEMENT

8.21 PARAGRAPHS 8.12.1 – 8.12.5 (RENUMBERED 8.13.1 – 8.13.5)

Objector

705/4776 HOOP

Supporters

799/2056 Frank Jackson
799/2057 Frank Jackson
799/4323 Frank Jackson
688/R4867 New Hall Projects Ltd

Key Issue

8.21.1 Whether para. 8.12.1 (renumbered 8.13.1) should be expanded to include reference to traffic calming and management on rural roads.

Inspector's Conclusions

- 8.21.2 Reference in para. 8.12.1 (8.13.1) to *the town* implies that traffic calming measures have been used exclusively within the built-up area; which is probably factually correct. The paragraph continues by detailing the benefits of such calming. It does not propose the introduction of additional schemes – this is presently dealt with in policy T14 (but see below).
- 8.21.3 Harlow District is a heavily built-up area, within which it is difficult to find any true rural roads. It is thus unnecessary to distinguish between urban and rural roads. However, if para. 8.12.1 (8.13.1) is to provide support for additional traffic calming schemes, and it should, it should do so on the basis that they will be introduced throughout the District as a whole.

Recommendation

- 8.21.4 Paragraph 8.12.1 (renumbered 8.13.1) be extended to provide support for the introduction of traffic calming measures throughout the District.

8.22 POLICY T14

Objectors

None

Supporter

799/2078 Frank Jackson

Inspector's Comments

- 8.22.1 There are no outstanding objections to policy T14. However, I would again draw attention to the fact that T14 is yet another statement of intent. Given that I have recommended above that para. 8.12.1 (8.13.1) be extended to provide textual support for the provision of traffic calming measures, I suggest that T14 be dismantled, and those parts capable of forming a planning policy be so used. I suggest:-

Where practicable, new highways will be required to incorporate traffic calming and other traffic management measures.

- 8.22.2 The remainder of policy T14, including reference to the desire to integrate transport schemes, the Essex Design Guide for Residential Mixed Use Areas, and the development of Home Zones, should be included in supporting text.

FREIGHT

8.23 SECTION 8.14

Objectors

None

Supporter

798/4721 Harlow Civic Society

Further Proposed Change

FPC030.28

8.24 POLICY T15

Objector

535/1083 Essex County Council

Key Issue

8.24.1 Whether the policy should relate sustainable distribution to the size of goods vehicles.

Inspector's Conclusions

8.24.2 Policy T15 is concerned with the location of those forms of development that generate a significant level of freight or goods traffic. To some extent it duplicates policy ER12 (as recommended to be modified). Nonetheless, I am satisfied that the policy is tied to the principles of sustainability in that it gives priority to sites with potential for access to rail and the Primary Road Network. However, any attempt to broaden the policy to direct development to alternative sites on the basis of the size of goods vehicles serving the proposed use would be excessive and render the policy unworkable.

Recommendation

8.24.3 No modification be made in response to this objection.

8.25 POLICY T16

Objectors

None

Supporter

703/1559 Railtrack PLC

Further Proposed Change

FPC030.29

Inspector's Comment

- 8.25.1 There are no outstanding objections to policy T16. However, it seems to me that its purpose would be clarified by combining new para.8.14.3 (PC179) with original para. 8.14.3 to provide supporting text immediately before policy T16. Furthermore, T16 itself could be grammatically improved and the final sentence deleted – being a statement of intent and a duplication in part of original para. 8.14.3 (renumbered 8.14.4). I suggest:-

The existing railway sidings at Harlow Mill are allocated, and thereby safeguarded for future use, as a Rail Freight Facility.

9.0 CHAPTER 9 : LEISURE AND CULTURE

INTRODUCTION

9.1 PARAGRAPHS 9.2.1 – 9.2.6

Objectors

704/4731	Harlow Rugby Union Football Club *
704/4732	Harlow Rugby Union Football Club *
704/4734	Harlow Rugby Union Football Club *

* Recorded as submitted by Bryant Homes

Key Issues

- 9.1.1 Whether the need to relocate the HRUFC should be recognised as a pre-requisite to the achievement of broader recreational objectives.
- 9.1.2 Whether it is appropriate to identify land at Ram Gorse as a Green Wedge.

Inspector's Conclusions

- 9.1.3 I deal with issues raised by these objections in Chapter 15, section 15.4, of my Report.
- 9.1.4 Paras. 9.2.1–9.2.6 provide introductory text to the leisure and culture section of the plan, and include comment (9.2.5) on the need for appropriate facilities for rugby. Additional comment in this part of the Plan is unnecessary.

Recommendation

- 9.1.5 No modification be made in response to these objections.

PLAYING FIELDS

9.2 PARAGRAPH 9.3.3

Objector

800/R5056 GO-East

Further Proposed Change

FPC013

Key Issue

9.2.1 Whether the text is grammatically correct.

Inspector's Conclusions

9.2.2 The FPC resolves this objection.

Recommendation

9.2.3 Para. 9.3.3 be modified in accordance with FPC013.

9.3 POLICY L1

Objectors

514/951	E M Wiltshire
546/R4877	Essex County Council
698/R4878	United Glass Ltd
704/4649	Harlow Rugby Union Football Club *
1044/R4858	Nortel Networks
1048/R4946	Mary Wiltshire

* Recorded as submitted by Bryant Homes

Supporters

706/R4855	Essex Wildlife Trust
798/2019	Harlow Civic Society

Further Proposed Changes

FPC015
FPC030.30

Key Issues

- 9.3.1 Whether the policy should allow for a balance of judgement to be made between the value the community may place on playing fields and other recreational areas and the comparative benefits to be derived from a suitable alternative use.
- 9.3.2 Whether the policy as proposed to be changed should be further modified to confirm that in order to be acceptable a development proposal would need to satisfy one, and not all, of the stated criteria.
- 9.3.3 Whether the policy as proposed to be changed should be further modified to remove potential restrictions on the sale of school playing fields.

- 9.3.4 Whether the policy as proposed to be changed should be further modified by the re-instatement of reference to *other land of recreational and amenity value, including informal open space*.
- 9.3.5 Whether criterion 1 in the policy as proposed to be changed accords with advice in PPG17 by requiring *an excess of playing fields in the locality* to be demonstrated. And whether the timing of the *excess* position needs to be clarified.

Inspector's Conclusions

- 9.3.6 Policy L1 in the FDD has been revised to accord with advice in PPG17 (PC185), and is subject to further clarification (FPC015), confirming that to be acceptable a development proposal would need to satisfy one, and not all, of the stated criteria. These Changes satisfy several outstanding objections.
- 9.3.7 I am not persuaded that it is necessary for the policy to specifically provide for a balance of judgement be made between the value the community may place on playing fields and other recreational areas and the comparative benefits to be derived from a suitable alternative use. It is the function of the planning process to undertake a comparative analysis of potential losses and gains arising from any development proposal. As an inherent part of the due process it does not need to be stated in policy.
- 9.3.8 The policy as proposed to be changed does not restrict the sale of school playing fields that are surplus to requirements. Rather it quite properly seeks to ensure that such facilities are indeed surplus to requirements as a pre-requisite of their disposal.
- 9.3.9 Policy L1 is concerned with development proposals that will result in a loss of all or part of a playing field. It would thus be inappropriate to include reference to other land of recreational or amenity value, including informal open space.
- 9.3.10 Para. 10 of PPG17 states: *Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements*. In my view the phrase *surplus to requirements* is synonymous with 'excess', and hence criterion 1 in the SDD accords with PPG17 advice.
- 9.3.11 Finally, it seems to me that it is self-evident that policy L1 is seeking to ensure that an 'excess position' exists before the loss of playing fields can be countenanced, and does not require an 'excess position' to be maintained following development. Further clarification is unnecessary.

Recommendation

- 9.3.12 Policy L1 be modified in accordance with PC185 and FPC015, but that no other modification be made in response to these objections.

OPEN SPACE AND PLAYGROUNDS / PLAY AREAS

9.4 PARAGRAPHS 9.4.1 – 9.4.2

Objector

800/R5057 GO-East

Further Proposed Changes

FPC016
FPC017

Key Issue

- 9.4.1 Whether it is appropriate for standards to be contained solely in SPG.

Inspector's Conclusions

- 9.4.2 Standards for open space (or other facilities that may be required in connection with a development proposal) may be contained in SPG, provided that the SPG has been prepared in accordance with PPG advice and is clearly cross referenced to the relevant plan policy or proposal.
- 9.4.3 FPC016 to para. 9.4.1 confirms that standards for open space provision are in course of preparation, and that following public consultation they will be issued as SPG. However, PPG1 confirms that, as SPG does not have the same status as an adopted plan policy, it should only be referred to in supporting text. FPC016 recognises this requirement and provides the requisite cross reference.
- 9.4.4 I raise no objection to FPC017 to para. 9.4.2.

Recommendation

- 9.4.5 Paragraphs 9.4.1 and 9.4.2 be modified in accordance with FPC016 and FPC017 respectively.

9.5 POLICY L2

Objectors

569/4646 McCarthy & Stone (Developments) Ltd

800/2128 GO-East

Key Issue

- 9.5.1 Whether supporting text should include a caveat that in development schemes providing specialist accommodation for the elderly the Council will only require the provision of amenity space.
- 9.5.2 Whether it is appropriate to delegate decisions to SPG.

Inspector's Conclusions

- 9.5.3 I appreciate McCarthy & Stone (Developments) Ltd's cause for concern; insistence on the provision of, for example, a public play area within specialist accommodation for the elderly would clearly be a nonsense. However, supporting text (para. 9.4.1) confirms that the *standards will be applied flexibly, taking into account the circumstances of the development.*
- 9.5.4 The Council are required to have regard to all material considerations, including the provisions of supporting text, in their implementation of policy and their determination of applications for planning permission. The nature of accommodation must therefore be taken into account when assessing the type and amount of open space to be provided in any development scheme. Hence no further modification to policy or text is required.
- 9.5.5 Turning to the objection by GO-East, PPG1 confirms that as SPG does not have the same status as an adopted plan policy it should only be referred to in supporting text. PC187 thus resolves this objection.

Recommendation

- 9.5.6 Policy L2 be modified in accordance with PC187, but no other modification be made in response to these objections.

RETAINING, IMPROVING AND DEVELOPING RECREATIONAL, LEISURE AND SPORTS FACILITIES

9.6 POLICY L3

Objectors

698/4246 United Glass Ltd
1044/R4859 Nortel Networks

Further Proposed Changes

FPC018
FPC030.31
FPC030.32

Key Issues

- 9.6.1 Whether criteria for assessing the loss of sports, leisure or recreational facilities could be simplified and clarified.
- 9.6.2 Whether the policy as proposed to be changed should be further modified to confirm that in order to be acceptable a development proposal would need to satisfy one, and not all, of the stated criteria.

Inspector's Conclusions

- 9.6.3 Policy L3 in the FDD has been clarified to form a criteria based policy (PC188), and is subject to further clarification (FPC018), confirming that to be acceptable a development proposal will need to satisfy one, and not all, of the stated criteria. These Changes satisfy outstanding objections.
- 9.6.4 Although not the subject of objection, it seems to me that policy L3 would benefit by the inclusion of an additional criterion confirming, as intimated by supporting text, that proposed developments that will result in the net loss of all or part of any sports, leisure or recreational facility will only be granted permission if a suitable replacement facility is provided elsewhere, in an agreed location within or convenient to Harlow. Supporting text to be modified as necessary.

Recommendation

- 9.6.5 Policy L3 be modified in accordance with PC188 and FPC018, and by the inclusion of an additional criterion: -
 - 4. *suitable replacement facilities are provided elsewhere in an agreed location within or convenient to Harlow.*
- 9.6.6 Supporting text be modified as necessary.

9.7 POLICY L4

Inspector's Comment

- 9.7.1 Although not the subject of objection, I would point out that policy L4 is (almost) a statement of intent. I suggest that it be re-worded as follows: -
 - Applications for new sports, leisure or recreational facilities must be supported by an analysis demonstrating that a sequential approach to site selection has been applied in accordance with policy SD3, and that no alternative site is available higher in the sequence.*

- 9.7.2 Comments confirming that favourable consideration will be given to proposals for new sports, leisure or recreational facilities, in particular those that overcome a specific identified deficiency, are a hostage to fortune, and should be consigned to supporting text.

'WET AND DRY' SPORT AND RECREATION CENTRE**9.8 PARAGRAPHS 9.6.1 – 9.6.2****Objectors**

799/2058	Frank Jackson
799/2059	Frank Jackson
802/2164	Snowsport England *

* Recorded as English Ski Council

Supporter

716/1699	P Kent
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Key Issues

- 9.8.1 Whether it would be more appropriate to allocate the site of the proposed `wet and dry' sport and recreation centre for housing.
- 9.8.2 Whether it is wrong in principle to redevelop an existing sport facility without alternative provision being made elsewhere.

Inspector's Conclusions

- 9.8.3 The suggestion that the site of the proposed `wet and dry` sport and recreation centre be allocated for housing is predicated on successful opposition to the redevelopment of the Harlow Sport Centre and Swimming Pool sites. As the redevelopment of these sites has been approved subject to the completion of s106 Agreements requiring, inter-alia, the provision of replacement facilities, these objections fall.
- 9.8.4 With regards to the objection by the English Ski Council, I understand that the Sports Trust were unable to restore the Harlow Ski Centre to an operational state prior to the submission of proposals for the redevelopment of the Sport Centre site. Hence it was not an existing facility. And is thus, regrettably, not being replaced.

Recommendation

- 9.8.5 No modification be made in response to these objections.

9.9 POLICY L5**Objectors**

1/13	Mr Dave Lambert
19/50	Mr John Wilson
20/55	Mr R Brown
27/77	Mr Pini
28/82	Mrs Pini
29/86	Mr Statham
30/90	Mrs Statham
32/116	Richard Hanrahan
36/131	R H Hemes
37/136	Mr A Speller
389/651	J Griffin
485/806	C Browne
489/828	Mr I Messenger
490/832	A Lidster
516/966	Ron Bill
611/1301	D B Bennett
691/1484	P I Watts
705/14	HOOP
705/1600	HOOP
705/1601	HOOP
720/1709	M J Armsworth
755/1795	Mr P J O'Reilly
798/2021	Harlow Civic Society
799/2070	Frank Jackson
801/2163	Cathy Dunlea

Supporters

31/99	Simon Turner
294/453	Mark Logan
294/4345	Mark Logan
308/484	Margaret J Torkildsen
473/782	S Foster
519/983	Harlow Sports Centre
612/1307	P Bruce
615/1313	R Bruce
708/1669	N M Davis
718/1703	P A Hay
726/1726	Harlow NHS Primary Care Trust
770/1828	Steven Smith
771/1832	J Guyton
772/1837	T Taylor
773/1842	M Gladden
774/1847	C Kavanaugh
775/1852	Lee Jessey
776/1857	Lee Smith
777/1862	Tony Hills
778/1867	Daniel Jones

779/1872	Chris Ellis
780/1877	Kevin Ellis
781/1882	Ross Barrs
782/1887	Seamus O'Brien
783/1892	Francis Browne
784/1897	Robert Cochrane
785/1902	Steve Bowgring
786/1907	Allen Maddocks
787/1912	Alan Durack
788/1917	Aaron Durack
789/1922	Kirsty Durack
790/1927	Rebecca Durack
791/1932	J Daly
792/4321	Jason Spencer
793/1936	M D Perry
794/1940	K Reed
795/1944	C Laing
796/1948	L Laing

Key Issues

- 9.9.1 Whether the existing Harlow Sport Centre and Swimming Pool should be retained on their existing sites, and developed as centres of excellence.
- 9.9.2 Whether the redevelopment of the existing Harlow Sport Centre and Swimming Pool, that has precipitated the need for a replacement 'wet and dry' sport and recreation centre, conflicts with PPG17 advice.
- 9.9.3 Whether the new Sport Centre should include a replacement ski slope.
- 9.9.4 Whether the new Sport Centre will result in an unacceptable increase in traffic congestion and parking on nearby roads.
- 9.9.5 Whether development of the new Sport Centre will result in the unjustified loss of land allocated as a Green Wedge.

Inspector's Conclusions

- 9.9.6 Many of the objectors to policy L5 oppose the new Sport Centre on grounds that the existing Harlow Sport Centre and Swimming Pool should be retained, or are predicated on successful opposition to the redevelopment of those sites. However, as the redevelopment of both the existing Centre and Pool has been approved, subject to the completion of s106 Agreements requiring, inter-alia, the provision of replacement facilities, these objections fall.
- 9.9.7 PPG17 is concerned with the provision of new and the protection of existing open space, sport and recreational facilities. However, para. 13 of PPG17 confirms that *development may provide the opportunity*

to exchange the use of one use for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in term of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. The redevelopment of the existing Harlow Sport Centre and Swimming Pool thus does not conflict with the broad principles of PPG17 advice, given that the existing facilities are being replaced - I must assume by improved facilities - elsewhere.

- 9.9.8 I have considered objections concerning the non-replacement of the former ski slope in section 9.8 above.
- 9.9.9 I have no doubt that the replacement Sport Centre will, from time-to-time, attract a significant volume of traffic. However, in terms of accessibility the new Centre is in a more sustainable location than the existing facilities, being more centrally located and nearer the bus station. Furthermore, I understand that the existing on-site car-park at the College is to be enlarged, thereby (hopefully) obviating the need for patrons to park on nearby roads.
- 9.9.10 Finally I note that the proposed Sport Centre site is allocated in the approved Local Plan as part of a Green Wedge. I thus have some sympathy with objectors who perceive a crafty sleight-of-hand by the Council in their re-allocation of the site in the RHLP specifically for community use, presumably on grounds that a full-blown Sport Centre does not accord with protective Green Wedge policies. Nonetheless, I am satisfied that, on balance, the redevelopment of the existing Sport Centre and Swimming Pool sites for housing, coupled with the provision of replacement facilities elsewhere, makes sound planning sense, and that consequential changes need to be reflected in the Plan. No doubt the Council will adopt a similar pragmatic approach to my recommendation that part of the Green Wedge at Latton Farm be developed as a replacement facility for the HRUFC, and subsequent applications for planning permission for the use and associated facilities.

Recommendation

- 9.9.11 No modification be made in response to these objections.

FOOTBALL STADIUM

9.10 PARAGRAPH 9.7.1

Objectors

None

Supporter

764/1812 Harlow Town Football Club

9.11 POLICY L6**Objectors**

1/15 Mr Dave Lambert
19/51 Mr John Wilson
37/137 Mr A Speller
516/967 Ron Bill
611/1302 D B Bennett
702/1543 Margaret Smith
705/1602 HOOP
755/1796 Mr P J O'Reilly
755/1797 Mr P J O'Reilly
797/1969 Environment Agency
1035/2177 Football Harlow

Supporters

31/100 Simon Turner
294/454 Mark Logan
308/485 Margaret J Torkildsen
473/783 S Foster
519/984 Harlow Sports Centre
612/1308 P Bruce
615/1314 R Bruce
708/1670 N M Davis
718/1704 P A Hay
726/1727 Harlow NHS Primary Care Trust
770/1829 Steven Smith
771/1833 J Guyton
772/1838 T Taylor
773/1843 M Gladden
774/1848 C Kavanaugh
775/1853 Lee Jessey
776/1858 Lee Smith
777/1863 Tony Hills
778/1868 Daniel Jones
779/1873 Chris Ellis
780/1878 Kevin Ellis
781/1883 Ross Barrs
782/1888 Seamus O'Brien
783/1893 Francis Browne
784/1898 Robert Cochrane
785/1903 Steve Bowgring
786/1908 Allen Maddocks
787/1913 Alan Durack
788/1918 Aaron Durack

789/1923	Kirsty Durack
790/1928	Rebecca Durack
791/1933	J Daly
792/4322	Jason Spencer
793/1937	M D Perry
794/1941	K Reed
795/1945	C Laing
796/1949	L Laing
1036/2178	Harlow Town Football Club

Further Proposed Change

FPC030.33

Key Issues

- 9.11.1 Whether it would be preferable for the Football Club to remain at its existing location.
- 9.11.2 Whether the redevelopment of the existing Harlow Sport Centre, that has precipitated the need for a replacement football stadium, conflicts with PPG17 advice.
- 9.11.3 Whether the proposed site is acceptable in terms of accessibility and environmental impact.

Inspector's Conclusions

- 9.11.4 Several objectors to policy L6 oppose the proposed football stadium on grounds that the existing facility at Harlow Sport Centre is adequate and well placed to serve supporters (including away supporters), or are predicated on successful opposition to the redevelopment of the Sport Centre site. However, as the redevelopment of the Centre has been approved, subject to the completion of a s106 Agreement requiring, inter-alia, the provision of replacement facilities, these objections fall.
- 9.11.5 I have dealt with objections concerning potential conflict with PPG17 advice in section 9.9 above.
- 9.11.6 The majority of objectors to L6 are concerned that Barrows Farm is an unsustainable location, being remote from the town centre and inaccessible by public transport. Traffic generated by the stadium would thus result in congestion and overspill car parking on nearby roads. In reply, the Council maintain that all other alternative sites were carefully considered before the Barrows Farm site was selected. I cannot dispute that assertion. Nonetheless, I share the objectors' concern.
- 9.11.7 Barrows Farm is clearly in a more remote and less accessible location than the existing facility at the Harlow Sport Centre. The Council assert that they will negotiate the extension and improvement of

services to the proposed site with bus operators. However, there can be no guarantee that these negotiations will be successful, or that any improvement in services will be long-term or sufficiently comprehensive to discourage the use of private cars. In the absence of improvements, congestion and on-street parking will follow.

9.11.8 Proposals for the redevelopment of the existing Sport Centre are so far advanced that the identification of an alternative venue for Harlow Town Football Club is becoming increasingly critical. I am unaware of any suitable alternative site, and must therefore accept the Council's assertion that Barrows Farm is the most suitable available. However, given my recommendations concerning the relocation of HRUFC, and the Council's identification of land within a Green Wedge for the 'wet and dry' sport and recreation centre, the Council may wish to review their conclusions regarding the suitability of Barrows Farm and the availability / suitability of possible alternative sites prior to committing themselves to the proposed L6 site.

9.11.9 Finally, although not the subject of objection, but as a point of principle, it is inappropriate to allocate this – or indeed any – site specifically for use by an identified user; in this case Harlow Town Football Club. To do so would deprive other clubs with similar aspirations of the opportunity to pursue their own objective on the identified site and, in particular, would deny the owners of the site their right to negotiate its disposal on the open market. Furthermore, it could also be argued that the policy would be invalidated if the Club were to change its name. However, it is appropriate for supporting text to confirm that in principle the L6 allocation is intended to meet the specific needs of Harlow Town Football Club.

Recommendation

9.11.10 Policy L6 be modified by the deletion of *for the use of Harlow Town Football Club*, but no other modification be made in response to these objections.

ATHLETICS

9.12 POLICY L7

Objectors

1/16	Mr Dave Lambert
27/78	Mr Pini
28/83	Mrs Pini
611/1303	D B Bennett
705/1603	HOOP
705/1604	HOOP
755/1798	Mr P J O'Reilly
800/2131	GO-East
800/R5058	GO-East

Supporters

31/101	Simon Turner
307/482	Mrs J Redding
310/488	Graham Small
365/4635	M J Barham
366/615	G Gallagher
368/618	A Tucker
372/624	Mr Longman
373/626	Mrs Longman
378/632	L Jones
386/642	Mrs J Till
387/644	S Robey
388/646	A Hewitt
392/656	C Sole
398/665	S M Hull
400/668	Deborah Walker
401/670	J Huish
402/672	Linda Barnett
403/674	Dawn Jackson
404/676	Mr Pell
405/678	Mrs Pell
408/4637	John Lenihan
409/687	Gillian Moss
411/691	Claire Harrison
412/693	G Watson
413/695	Mrs R Tomlin
414/697	A Copeland
415/699	D Sheffield
416/701	K M Makepeace
417/703	G Das
418/705	(name un-recorded)
419/707	K Ryder-Leese
420/709	D Barton
456/754	B Lawley
458/758	S Keyte
459/760	W J Owers
471/777	(name un-recorded)
472/779	J Dunn
476/788	L Case
479/792	Mrs Perridge
480/794	C S Tucker
481/796	Alison Simmons
483/801	C J Long
484/803	D Tucker
504/927	J Care
509/936	Mr Kirk
510/938	Mrs Kirk
512/942	David Rubery
526/1002	Mr Perridge
683/1455	N Ranford
684/1457	L De La Cour

685/1459	M McCarthy
721/1711	Ms Little
724/1723	M Polkinghorne
728/1731	S D Heath
729/1733	C Bullock
750/1778	W Smith
751/1780	J Smith
752/1782	L Norton
804/4741	C Flusky

Further Proposed Changes

FPC019
FPC030.34

Key Issues

- 9.12.1 Whether it would be preferable for the athletics track to remain at its existing, more accessible, location.
- 9.12.2 Whether the redevelopment of the existing Harlow Sport Centre, that has precipitated the need for a replacement athletics track and associate facilities, conflicts with PPG17 advice.
- 9.12.3 Whether the relocation of existing recreational uses at the Harlow Sports Centre to three different sites is a sustainable alternative.
- 9.12.4 Whether there will be a conflict of interests at the proposed site between school and public use.
- 9.12.5 Whether the policy is sufficiently clear regarding *the required standard*.

Inspector's Conclusions

- 9.12.6 Several objectors to policy L7 oppose the proposed athletics track at Mark Hall School on grounds that the existing facility at Harlow Sport Centre is better placed to serve the local community. Clearly Harlow Sport Centre is nearer the town centre than Mark Hall School, and hence more readily accessible by public transport. However, improvements to the local bus service arising from development at New Hall, together with a new cycleway along London Road, will improve accessibility – though I doubt to a standard equivalent to that enjoyed by the existing track.
- 9.12.7 I have dealt with objections concerning potential conflict with PPG17 advice in section 9.9 above.
- 9.12.8 I have no doubt that the relocation of the existing facilities at Harlow Sport Centre to three separate sites, namely the proposed 'wet and dry' sports centre, Barrows Farm and Mark Hall School, will be less sustainable than the present arrangements, and will result in some

loss of 'interaction' between sports presently provided by mutual proximity and support. However, as the redevelopment of the existing Sport Centre has been approved, subject to the completion of s106 Agreements requiring, inter-alia, the provision of replacement facilities, and the Council's assertion that all alternative options have been explored, the relocation of the athletics track to Mark Hall School must perhaps be seen as a *fait accompli*.

- 9.12.9 I have no doubt that there will always be the risk of a potential conflict of interest between school and public use of the proposed track and facilities. However, in my view the maximisation of use provided by a joint community facility of this type far outweighs any potential risk.
- 9.12.10 Finally FPC019, requiring the deletion of reference to *the required standard*, clarifies application of the policy.

Recommendation

- 9.12.11 Policy L7 be modified in accordance with FPC019, but no other modification be made in response to these objections.

RUGBY CLUB GROUND**9.13 PARAGRAPH 9.9.1****Objector**

1050/R4951 Harlow RUFC

Supporter

714/1685 K Mcgrath

Key Issue

- 9.13.1 Whether the wording as proposed to be changed (PC194) adequately reflects HRUFC's aspirations for a new site.

Inspector's Conclusions

- 9.13.2 I deal with this and related objections in Chapter 15, section 15.4, of my Report.

Recommendation

- 9.13.3 Refer to detailed recommendations in Chapter 15, section 15.4, of this Report.

9.14 POLICY L8

Objectors

1/17	Mr Dave Lambert
611/1304	D B Bennett
704/4650	Harlow Rugby Union Football Club
705/1605	HOOP
755/1799	Mr P J O'Reilly
760/1807	T Hills
1050/R4950	Harlow RUFC

Key Issue

- 9.14.1 Whether policy L8 should identify a suitable alternative site for the relocation of HRUFC.

Inspector's Conclusions

- 9.14.2 It is proposed that policy L8 be deleted (PC195).
- 9.14.3 I deal with these and related objections in Chapter 15, section 15.4, of my Report.

Recommendation

- 9.14.4 Refer to detailed recommendations in Chapter 15, section 15.4, of this Report.

INDOOR TENNIS CENTRE

9.15 PARAGRAPH 9.10.1

Objectors

505/928	Harlow Lawn Tennis Club
505/R4976	Harlow Lawn Tennis Club

Further Proposed Change

FPC020

Key Issue

- 9.15.1 Whether para. 9.10.1 as proposed to be changed accurately reflects the current position regarding indoor tennis in Harlow.

Inspector's Conclusions

- 9.15.2 FPC020 resolves these objections.

Recommendation

9.15.3 Para. 9.10.1 as proposed to be changed be further modified in accordance with FPC020.

9.16 POLICY L9

Objectors

705/18	HOOP
705/1606	HOOP
755/1800	Mr P J O'Reilly

Key Issue

9.16.1 Whether policy L9 conflicts with PPG17 advice.

Inspector's Conclusions

9.16.2 The provision of replacement indoor tennis facilities, arising from the redevelopment of the Harlow Sport Centre, as part of a new sport centre or on an alternative site does not conflict with PPG advice, given that the facility is being replaced, and not lost.

9.16.3 Notwithstanding the above, policy L9 as contained in the FDD, is a statement of intent, and not a land use planning policy as such. It is thus appropriate for it to be deleted (PC198).

Recommendation

9.16.4 Policy L9 be deleted in accordance with PC198.

WHEELED SPORTS

9.17 POLICY L10 (RENUMBERED L8)

Objector

705/1599	HOOP
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Supporters

31/94	Simon Turner
688/R4868	New Hall Projects Ltd
705/1598	HOOP

Key Issue

- 9.17.1 Whether policy L10 (renumbered L8) should include a requirement that development proposals should not have an adverse impact on the nearby Marshgate Spring Local Nature Reserve.

Inspector's Conclusions

- 9.17.2 Policies SD3 and NE19 (renumbered NE15) seek to protect valuable habitats and species. Para. 1.3.4 states that the Plan must be read as a whole, and that policies are not mutually exclusive. Cross reference to other policies throughout the Plan, or the duplication of policy intent, is thus unnecessary, as development proposals will be considered against all relevant policies, not just against one specific policy.

Recommendation

- 9.17.3 No modification be made in response to this objection.

LOCAL RECREATION PROVISION**9.18 POLICY L11/1 (RENUMBERED L9/1)****Objectors**

1/11	Mr Dave Lambert
27/76	Mr Pini
28/81	Mrs Pini

Supporters

31/95	Simon Turner
307/481	Mrs J Redding
310/487	Graham Small
365/4636	M J Barham
366/614	G Gallagher
368/617	A Tucker
372/623	Mr Longman
373/625	Mrs Longman
378/631	L Jones
386/641	Mrs J Till
387/643	S Robey
388/645	A Hewitt
392/655	C Sole
398/664	S M Hull
400/667	Deborah Walker
401/669	J Huish
402/671	Linda Barnett
403/673	Dawn Jackson
404/675	Mr Pell

405/677	Mrs Pell
408/4638	John Lenihan
409/686	Gillian Moss
411/690	Claire Harrison
412/692	G Watson
413/694	Mrs R Tomlin
414/696	A Copeland
415/698	D Sheffield
416/700	K M Makepeace
417/702	G Das
418/704	(name unrecorded)
419/706	K Ryder-Leese
420/708	D Barton
456/753	B Lawley
458/757	S Keyte
459/759	W J Owers
471/776	(name unrecorded)
472/778	J Dunn
476/787	L Case
479/791	Mrs Perridge
480/793	C S Tucker
481/795	Alison Simmons
483/800	C J Long
484/802	D Tucker
504/926	J Care
509/935	Mr Kirk
510/937	Mrs Kirk
512/941	David Rubery
526/1001	Mr Perridge
611/1299	D B Bennett
683/1454	N Ranford
684/1456	L De La Cour
685/1458	M McCarthy
721/1710	Ms Little
724/1722	M Polkinghorne
728/1730	S D Heath
729/1732	C Bullock
750/1777	W Smith
751/1779	J Smith
752/1781	L Norton
804/4742	C Flusky

Key Issue

- 9.18.1 Whether policy L11/1 (renumbered L9/1) should include provision for additional sports pitches, and the provision of halls suitable for a range of social functions.

Inspector's Conclusions

- 9.18.2 Policy L11/1 (L9/1) relates to a proposed eight-court badminton hall with health and fitness facilities, and an artificial turf pitch at Mark Hall School.
- 9.18.3 I note that the Council's Playing Fields Assessment 2001-2011 indicates that Harlow is well provided for with playing field pitches. I do not dispute the conclusions of the Assessment, and accordingly am satisfied that there is no need to make additional provision for playing field pitches on the Mark Hall School site. Likewise, while additional and replacement sports facilities here and elsewhere will, no doubt, include pavilion facilities, adequate facilities for entertainment and other social functions are available on similar sites elsewhere.

Recommendation

- 9.18.4 No modification be made in response to these objections.

9.19 POLICY L11/2 (RENUMBERED L9/2)

Objector

1/12 Mr Dave Lambert

Supporter

31/96 Simon Turner

Key Issue

- 9.19.1 Whether policy L11/2 (renumbered L9/2) should include provision for halls suitable for a range of social functions.

Inspector's Conclusions

- 9.19.2 Policy L11/2 (L9/2) relates to the provision of multi-use recreation facilities at Langley Park. No doubt these will, if necessary, include requisite pavilion facilities. However, adequate facilities for entertainment and other social functions are available elsewhere throughout Harlow, and thus need not be specifically provided for on this site.

Recommendation

- 9.19.3 No modification be made in response to this objection.

LATTON FARM

9.20 POLICY L12 (RENUMBERED L10)

Objectors

37/135	Mr A Speller
611/1300	D B Bennett
704/4648	Harlow Rugby Union Football Club
706/1630	Essex Wildlife Trust
800/2124	GO-East
800/R5059	GO-East
1050/R4949	Harlow RUFC

Supporters

31/97	Simon Turner
688/4647	New Hall Projects Ltd

Further Proposed Change

FPC021

Key Issues

- 9.20.1 Whether land at Latton Farm should be allocated specifically for the relocation of HRUFC
- 9.20.2 Whether the site should be planted and developed as an environmental project for the benefit of the town.

Inspector's Conclusions

- 9.20.3 Land at Latton Farm has been identified as a potential site for playing fields. Its use for environmental project purposes, no matter how well meaning or attractive, thus cannot be supported.
- 9.20.4 I deal with these and related objections concerning the potential use of land at Latton Farm for the relocation of HRUFC in Chapter 15, section 15.4, of my Report.

Recommendation

- 9.20.5 Refer to detailed recommendations in Chapter 15, section 15.4, of this Report, but otherwise on modification be made in response to these objections.

WATER BASED RECREATION

9.21 POLICY L13 (RENUMBERED L11)

Objectors

None

Supporters

491/848	Epping Forest District Council
520/985	Roydon Action Group & Roydon Parish Council
706/1631	Essex Wildlife Trust
706/R4862	Essex Wildlife Trust

Inspector's Comments

9.21.1 There are no recorded objections to policy L13 (renumbered L11), which is hardly surprising given its 'motherhood and apple-pie' approach. It goes without saying – but I'll say it again anyway - policy L13 (L11) is a statement of intent, and not an enforceable land use planning policy. Its worthy sentiments should thus be moved to supporting text, and if deemed necessary - although in reality there is no necessity given that the issues are adequately covered by policies SD3 and NE19 (renumbered NE15) - a rather pointless policy formed from the requirements of the last sentence to state:

Proposals to provide improved access to the River Stort and its environs for recreation will be required to have regard to the conservation of existing wildlife habitats.

ALLOTMENTS

9.22 PARAGRAPH 9.15.1

Objector

800/R5060 GO-East

Supporters

706/1632	Essex Wildlife Trust
706/R4896	Essex Wildlife Trust

Further Proposed Change

FPC022

Key Issue

9.22.1 Whether it is appropriate for supporting text to delegate decisions to SPG.

Inspector's Conclusions

9.22.2 Policy L14 (renumbered L12) sought to delegate decisions concerning the provision of new allotments to SPG. Following objection, this requirement was deleted (PC211) and moved to supporting text (PC209). However, objection is maintained, as it is likewise inappropriate for supporting text to delegate decisions to SPG, - although SPG may be referred to in supporting text. FPC022 resolves this confusing conundrum by shifting the standard to PPG17.

Recommendation

9.22.3 Para. 9.15.1 be modified in accordance with FPC022.

9.23 POLICY L14.3 (RENUMBERED L12.3)

Objector

800/2125 GO-East

Supporter

530/1025 CPREssex

Key Issue

9.23.1 Whether it is appropriate for policy L14.3 (renumbered L12.3) to delegate decisions to SPG.

Inspector's Conclusions

9.23.2 As noted in section 9.22 above, policy L14.3 (L12.3) sought to delegate decisions concerning the provision of new allotments to SPG. Following objection, this requirement was deleted (PC211) and moved to supporting text (PC209). PC211 thus effectively resolves this objection. Leaving FPC022 and me to deal with the undesirable consequences of PC209 above.

Recommendation

9.23.3 Policy L14.3 (renumbered L12.3) be modified in accordance with PC211.

PUBLIC RIGHTS OF WAY

9.24 PARAGRAPH 9.16.1 AND POLICY L15 (RENUMBERED L13)

Objectors

None

Supporters

536/1091	Essex County Council
536/1095	Essex County Council

Inspector's Comments

9.24.1 There are no outstanding objections to policy L15 (renumbered L13). However, as written, L15 (L13) is a statement of intent. With a little effort it could be redrafted to form a land use planning policy. I suggest:-

The existing network of definitive public rights of way will be safeguarded.

New footpaths, bridleways and cycleways will be required as part of new developments, to link with existing routes outside and within the town's boundary, and to provide better access to the surrounding countryside and areas of woodland within the town. Proposals for new or the enhancement of existing public rights of way will be required to meet the highest standards of design and accessibility, and to provide for personal safety.

JOINT PROVISION AND DUAL USE

9.25 POLICY L16 (RENUMBERED L14)

Objector

546/1131	Essex County Council
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Key Issue

9.25.1 Whether policy L16 (renumbered L14) should include reference to joint use agreements, setting out arrangements for access, maintenance and charges.

Inspector's Conclusions

9.25.2 The matters referred to are of an administrative nature, and have no place in a local plan policy.

- 9.25.3 There are no recorded objections to the principle of policy L16 (L14), - which is unsurprising, given that its intentions are good. However, it is clearly a statement of intent, dealing with matters outside of planning control. Its intentions should thus be expressed in supporting text.

Recommendation

- 9.25.4 Policy L16 (renumbered L14) be deleted, and its intentions expressed in supporting text.

GOLF COURSES AND LARGE SCALE OPEN USES

9.26 POLICY L19 (RENUMBERED L17)

Objector

755/1793 Mr P J O'Reilly

Supporter

706/1633 Essex Wildlife Trust

Key Issue

- 9.26.1 Whether the policy should include reference to the possible provision of a racecourse.

Inspector's Conclusions

- 9.26.2 Policy L19 (L17) includes reference to *any other large scale open space use*, and thus provides adequate policy guidance in the unlikely event (100:1 against?) of sufficient land and financial backing being found to establish a racecourse in Harlow.

Recommendation

- 9.26.3 No modification be made in response to this objection.

BOWLING GREENS AND OTHER FORMAL LEISURE PROVISION

9.27 PARAGRAPH 9.20.1

Objectors

24/68 Pat Alderton
24/69 Pat Alderton

Key Issues

- 9.27.1 Whether the heading to section 9.20 should be amended to read *Bowling Greens and other Formal and Informal Leisure Provision*.
- 9.27.2 Whether para. 9.20.1 should be extended to state *that will enhance rather than restrict the use by local residents*.

Inspector's Conclusions

- 9.27.3 I can see no reason to amend the heading to section 9.20 as suggested as both text and policy (but see my recommendation below) are concerned exclusively with Ryehill Park. In my view it would be more appropriate for the section to be headed *Ryehill Park*.
- 9.27.4 Likewise I can see no reason to amend para. 9.20.1 as suggested. It may be that additional formal leisure uses, including bowling greens, are intended to serve the residents of Harlow as a whole. However, this is a matter for the Council to resolve, having regard to the town's recreational needs and local residents' views.

Recommendation

- 9.27.5 Section 9.20 be headed *Ryehill Park*, but no other modification be made in response to these objections.

9.28 POLICY L20 (RENUMBERED L18)

Objectors

24/70	Pat Alderton
516/965	Ron Bill
713/1684	K Smith
755/1794	Mr P J O'Reilly

Supporter

31/98	Simon Turner
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Key Issues

- 9.28.1 Whether Ryehill Park should be developed for formal recreation activities, including bowling greens, or used principally for informal recreational activities by local residents.
- 9.28.2 Whether the suggestion that bowling greens be provided at Ryehill Park accords with policy L4, given that the absence of public transport to the site.
- 9.28.3 Whether the Ryehill Park area could be developed as a racecourse.

Inspector's Conclusions

- 9.28.4 Local residents are concerned that facilities at Ryehill Park provided to serve the local community will be lost, or the area available for their use significantly reduced, by the provision of bowling greens intended to serve the town as a whole. However, it is possible that local residents' concern relates to the small park / play area east of Commonsides Road, between Maunds Hatch and the Chinese Community Centre. This contains a range of play equipment and is much flatter (and hence potentially better suited for bowls) than Ryehill Park itself. Ryehill Park extends between Ryehill Park Road and Sibneys Green, and contains a single football pitch and a semi-derelict net / basket ball court; the remainder being open and seriously underused. Nonetheless, I have some sympathy with the principle of residents' concern, particularly in view of the fact that Ryehill Park is not served by public transport, and that the proposed greens (assuming that they will be located within the Park) will thus attract additional vehicular traffic. However, the provision of bowling greens and facilities for other forms of formal recreation the by a local authority within a public park does not require planning permission, being incidental to the primary use of the park, and hence cannot be the subject of a local plan policy - although the Council would need to resolve to grant consent for the construction of an associated pavilion.
- 9.28.5 The fact remains that policy L20 (L18) is a statement of intent, and not a land use planning policy as such. Hence it should be deleted, and its intent included in para. 9.20.1. It may also be prudent to include comment to the effect that the introduction of additional facilities intended to maximise the use of the Park will need to have regard to local residents' needs and views.
- 9.28.6 I can see no possibility of developing any part of Ryehill Park for use as a racecourse. It may be physically possible to assemble sufficient land for a course by including land to the south, towards Rye Hill Common. However, this land lies beyond the District boundary and is within the MGB. And I have no doubt that a proposed racecourse would generate a great deal of local interest, most of it negative.

Recommendation

- 9.28.7 Policy L20 (renumbered L18) be deleted, and its intentions moved to supporting text.

10.0 CHAPTER 10 : NATURAL ENVIRONMENT AND NATURAL RESOURCES

OBJECTIVES

10.1 CONCEPT

Objectors

None

Supporters

557/1151	English Nature
706/1612	Essex Wildlife Trust

GREEN WEDGE

10.2 PARAGRAPHS 10.2.3 – 10.2.7

Objectors

1/1	Mr Dave Lambert
389/647	J Griffin
705/1578	HOOP
798/4722	Harlow Civic Society

Key Issues

- 10.2.1 Whether reference to the alteration of the Green Wedge boundary south of Harlow College (para. 10.2.3) should be omitted and the Green Wedge allocation reinstated.
- 10.2.2 Whether reference to *inappropriate development* (para. 10.2.7) should be amended to *all development*.

Inspector's Conclusions

- 10.2.3 I have earlier in my Report (section 9.9) touched upon the necessary alteration of the Green Wedge boundary south of Harlow College to accommodate the proposed 'Wet and Dry' Sport and Recreation Centre. There is no need for me to reiterate my comments, except to again note that it is necessary for the Plan to reflect consequential changes in land use arising from the Council's decisions and planning commitments.
- 10.2.4 Green Wedges contain a range of uses that are, in principle, compatible with their Green Wedge allocation. It would thus be unreasonable and unrealistic to seek to prevent all development

within Green Wedges, as development will of necessity be required to serve these uses. Green Wedge policy should, however, seek to ensure that development remains compatible with the principal allocation and use.

Recommendation

10.2.5 No modification be made in response to these objections.

10.3 POLICY NE1**Objectors**

5/32	John Gilligan
315/495	Mr R P Madell
467/772	G Marshall
468/773	G Knowles
470/775	T Gilligan
530/1027	CPREssex
703/1553	Railtrack PLC
704/4660	Harlow Rugby Union Football Club *
717/1700	Jade Gilligan
798/2022	Harlow Civic Society

Supporters

514/952	E M Wiltshire
530/1026	CPREssex
704/4661	Harlow Rugby Union Football Club *
706/1638	Essex Wildlife Trust
797/1970	Environment Agency

* Recorded as Bryant Homes

Key Issues

- 10.3.1 Whether policy NE1 should acknowledge that development by statutory undertakers may, from time-to-time, need to be located in sensitive areas.
- 10.3.2 Whether land between Hawthornes, Riddings Lane and the District boundary should be included within the Green Belt.
- 10.3.3 Whether all land within Green Wedges should be included within the Green Belt.
- 10.3.4 Whether development should be permitted within a Green Wedge if it would be out of sight.

- 10.3.5 Whether policy NE1 should recognise that facilities required to support approved recreational uses within a Green Wedge should be permitted.
- 10.3.6 Whether land at the rear of 5 Park Lane should be excluded from a Green Wedge.
- 10.3.7 Whether policy NE1 should be amended to prohibit all development within a Green Wedge.

Inspector's Conclusions

- 10.3.8 Part 17 of the Town and Country Planning (General Permitted Development) Order 1995 identifies an extensive range of developments that may be undertaken by statutory undertakers, including railway operators, without the need for planning permission. These exclusions cover the majority of developments required for day-to-day operational needs. However it is entirely appropriate for larger scale developments to be subject to full scrutiny, and for them to be considered in the context of relevant planning policies. The inclusion in policy of exceptions to NE1 thus cannot be justified.
- 10.3.9 Land between Hawthornes, Riddings Lane and the District boundary, comprising small paddocks, is allocated as Green Wedge in the approved Harlow Local Plan, 1995, and as such is protected as an area of open land on the edge of the town. I appreciate that there is little to distinguish the site from Metropolitan Green Belt land to the south. And I recognise that certain functions and roles of Green Belt and Green Wedge designations may overlap. However, Green Belts are recognised as being of national importance, an essential characteristic of which Belts is their permanence (PPG2 para. 2.1). Their boundaries should therefore be altered only in exceptional circumstances (PPG2 para. 2.6). I have earlier concluded that it would be inappropriate in principle to alter the Green Belt boundary at the present time to accommodate potential significant growth; it would thus likewise, in my view, be inappropriate to alter the boundary for less significant sites. Any alteration should form part of a comprehensive review in response to an overriding need. In contrast, Green Wedge allocations recognise the function of open land in its local context, especially in providing separation between neighbourhoods. Hence I am not persuaded that it would be appropriate to include land between Hawthornes, Riddings Lane and the District boundary within the Green Belt, or conversely, to include all land presently within Green Wedges in the Green Belt.
- 10.3.10 The purpose of Green Wedge policy is to maintain the continuity of open land and to protect it from inappropriate development in order to retain its open character. It matters not that development within a Wedge may be obscured from public view. Inappropriate development remains inappropriate wherever it may be and, if permitted, would rapidly undermine the purpose of Green Wedge policy. I also have no doubt that it would precipitate further

development that would rapidly undermine the integrity of the Green Wedge itself.

- 10.3.11 Policy NE1 permits small scale development that does not have an adverse effect on the roles of a Green Wedge. However, I appreciate that from time-to-time development that cannot be regarded as small scale may be required to support an approved or allocated use. In such circumstances it will be necessary for the Council to have regard to their advice in para. 1.3.4, namely that *the Local Plan must be read as a whole* and to consider the proposal in the context of relevant policies and the objectives, including the community's need for recreational facilities.
- 10.3.12 Land at the rear of no.5 Park Lane forms an intimate part of a wider Green Wedge. I understand that the site was formerly a quarry. However, that use has ceased and the site now forms part of a private garden. In my view the site has blended sufficiently into the local landscape such as to preclude its categorisation as previously developed land, as advised in Annex C to PPG3. Hence I can see no reason whatsoever to exclude it from the Green Wedge.
- 10.3.13 Finally, I have considered the suggestion that all development be prohibited within Green Wedges in response to an objection to para. 10.2.7 above.

Recommendation

- 10.3.14 No modification be made in response to these objections.
- 10.3.15 But to be picky, I suggest the opening paragraph be re-written to state:-

Green Wedges will be protected from inappropriate development. Permission will not be granted, except for small scale development proposals and the replacement of existing buildings which do not have an adverse effect on the roles of Green Wedges, which are identified below:

NEW GREEN WEDGES

10.4 SECTION 10.3

Objectors

None

Supporter

714/1686 K Mcgrath

10.5 POLICY NE2**Objectors**

530/1041	CPREssex
704/4662	Harlow Rugby Union Football Club *
1050/R4952	Harlow Rugby Union Football Club

* Recorded as Bryant Homes.

Supporters

530/1040	CPREssex
706/1647	Essex Wildlife Trust
706/R4897	Essex Wildlife Trust
798/R4932	Harlow Civic Society

Further Proposed Change

FPC030.37

Key Issues

- 10.5.1 Whether mention of recreational areas implies that playing fields are one of the primary and appropriate functions of a Green Wedge.
- 10.5.2 Whether Green Wedges should be included within the Green Belt.
- 10.5.3 Whether PC224 has introduced an inconsistency in respect of the allocation of Green Wedges not subject to new development.

Inspector's Conclusions

- 10.5.4 Policy NE2 is a curious animal. In the FDD NE2 stated that new Green Wedges would be identified to fulfil the roles set out in policy NE1, identified 4 categories of land use that would be considered for inclusion, and confirmed that once identified Green Wedge policy NE1 would apply. This attracted an objection from GO-East, who, with commendable logic, noted that *if additional green wedges are appropriate, then the Plan should identify them*. The Council replied by stating that *in future developments which are not yet known, new Green Wedges will be required to be created. They cannot be identified now as their locations are unknown*. And lent weight to their response by deleting *will be identified that* and substituting *will be required in new developments to* (PC224). GO-East was seemingly satisfied with this response, and withdrew their objection. However. In their evidence in response to objections by HRUFC (HDC/Ramgorse/1, para. 4.28) the Council acknowledge that two of the three proposed new Green Wedges are not related to new development, and suggest that in order to resolve this anomaly (which is also contained in para. 10.3.1) the words *will be required in new developments* be omitted. There is no suggestion that the

original text should be reinstated. And as a result policy NE2 will state:

New Green Wedges fulfil the role(s) set out in Policy NE1. In defining new Green Wedges the following land uses shall be considered for inclusion:

Followed by a list of 4 categories of land use and confirmation that once identified Green Wedge policy NE1 will apply.

- 10.5.5 The above chain of events effectively brings me back to the point raised by GO-East, namely, if additional green wedges are appropriate, then the Plan should identify them. A point of view that I fully endorse. Given the nature of allocation proposed, I can see no reason why it is not possible to identify and allocate all potential Green Wedge land in the current Plan, with reasoned justification for its allocation. Should further potential allocations emerge during the Plan period as a result of development, these can (and should) be allocated in a future review of the Plan. There are thus now strong grounds for deleting policy NE2, and for providing the reasons for identifying the additional Wedges identified in policy NE3 in supporting text. These reasons must, however, establish a strong link between the land uses identified in NE2 and the roles of Green Wedges outlined in NE1, and confirm that land identified for inclusion in a Green Wedge must fulfil several of the roles identified in NE1. I recommend accordingly
- 10.5.6 Turning to the issues raised by objectors. Recreational use is recognised as one of the primary functions of a Green Wedge. I have considered the suggestion that Green Wedges be included within the Green Belt in section 10.3 of my Report above. And my recommendation that policy NE2 be deleted removes the inconsistency created by PC224.

Recommendation

- 10.5.7 Policy NE2 be deleted, and its broad thrust moved to supporting text as reasoned justification for the allocation of additional Green Wedges identified in policy NE3.

10.6 POLICY NE3

Objectors

530/1051 CPREssex
704/4663 Harlow Rugby Union Football Club *

* Recorded as Bryant Homes

Supporters

530/1050	CPREssex
688/4653	New Hall Projects Ltd
705/1611	HOOP
706/1653	Essex Wildlife Trust
797/1991	Environment Agency

Key Issues

- 10.6.1 Whether Green Wedges should be included within the Green Belt.
- 10.6.2 Whether land at Ram Gorse should be allocated as a Green Wedge.

Inspector's Conclusions

- 10.6.3 I have considered the suggestion that Green Wedges be included within the Green Belt in section 10.3 of my Report above.
- 10.6.4 Likewise, I deal with objections to the proposed allocation of land at Ram Gorse as a Green Wedge in section 15.4 of my Report.

Recommendation

- 10.6.5 Refer to detailed recommendations in Chapter 15, section 15.4, of my Report, but otherwise no modification be made in response to these objections.

10.7 POLICY NE3/1 : NEW POND SPRING NATURAL HABITAT, AT NEW HALL

Objectors

None

Supporters

31/4334	Simon Turner
31/4696	Simon Turner
31/4708	Simon Turner
485/807	C Browne
486/820	Harlow Conservation Volunteers
490/833	A Lidster
499/912	Rex Amor
530/1052	CPREssex
766/1813	D Woolley

10.8 POLICY NE3/2 : LAND EAST OF ALLENDE/FIFTH AVENUE AND WEST OF BURNT MILL LANE

Objectors

None

Supporters

31/4335	Simon Turner
31/4697	Simon Turner
31/4709	Simon Turner
485/808	C Browne
486/821	Harlow Conservation Volunteers
490/834	A Lidster

10.9 POLICY NE3/3 : RAM GORSE PLAYING FIELDS

Objectors

37/138	Mr A Speller
108/279	Sarah French
109/280	Martin Mallia
110/281	John Stonehouse
111/282	Scott Thorne
112/283	Sandra Claridge
113/284	Diana Durack
114/285	Ian Bate
115/286	Scott Romaine
116/287	Tom Smith
117/288	Wayne Heapy
118/289	Kain Claridge
119/290	P Claridge
120/291	Paul Haniden
121/292	Rhys Thomas
122/293	Charlie Harris
123/294	Jamie Fricker
124/295	Darren Collette
125/296	Richard May
126/297	Danny Stonehouse
127/298	Martyn Odell
128/299	Sam Whatson
129/300	Craig Harron
130/301	Jake Kent-Pope
131/302	James Hayden
132/303	Lee Harron
133/304	Jason McLaughlin
134/305	Robert Clague
135/306	Allen Maddocks
136/307	Mr K Gladden
137/308	Mrs S Gladden

138/309	Rebecca Goodey
139/310	Charlie Kavanagh
140/311	Chris Locke
141/312	Mark Chatters
142/313	Richard Pyne
143/314	Kelly Cotterill
144/315	Peter Bishop
145/316	Simon Vanbeck
272/420	A F Snow
273/421	Daniel Keeble
274/422	Andrew Cappaert
275/423	M J Fleming
276/424	Alan Price
277/425	Mr I M Gallantree
279/434	Susanna Poole
280/435	W Higgins
282/437	Jonathan Sharp
283/438	Phil Goodchild
284/439	Drew Bell
285/440	Jonathan Snow
286/441	Mr A Minchin
287/442	De Montfort University
288/443	Essex County Rugby Football Union
290/449	Bernard Addicott
291/450	Darren Harrison
292/451	Rochford Hundred Rugby Football Club
293/452	Bernadine Goodey
294/455	Mark Logan
295/456	Andy White
296/457	Bancroft Rugby Football Club
297/458	Canvey Island RFC
298/459	Harlow Rugby Club
309/486	G L Johnson
350/582	Dr Henry Edwards
367/616	Stephen Smith
370/621	R E Bracewell
384/639	Julian Heath
393/657	P Eynon
394/658	Mark Sloan
421/710	S White
422/711	A Webb
423/712	C F Mcferran
424/713	S L Mcferran
425/714	J Mcferran
426/715	G C Mcferran
427/716	J Kerlake
429/720	Ivor Plummer
430/721	D Minchin
434/730	D Locke
435/731	C Lewis
436/732	John Wright
437/733	Richard Drage

438/734	R J James
439/735	Paul Prindiville
440/736	Wendy Ellis
441/737	Neil Almond
442/738	Nick Maloney
443/739	H Keeling
444/740	Christopher Brown
445/741	Carol Hester
446/742	A McClarnon
447/743	D Gordon
448/744	Mr Hester
449/4621	Mrs Hester
450/745	P Bondy
451/746	L Bondy
452/747	J Pendleton
453/748	John Barrett
454/749	A Bray
455/750	P Marder
474/785	D Sharp
475/786	L Mosley
487/824	Mr Clinton
488/825	Mrs Clinton
493/898	T Brooks
494/899	C Brooks
495/900	J Locke
559/1175	M Ryland
560/1176	C Pascoe
561/1177	E Pascoe
568/1212	R Guyton
571/1220	G Haines
693/1490	Harlow Rugby Union Football Club
712/1682	J Lovett
757/4664	Mrs H Minchin
758/1805	G J Minchin
759/1804	H Minchin
759/1806	H Minchin
760/1808	T Hills
761/1809	J Price
762/1810	R Ball
763/1811	A Ball
771/1834	J Guyton
772/1839	T Taylor
773/1844	M Gladden
774/1849	C Kavanaugh
775/1854	Lee Jessey
776/1859	Lee Smith
777/1864	Tony Hills
778/1869	Daniel Jones
779/1874	Chris Ellis
780/1879	Kevin Ellis
781/1884	Ross Barrs
782/1889	Seamus O'Brien

783/1894	Francis Browne
784/1899	Robert Cochrane
785/1904	Steve Bowgring
786/1909	Allen Maddocks
787/1914	Alan Durack
788/1919	Aaron Durack
789/1924	Kirsty Durack
790/1929	Rebecca Durack
1030/2170	D Oastler

Supporters

1/19	Mr Dave Lambert
19/52	Mr John Wilson
29/87	Mr Statham
30/91	Mrs Statham
31/102	Simon Turner
33/4634	J Foot
356/597	Mr BE Humphrey
357/599	V Humphrey
371/622	Michael Osbourne
389/652	J Griffin
473/784	S Foster
482/799	Gary Roberts
485/809	C Browne
486/822	Harlow Conservation Volunteers
489/829	Mr I Messenger
490/835	A Lidster
497/904	Mrs J M Humphrey
498/906	Mr J Humphrey
513/948	D S Weston
691/1485	P I Watts
702/1544	Margaret Smith
714/1687	K Mcgrath
715/1693	B Bostock
766/1814	D Woolley
798/2023	Harlow Civic Society
799/2071	Frank Jackson

Key Issue

10.9.1 Whether land at Ram Gorse should be allocated as a Green Wedge.

Inspector's Conclusions

10.9.2 I deal with objections to the proposed allocation of land at Ram Gorse as a Green Wedge in section 15.4 of my Report.

Recommendation

10.9.3 Refer to detailed recommendations in Chapter 15, section 15.4, of my Report.

METROPOLITAN GREEN BELT

10.10 PARAGRAPH 10.4.5

Objector

697/4656 Leach Homes

Key Issue

10.10.1 Whether Green Belt boundaries should be reviewed in anticipation of significant additional growth at Harlow.

Inspector's Conclusions

10.10.2 This objection is predicated on the assumption that I have recommended that the Plan period be extended to 2016 in order to provide for additional development at Harlow arising from the anticipated recommendations of emerging RPG14, and the consequential need to review Green Belt boundaries in order to accommodate that growth. However, I have earlier, in the Introduction to my Report, concluded that it would be legally incorrect to extend the Plan period beyond 2011 and procedurally inappropriate to allocate sites specifically in anticipation of emerging regional guidance. It thus follows that there is no reason to review Green Belt boundaries at this stage.

Recommendation

10.10.3 No modification be made in response to this objection.

10.11 POLICY NE4

Objectors

530/R4916 CPREssex
703/1556 Railtrack PLC

Supporter

530/1053 CPREssex

Key Issues

10.11.1 Whether text proposed to be deleted (PC230) should be reinstated.

10.11.2 Whether policy NE4 should acknowledge that development by statutory undertakers may, from time-to-time, need to be located within the Green Belt.

Inspector's Conclusions

- 10.11.3 The concluding paragraph in the FDD version of policy NE4 attracted an objection by GO-East on grounds that it was unnecessary, specifically that matters raised were already covered by the policy reference to preserving the openness of the Green Belt or by other policies. The Council heeded this representation, and now propose that the final paragraph be deleted (PC230).
- 10.11.4 I strongly favour policies that are 'clear concise and easily understood', and would not normally recommend the inclusion of text proposed to be deleted. Furthermore, GO-East are correct in noting that supporting text (not policy) advises that one of the main aims of the Green Belt is to keep land permanently open, and matters of design are dealt with in general terms by policy BE1. However, it seems to that, given the sensitivity of Green Belt policy implementation, NE4 would benefit by the reinstatement of the offending text, subject to minor grammatical amendments.
- 10.11.5 Turning to the second key issue, Part 17 of the Town and Country Planning (General Permitted Development) Order 1995 identifies an extensive range of developments that may be undertaken by statutory undertakers, including railway operators, without the need for planning permission. These exclusions cover the majority of developments required for day-to-day operational needs. However it is entirely appropriate for larger scale developments to be subject to full scrutiny, and for them to be considered in the context of relevant planning policies, including restrictive Green Belt policies. The inclusion in policy of exceptions to NE4 thus cannot be justified.
- 10.11.6 Finally, although not the subject of objection, I note that criterion 1 relates to *development required for agriculture and forestry*, and wonder how many applications the Council have received in the past and are likely to receive in the future for forestry worker's dwellings in the Green Belt.

Recommendation

- 10.11.7 Policy NE4 be modified by the inclusion of the following concluding text:-

Development permitted under this policy should preserve the openness of the Green Belt and should not conflict with any of the main purposes of including land within it.

Development that is permitted must be of a scale, design and siting such that the character and appearance of the countryside is not harmed.

- 10.11.8 PC230 be not adopted.

EXTENSIONS TO EXISTING DWELLINGS WITHIN THE GREEN BELT

10.12 POLICY NE5

Objectors

None

Supporter

530/1054 CPREssex

SPECIAL RESTRAINT AREAS

10.13 SECTION 10.6

Objector

697/4657 Leach Homes

Key Issue

10.13.1 Whether the SRA allocation at Eastend should be deleted, and land east of Churchgate Street allocated as a SRA in its place.

Inspector's Conclusions

10.13.2 I deal with objections concerning land east of Churchgate Street and land at Eastend, including reference to the latter's status as an SRA, in Chapter 15, sections 15.1 and 15.2 of my Report. My conclusions and recommendations concerning those objections should be read in conjunction with my recommendation regarding policy NE6 below.

Recommendation

10.13.3 Refer to detailed recommendations in Chapter 15, sections 15.1 and 15.2, of this Report, but no other modification be made in response to this objection.

10.14 PARAGRAPHS 10.6.2 AND 10.6.3

Objectors

514/949 E M Wiltshire
1044/R4860 Nortel Networks
1044/R4861 Nortel Networks

Key Issues

- 10.14.1 Whether land north of Gilden Way should be identified as Old Harlow's Agricultural Green Wedge.
- 10.14.2 Whether reference to the allocation of land north of Nortel Networks (PC231) should be deleted.

Inspector's Conclusions

- 10.14.3 I understand that Sir Frederick Gibberd's Master Plan spoke of land north of Gilden Way as Old Harlow's Agricultural Green Wedge. Unfortunately, whilst an attractive, if somewhat picturesque, description of the area, it is not entirely suitable for use as a land use allocation for the long-term control of development in a local plan.
- 10.14.4 I have considered objections concerning the allocation of land north or Nortel Networks in Chapter 7, sections 7.7 and 7.17, relating to policies ER2/1 and ER9 respectively, of my Report. My conclusions and recommendations concerning those objections should be read in conjunction with my recommendation regarding policy NE6 below.

Recommendation

- 10.14.5 Refer to detailed recommendations in Chapter 7, sections 7.7 and 7.17, of this Report, but no other modification be made in response to these objections.

10.15 POLICY NE6**Objectors**

316/4620	David Wilson Homes Ltd
428/4778	Sharon Gregory
522/4652	Hubbards Hall Estates
530/1056	CPREssex
688/R4864	New Hall Projects Ltd
701/R4824	Countryside Residential (North Thames) Ltd
710/1676	M J Collins
1031/2172	James Keir
1038/4744	SC Collins
1039/4815	Taylor Woodrow Dev Ltd
1040/4816	Westbury Homes Ltd
1044/R4844	Nortel Networks
1047/R4945	Bernard Mella

Supporter

530/1055	CPREssex
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Key Issues

- 10.15.1 Whether additional SRAs should be identified.
- 10.15.2 Whether land east of New Hall should be identified as an SRA.
- 10.15.3 Whether land north of Gilden Way should be excluded from the SRA and allocated for residential development.
- 10.15.4 Whether land north of Nortel Networks should be allocated as an SRA.

Inspector's Conclusions

- 10.15.5 I consider objections concerning the use of land north of Gilden Way in section 15.6 and land north of Nortel Networks in sections 7.7 and 7.17 of my Report. My conclusions and recommendations concerning those objections should be read in conjunction with my recommendation concerning policy NE6 below.
- 10.15.6 In my view, given the weight of objection to the allocation of specific sites as SRAs, it is essential that the purpose and principle of policy NE6 is initially subject to close scrutiny.
- 10.15.7 Supporting text confirms that the Plan identifies SRAs where land is protected until it is needed to meet future development needs, and notes that development of these sites may be required in the next Plan period following a review of the Structure Plan (although a review now seems unlikely), or as a result of the need to identify land for development arising from the conclusions of emerging RPG14, the role of Harlow as a focus for development in the LSCP growth corridor, or possibly the SERAS.
- 10.15.8 Supporting text further suggests that there are at present no exceptional circumstances sufficient to justify a review of Green Belt boundaries. I have earlier in the Introduction to this Report, concluded that it would be legally incorrect to extend the Plan period beyond 2011, and procedurally inappropriate to allocate sites specifically in anticipation of emerging regional guidance. I am also satisfied that sufficient land can be found to meet the RSP housing requirement for Harlow without the need to release Green Belt land. It thus follows that I concur with the Council's view that there is no reason to review Green Belt boundaries at this stage; a conclusion that, were it not to be overtaken by my conclusions below, effectively precludes the identification of land east of New Hall as an SRA.
- 10.15.9 The Plan continues by stating that it is intended that the SRAs at Gilden Way and Eastend will be safeguarded between the built-up area and Green Belt to meet longer-term development needs. The Plan as proposed to be changed (PC231) also refers to land north of Nortel Networks as being between the built-up area and Green Belt, although this is clearly not the case. However, the principle of it being retained to meet future development needs remains the same.

- 10.15.10 The role of SRAs in Harlow was established in the adopted Local Plan, 1995, in response to a requirement in the RSP and advice in PPG2, para. 2.12 of which suggested that *in preparing and reviewing their development plans authorities should address the possible need to provide safeguarded land, and that in order to ensure protection of Green Belt within [a] longer time-scale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer-term development needs.* PPG2 advice was published in January 1995, and while clearly relevant to the plan preparation process at that time, has been superseded by the plan, monitor and manage (pmm) process introduced nearly five years later by PPG12 in December 1999. The pmm process is carried forward as a key element of the LDF system set out in PPS12 (paras. 4.45–4.52) published in September 2004.
- 10.15.11 In my view, the SRAs were a creature of their time, purporting to confirm the permanence of Green Belt boundaries and providing longer-term guidance and assurance to developers at a time when local plan reviews (ie monitoring and management) were less frequent than envisaged under the pmm system, and significantly less frequent than envisaged in PPS12. They are also (and if retained will continue to be) a ‘hostage to fortune’, restricting the Council’s ability to review the Plan by effectively pre-determining the location of land to be released at the review stage, irrespective of any material change in local circumstances that may have occurred during the current Plan period. This could prove to be a serious constraint for the Council in view of the significant changes envisaged for Harlow as a result of emerging regional planning guidance.
- 10.15.12 I fully appreciate that SRAs have become an established part of the planning process in Harlow. However, in my view the time has now come to move forward and, as part of the RHLP preparation process, to look towards the more flexible and reactive pmm approach. I thus recommend that the proposed SRAs and supporting text be deleted. Replacement supporting text should explain the change in planning circumstances.
- 10.15.13 Finally I turn to the proposed SRAs in more detail. In sections 15.2 and 15.6 of my Report I recommend that no modification be made in response to objections concerning land at Eastend and north of Gilden Way. These recommendations, coupled with my recommendation that current SRA allocations (NE6/2 and NE6/1 respectively) be deleted, will leave these areas without allocation. However, I am confident that, pending a review of the Plan, reliance may be placed on the strength of other Plan policies to control development. Alternatively, the Council may chose to introduce a countryside protection policy if they perceive the need. In sections 7.7 and 7.17 I recommend that land north of Nortel Networks be reallocated for business use (Class B1) in place of the proposed SRA, NE6/3. Development within this area will thus be controlled by policies ER2 and ER9 as recommended to be modified.

Recommendation

10.15.14 Policy NE6 and supporting text be deleted. Replacement supporting text to explain the change in planning circumstances. Otherwise, no modification be made in response to these objections.

10.16 POLICY NE6/1 : LAND NORTH OF GILDEN WAY**Objectors**

485/810	C Browne
490/836	A Lidster
798/2024	Harlow Civic Society

Supporter

31/103	Simon Turner
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Key Issue

10.16.1 Whether land north of Gilden Way should be released for residential development.

Inspector's Conclusions

10.16.2 I have recommended above that policy NE6/1 be deleted.

10.16.3 I deal with objections concerning the suggested release of land north of Gilden Way for housing development in Chapter 15, section 15.6, of my Report.

Recommendation

10.16.4 No modification be made in response to these objections.

10.17 POLICY NE6/2 : LAND AT EASTEND**Objectors**

99/462	Mr J Fennell
300/465	Mr H Simmons
301/468	Mr S Denovan
302/471	Mr D Lawley
303/474	Mr B Quinn
304/477	Mr H Wilson
317/515	Ms M Simmons
485/811	C Browne
490/837	A Lidster
511/940	Stephen Denovan
520/989	Roydon Action Group & Roydon Parish Council

697/4658	Leach Homes
701/4659	Countryside Residential (North Thames) Ltd
798/2025	Harlow Civic Society
798/2026	Harlow Civic Society

Supporter

31/104	Simon Turner
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Key Issues

- 10.17.1 Whether the SRA allocation at Eastend should be deleted, and land east of Churchgate Street allocated as a SRA in its place.
- 10.17.2 Whether land at Eastend should be released for residential development.
- 10.17.3 Whether land at Eastend should be included within the Green Belt.

Inspector's Conclusions

- 10.17.4 I have recommended above that policy NE6/2 be deleted.
- 10.17.5 I deal with objections concerning land east of Churchgate Street and land at Eastend, including the suggestion that land be released for residential development and the latter's status as an SRA, in Chapter 15, sections 15.1 and 15.2 of my Report. My conclusions and recommendations concerning those objections should be read in conjunction with my recommendation that policies NE6 and BE25 be deleted.
- 10.17.6 I have concluded in section 10.15 and elsewhere that there is no reason to review Green Belt boundaries at the present time. Furthermore, I am not persuaded that land at Eastend fulfils any of the principal roles of Green Belt designation outlined in PPG2, and am thus not persuaded that its inclusion within the MGB can be justified.

Recommendation

- 10.17.7 No modification be made in response to these objections.

10.18 POLICY NE6/3 : LAND NORTH OF NORTEL NETWORKS**Objectors**

518/R4820	Town Park User Group
698/R4873	United Glass Ltd

Key Issues

- 10.18.1 Whether land north of Nortel Networks should be retained in recreational used
- 10.18.2 Whether the allocation of land north of Nortel Networks as a SRA should be deleted, and the site allocated for employment use.

Inspector's Conclusions

- 10.18.3 I have recommended above that policy NE6/3 be deleted.
- 10.18.4 I deal with objections concerning the suggested allocation of land north of Nortel Networks in sections 7.7 and 7.17 of my Report. My conclusions and recommendations concerning those objections should be read in conjunction with my recommendation that policy NE6 be deleted.

Recommendation

- 10.18.5 Refer to detailed recommendations in Chapter 7, sections 7.7 and 7.17, of this Report, but no other modification be made in response to these objections.

10.19 POLICY NE7

Objector

530/1058 CPREssex

Supporter

530/1057 CPREssex

Key Issue

- 10.19.1 Whether further SRAs should be established.

Inspector's Conclusions

- 10.19.2 Policy NE7 epitomises the fundamental flaw in SRA allocation, in that it confirms that development of an SRA will only take place following a review of the Plan. This gives the firm impression that development of these sites will take place as a matter of course in preference to any other site(s), without the benefit of a comparative analysis of possible alternative site(s) that may emerge during the current Plan period.
- 10.19.3 Given my recommendation that policy NE6 be deleted, it follows that I recommend that policy NE7 be deleted also.

Recommendation

10.19.4 Policy NE7 be deleted.

INTERNAL OPEN SPACES

10.20 POLICY NE8

Objector

706/1654 Essex Wildlife Trust

Supporter

530/1059 CPREssex

Key Issue

10.19.1 Whether policy for the protection of internal open spaces should have regard to nature conservation interests.

Inspector's Conclusions

10.19.2 The protection of habitats and other features of nature conservation interest is covered by policy NE19 (renumbered NE15), and thus need not be repeated in policy NE8.

Recommendation

10.19.3 No modification be made in response to this objection.

AGRICULTURAL LAND

10.20 POLICY NE9 (DELETED)

Objector

None

Supporter

530/1060 CPREssex

AGRICULTURAL HOUSING

10.21 POLICY NE10 (RENUMBERED NE9)

Objector

530/1028 CPREssex

Key Issue

10.21.1 Whether policy NE10 (renumbered NE9) should be worded in a negative form.

Inspector's Conclusions

10.21.2 It is suggested that policy NE10 (NE9) should be re-drafted in a negative form to accord with the presumption against development in policy NE4. However, the Government advises that, where possible, policies should be worded in the positive. NE10 (NE9) accords with that advice.

10.21.3 I note that, in common with NE4, NE10 (NE9) includes reference to housing for forestry workers. Supporting text confirms that the need for agricultural workers' dwellings in the MGB is very rare. Then the need for forestry workers' dwellings in the MGB in Harlow must be rarer than an objection free local plan.

Recommendation

10.21.4 No modification be made in response to this objection.

THE USE OF RURAL BUILDINGS

10.22 POLICY NE11 (RENUMBERED NE10)

Objectors

530/1029 CPREssex
706/1639 Essex Wildlife Trust
800/2132 GO-East
706/R4899 Essex Wildlife Trust
800/R5048 GO-East

Further Proposed Changes

FPC023
FPC030.39

Key Issues

10.22.1 Whether policy NE11 (renumbered NE10) reflects PPG7 advice.

- 10.22.2 Whether policy NE11 (NE10) should include reference to the need to protect protected species.
- 10.22.3 Whether the policy should be worded in a negative, criteria based, format.
- 10.22.4 Whether the policy should include provision for the impact of proposals on the rural highway network and its users, in particular walkers, cyclists and horse riders.

Inspector's Conclusions

- 10.22.5 Following objection, policy NE11 (NE10) has been re-written, but not entirely in accordance with advice in PPG7. However, given that there are no extensive rural areas or a significant number of rural buildings within the District, this is hardly surprising. In my view, and having regard to local circumstances, the policy adequately serves its purpose, and accords in principle with advice in PPG7, and its recent replacement PPS7.
- 10.22.6 I note that it is proposed that replacement criterion 3 be deleted (FPC023) on grounds that control over farm (and forestry!) workers dwellings is exercised by policy NE10(NE9). I raise no objection to this FPC.
- 10.22.7 Matters raised as issues by objectors concerning impact on the local highway network (there are very few rural roads in the District) and nature conservation are adequately dealt with by policies elsewhere in the Plan, and thus do not need to be referred to in NE11 (NE10).

Recommendation

- 10.22.8 Policy NE11 (renumbered NE10) be modified in accordance with PC240 and FPC023, but no other modification be made in response to these objections.

ACCESSIBLE NATURAL GREENSPACES**10.23 PARAGRAPH 10.11.1****Objector**

530/1016 CPREssex

Key Issue

- 10.23.1 Whether the paragraph requires clarification.

Inspector's Conclusions

10.23.2 PC241 resolves this objection.

Recommendation

10.23.3 Para. 10.11.1 be modified in accordance with PC241.

10.23.4 And I know it's picky but, given that *standards* is a plural noun, the verb 'to seek' should be expressed in the third person singular, ie *seek*. Sorry about that.

10.24 POLICY NE12 (RENUMBERED NE11)

Objector

797/1971 Environment Agency

Supporters

530/1030 CPREssex
557/1158 English Nature
706/1640 Essex Wildlife Trust

Further Proposed Change

PC030.38

Key Issues

10.24.1 Whether policy NE12 (renumbered NE11) should make mention of the need to provide for people with disabilities to gain access to greenspaces.

Inspector's Conclusions

10.24.2 I understand that the phrase *Accessible Natural Greenspace* is a technical term linked to English Nature's accessibility criteria, and is thus appropriate in this case. However, as the Council point out, para. 10.11.1 states that *everyone should have access to Accessible Natural Greenspace*. This clearly includes those with disabilities.

Recommendation

10.24.3 No modification be made in response to this objection.

COUNTRYSIDE MANAGEMENT

10.25 PARAGRAPH 10.12.1 AND POLICY NE13 (DELETED)

Objectors

705/1610	HOOP
800/2081	GO-East
800/4254	GO-East

Supporters

530/1031	CPREssex
536/1099	Essex County Council
706/1641	Essex Wildlife Trust
706/R4900	Essex Wildlife Trust
797/ 1972	Environment Agency

Key Issues

- 10.25.1 Whether policy NE13 should include specific reference to walking, cycling and riding.
- 10.25.2 Whether policy NE13 is a statement of intent.

Inspector's Conclusions

- 10.25.3 Policy NE13 is clearly a statement of intent. It is thus appropriate for it to be deleted (PC244), and its content moved to supporting text (PC243).
- 10.25.4 Given the wide range of potential countryside initiatives it would be unreasonable, and somewhat divisive, to specifically refer to a selected few.

Recommendation

- 10.25.5 Policy NE13 be deleted and supporting text modified in accordance with PCs 244 and 243 respectively, but no other modification be made in response to these objections.

LANES AND HEDGEROWS

10.26 PARAGRAPH 10.13.1 AND POLICY NE14 (DELETED)

Objectors

530/1017	CPREssex
706/R4901	Essex Wildlife Trust

Supporters

530/1032	CPREssex
557/1159	English Nature
706/1642	Essex Wildlife Trust
797/1973	Environment Agency

Key Issues

- 10.26.1 Whether para. 10.13.1 requires clarification.
- 10.26.2 Whether the opening sentence of policy NE14 should be reinstated as policy.

Inspector's Comments

- 10.26.3 PC 245 resolves the objection concerning para. 10.13.1.
- 10.26.4 Policy NE14 is clearly a statement of intent. It is thus appropriate for it to be deleted (PC247), and its content moved to supporting text (PC246). Hence it would be inappropriate to retain even part in the guise of a local plan policy.

Recommendation

- 10.26.5 Policy NE14 be deleted and supporting text modified in accordance with PCs 247 and 246 respectively, but no other modification be made in response to these objections.

TREES AND WOODLANDS**10.28 PARAGRAPHS 10.14.1 – 10.14.2 AND POLICY NE15 (DELETED)****Objectors**

289/448	Thames Water Property Services
706/R4902	Essex Wildlife Trust
800/2082	GO-East (recorded against para. 10.13.1)
800/2083	GO-East
800/2084	GO-East
1046/R4937	The Woodland Trust

Supporters

530/1033	CPREssex
557/1160	English Nature
706/1643	Essex Wildlife Trust
797/1975	Environment Agency

Further Proposed Change

FPC030.40

Key Issues

- 10.28.1 Whether policy NE15 deals with non land-use matters and is, in part, a statement of intent
- 10.28.2 Whether supporting text should include reference to problems caused by indiscriminate planting of trees and shrubs, especially to the local sewerage system.
- 10.28.3 Whether policy NE15 should be reinstated.

Inspector's Conclusions

- 10.28.4 Policy NE15 in the FDD was a curious mix, comprising matters the Council propose to take into account in making and exercising control under TPOs (criteria 1-3), statements of intent (criteria 4), and a smattering of development control advice (criteria 5-7). None of which follows logically from the opening paragraph. Following a clutch of objections (including several from GO-East who appear to be fixated by the policy and text!) the Council propose to delete the policy (PC251) and to move its content to supporting text (PCs 249 and 250). I raise no objection to these PCs in principle.
- 10.28.5 However. I am firmly of the view that the protection and planting of trees and hedgerows is a material consideration to be taken into account in the determination of planning applications. The Plan must therefore include policies detailing the Council's requirements regarding the protection and planting of trees and hedgerows. For clarity, I further recommend that sections 10.13 and 10.14 be combined.
- 10.28.6 The placement of trees and shrubs in new development so as to avoid drainage runs is a matter of detailed control. Elsewhere planting is not subject to control, and cannot therefore be subject to local plan control or advice.

Recommendation

- 10.28.7 Policy NE15 be deleted and supporting text modified in accordance with PCs 251 and 247 plus 246 respectively.
- 10.28.8 The Plan be modified by the inclusion of an additional policy to state-

In considering applications for development affecting trees or hedges the Council:

- 1. *may require a survey of the site and the trees and hedges concerned:*

2. *will oppose the loss of trees and hedgerows of amenity value and wildlife importance.*
3. *will serve Tree Preservation Orders to protect trees with public amenity value:*
4. *may impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction.*

10.28.9 Sections 10.13 and 10.14 be combined to form a single section.

LANDSCAPING

10.29 POLICY NE16 (RENUMBERED NE12)

Objector

706/R4903 Essex Wildlife Trust *

* Recorded against policy NE12 (renumbered NE11)

Supporters

530/1034 CPREssex
557/1161 English Nature
706/1644 Essex Wildlife Trust
797/1977 Environment Agency

Further Proposed Change

FPC030.42

Key Issue

10.29.1 Whether policy NE16 (renumbered NE12) should be applicable to all development proposals.

Inspector's Conclusions

10.29.2 The FDD version of policy NE16 (renumbered NE12) applied to all development proposals. However, following objection it is proposed that NE16 (NE12) be changed (PC254) to apply to *major development proposals*, on grounds that in its original form the policy was unduly onerous. In my view it would indeed be unduly onerous to require surveys and detailed landscape schemes for small development schemes, and thus agree the PC.

Recommendation

10.29.3 Policy NE16 (renumbered NE12) be modified in accordance with PC254.

WATER ENVIRONMENT

10.30 POLICY NE17 (RENUMBERED NE13)

Objectors

530/4777	CPREssex
1043/R4817	Steyning Ltd

Supporters

520/987	Roydon Action Group & Roydon Parish Council
530/1035	CPREssex
706/1645	Essex Wildlife Trust
797/1979	Environment Agency
706/R4906	Essex Wildlife Trust

Key Issues

10.30.1 Whether the policy should be expanded to include water related activities.

10.30.2 Whether the policy requires clarification.

Inspector's Conclusions

10.30.3 Policy NE17 (renumbered NE13) is concerned exclusively with the quality of the water environment. It would thus be inappropriate to expand it to include specific reference to development required to support recreational, educational or other water related activities, no matter how potentially attractive they may be. Other policies elsewhere in the Plan provide effective control over waterside development and water related activities, and the value of waterside and water based recreation is recognised in section 9.14 of the Plan.

10.30.4 The Council suggest that PC258 clarifies the policy. However, it seems to me that PC258 transforms a policy that was very cumbersome into one that is just cumbersome. It should be re-written in a clearer style.

Recommendation

10.30.5 Policy NE17 (renumbered NE13) be re-written to state:-

In considering applications for new development affecting the quality of the water environment the Council:

1. *will oppose any adverse effect on watercourses and their corridors, or on groundwater quality or levels;*
2. *will require the protection, maintenance and where possible enhancement of the River Stort, ponds, watercourses and water meadows;*
3. *may require the reinstatement and management of ponds;*
4. *may require the creation of new water areas, and the inclusion of schemes to enhance biodiversity.*

All management schemes, including funding, must be agreed with the Council.

LANDSCAPE CONSERVATION

10.31 POLICY NE18 (RENUMBERED NE14)

Objectors

530/1038	CPREssex
703/1554	Railtrack PLC
800/2137	GO-East

Supporters

530/1037	CPREssex
797/1982	Environment Agency

Key Issues

10.31.1 Whether policy NE18 (renumbered NE14) should acknowledge that development by statutory undertakers may, from time-to-time, need to be located within Special Landscape Areas.

10.31.2 Whether the policy requires clarification.

Inspector's Conclusions

10.31.3 As noted in response to earlier objections, Part 17 of the Town and Country Planning (General Permitted Development) Order 1995 identifies a range of developments that may be undertaken by statutory undertakers, including railway operators, without the need for planning permission. These exclusions cover the majority of developments required for day-to-day operational needs. However, in my view, it is entirely appropriate for larger scale developments to be subject to full scrutiny, and for them to be considered in the context of relevant planning policies, including those relating to

landscape protection. The inclusion in policy of exceptions to NE18 (NE14) thus cannot be justified.

- 10.31.4 The Council suggest that PC260 clarifies the policy. However, it seems to me that there is still confusion between Special Landscape Areas (SLAs) and Landscape Character Assessment Areas. I appreciate that the CC are presently assessing the landscape character of different areas of the countryside in order to identify those areas worthy of protection. Areas so identified are to supersede the existing SLAs. However, given that there appears to be no end date to the CC's protracted exercise, and that it is unlikely that there will be a significant change in those areas identified for protection in Harlow, NE18 (NE14) should continue to focus on the SLAs, with supporting text confirming that any change will be reflected in a future Review of the Plan.

Recommendation

- 10.31.5 Policy NE18 (renumbered NE14) be redrafted to state: -

Planning permission will not be granted for proposals that detract from the visual quality of Special Landscape Areas.

- 10.31.6 Supporting text be modified to confirm that any change in the name, status or extent of the Special Landscape Areas arising from the CC's landscape character assessment study will be reflected in a future Review of the Plan.

BIODIVERSITY AND NATURE CONSERVATION

10.32 POLICY NE19 (RENUMBERED NE15)

Objectors

530/1039	CPREssex
706/R4907	Essex Wildlife Trust

Supporters

520/988	Roydon Action Group & Roydon Parish Council
706/1646	Essex Wildlife Trust

Further Proposed Changes

FPC024
FOC030.41

Key Issues

- 10.32.1 Whether policy NE19 (renumbered NE15) will ensure proper integration of wildlife with new development.

10.32.2 Whether the policy requires clarification.

Inspector's Conclusions

10.32.3 The successful integration of wildlife into new development schemes is always going to be problematic. However, I am satisfied that the principles embodied in policy NE19 (NE15) and supporting text are a step in the right direction.

10.32.4 Changes are suggested to both policy and text (PCs 262 and 264 and FPC024) both in response to objections and for clarification. However, additional text in para. 10.18.2 makes little, if any, sense, and NE19 (NE15) is cumbersome and confused.

10.32.5 Finally, I am grateful for the clarification afforded by PC261 to para. 10.18.1, both with and without which I can fully appreciate the increasing concern their loss would cause.

Recommendation

10.32.6 The final two sentences of para. 10.18.2 be re-written to state: -

To assist biodiversity, the Council will encourage developers to set aside some 10% of major development sites in order to provide for an increase in wildlife habitats. Management schemes proposed by developers for these areas will need to be agreed with the Council before planning permission is granted.

10.32.7 Policy NE19 (renumbered NE15) be re-written to state: -

Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures.

All management schemes, including funding, must be agreed with the Council.

WILDLIFE SITES

10.33 POLICY NE20 (RENUMBERED NE16)

Objector

530/1043 CPREssex

Supporters

530/1042 CPREssex
706/1648 Essex Wildlife Trust
797/1985 Environment Agency
706/R4908 Essex Wildlife Trust
486/814 Harlow Conservation Volunteers
486/815 Harlow Conservation Volunteers

Further Proposed Change

FPC030.43

Key Issue

10.33.1 Whether policy NE20 (renumbered NE16) should be more forthright in its objectives and requirements.

Inspector's Conclusions

10.33.2 The Council respond to suggestion that policy NE20 (NE16) should be re-written by observing that the wording reflects Government guidance. Unfortunately (and unsurprisingly) Government guidance has been known to be both wordy and unclear. And policy NE20 (NE16) is a case in point. In my view NE20 (NE16) would indeed benefit from a more forthright style.

Recommendation

10.33.3 The text of policy NE20 (renumbered NE16) be re-written to state:-

Proposals for development within or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny.

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on an SSSI unless it can be demonstrated that the reason for the proposal clearly outweighs the nature conservation value of the site itself and the national policy to safeguard the national network of such sites.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the

site's nature conservation interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes, including funding, must be agreed with the Council.

The following SSSIs have been identified on the Proposals Map:

10.34 POLICY NE21 (RENUMBERED NE17)

Objectors

530/1045	CPREssex
703/1555	Railtrack PLC

Supporters

530/1044	CPREssex
706/1649	Essex Wildlife Trust
797/1987	Environment Agency
486/816	Harlow Conservation Volunteers
486/817	Harlow Conservation Volunteers
486/818	Harlow Conservation Volunteers

Key Issues

- 10.34.1 Whether policy NE21 (renumbered NE17) should acknowledge that development by statutory undertakers may, from time-to-time, need to be located within protected wildlife sites.
- 10.34.2 Whether the policy should be more forthright in its objectives and requirements.

Inspector's Conclusions

- 10.34.3 Objection concerning the possible need for statutory undertakers to locate development within wildlife sites is a repeat of similar objections to policy NE18 (NE14) and others above. There is no need for me to reiterate my conclusions which are unchanged.
- 10.34.4 Policy NE21 (NE17) provides protection for three Local Nature Reserves. It also contains a statement of intent. While not deeply flawed, the policy could usefully be re-written in a more forthright style, consistent with other nature conservation policies.

Recommendation

- 10.34.5 Policy NE21 (renumbered NE17) be re-written to state:-

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the

ecology of a Local Nature Reserve unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures

All management schemes must be agreed with the Council.

The following Local Nature Reserves have been identified on the Proposals Map:

- 10.34.6 The statement that the Council will encourage the appropriate management of these sites for their wildlife value be moved to supporting text.

10.35 POLICY NE22 (RENUMBERED NE18)

Objectors

530/1046	CPREssex
690/4654	GlaxoSmithKline

Supporters

486/819	Harlow Conservation Volunteers
706/1650	Essex Wildlife Trust
797/1988	Environment Agency

Key Issues

- 10.35.1 Whether it is appropriate for the former 3M Research Ltd, Coldharbour Road site, TI 429093, (ref: 22/30 (18/30)) to be identified as a Wildlife Site.
- 10.35.2 Whether policy NE22 (renumbered NE18) should be more forthright in its objectives and requirements.

Inspector's Conclusions

- 10.35.3 RHP Supporting Document 'Wildlife Sites' (CD20) notes that *the front lawn of this factory is a deceptively ordinary mown lawn, but contains Harlow's largest colony of Bee Orchids* including, I understand, the rare white form *Ophrys apifera* var *chlorantha*.
- 10.35.4 Although not submitted in evidence, I note that the renowned botanist W B Turrill, former Keeper of the Herbarium at the Royal Botanic Gardens, Kew, in his book *British Plant Life* (New Naturalist 1948), discussing adaptation and natural selection of plants,

comments: *We may include one particularly striking example of adaptation here. Some bee-orchids (Ophrys spp) have a lip the size, shape and colour of the abdomen of the female of a definite species of humble-bee [popularly known as the bumble bee]. Such flowers are visited by males of the respective species of humble-bee which, in a number of careful observations, have been found to simulate copulation with the orchid lip. Pollinia become attached to the head of the humble-bee and pollination results when they are deposited on the stigmatic surfaces of another flower. In the interest of maintaining the happy, if somewhat confused, life-style of Harlow's humble bee population, let alone for its ecological rarity, I consider the 3M Research Ltd site to be worthy of identification as a Wildlife Site.*

- 10.35.5 Policy NE22 (NE18) seeks to protect a range of Wildlife Sites. However, the inclusion of *other sites of importance for wildlife and other natural features for example tree belts, rivers, woodlands, grasslands, reservoirs, ponds and hedgerows* implies that protection will extend far beyond identified sites, rendering the policy imprecise and unduly onerous. The policy should focus on those sites that have been surveyed and properly identified. Like NE21 (NE17) and others before it, NE22 (NE18) also contains a statement of intent. The policy could usefully be re-written in a more forthright style, consistent with other nature conservation policies.

Recommendation

- 10.35.6 Policy NE22 (renumbered NE18) be re-written to state: -

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Wildlife Site unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes must be agreed with the Council.

The following Wildlife Sites have been identified on the Proposals Map:

- 10.35.7 The statement that the Council will encourage the appropriate management of these sites for their wildlife value be moved to supporting text.

PROTECTED WILDLIFE VERGES

10.35 POLICY NE23 (RENUMBERED NE19)

Objector

530/1047 CPREssex

Supporters

706/1651 Essex Wildlife Trust
797/1989 Environment Agency
706/R4909 Essex Wildlife Trust

Key Issue

10.36.1 Whether policy NE23 (renumbered NE19) should be more forthright in its objectives and requirements.

Inspector's Conclusions

10.36.2 Following objection, policy NE23 (NE19) is to be changed by the deletion of statements of intent (PC274). However, it seems to me that the residual policy could be re-written in a more forthright style, consistent with other nature conservation policies.

Recommendation

10.36.3 Policy NE23 (renumbered NE19) be re-written to state:-

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Protected Wildlife Verge unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the verge.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes must be agreed with the Council.

The following Protected Wildlife Verges have been identified on the Proposals Map:

PROTECTED RARE SPECIES

10.37 POLICY NE24 (RENUMBERED NE20)

Objector

530/1049 CPREssex

Supporters

530/1048 CPREssex
557/1166 English Nature
706/1652 Essex Wildlife Trust
706/R4910 Essex Wildlife Trust

Key Issues

10.37.1 Whether policy NE24 (renumbered NE20) should be more forthright in its objectives and requirements.

Inspector's Conclusions

10.37.2 Policy NE24 (NE20) provides comprehensive protection of protected and rare species. However, again I feel that it could be usefully re-written in a more forthright style, consistent with other nature conservation policies. Comments concerning the need to obtain a licence from DEFRA for development which may compromise the protection of European protected species should be moved to supporting text.

Recommendation

10.37.3 Policy NE24 (renumbered NE20) be re-written to state: -

Applications for planning permission for new development that is likely to affect protected or other rare (UK and Essex BAP) specie(s) must be accompanied by a fully informed survey, carried out at an appropriate time of the year, detailing the development's impact on the protected or rare specie(s)

Planning permission will not be granted for development or changes in land use which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 (as amended), the Habitats Regulations 1994 (as amended) and other rare (UK and Essex BAP) specie(s) unless it can be demonstrated that the reason for the proposal outweighs the need to safeguard the specie(s).

If granted, planning permissions may be subject to conditions, obligations or management agreements to: -

1. *facilitate the survival of individual members of the species;*
2. *reduce disturbance to a minimum;*
3. *provide adequate alternative habitats to sustain at least the current levels of population;*
4. *provide a commuted sum towards securing the long-term management of the site*

All management schemes must be agreed with the Council.

- 10.37.4 Comments concerning the need to obtain a licence from DEFRA for development which may compromise the protection of European protected species, eg bats, great crested newts and otters, should be included in supporting text.

11.0 CHAPTER 11 : BUILT ENVIRONMENT

OBJECTIVES

11.1 SECTION 11.1

Objectors

None

Supporter

799/2041 Frank Jackson

URBAN DESIGN IN THE BUILT ENVIRONMENT

11.2 SECTION 11.3

Objector

798/2008 Harlow Civic Society

Key Issue

11.2.1 Whether the Plan will assist in achieving design 'of the highest quality'

Inspector's Conclusions

11.2.2 Once beyond the established rules of architectural composition, 'good design' becomes a subjective, and at time contentious, issue. Nonetheless, the Plan properly strives to ensure that good standards of design are achieved by requiring development to accord with the provisions of adopted design standards. It is to be hoped that this will not stifle innovative design. But whichever design approach is adopted, it can be predicted with absolute certainty that not everyone will be pleased with the result.

Recommendation

11.2.3 No modification be made in response to this objection.

ACHIEVING A SENSE OF CHARACTER AND IDENTITY

11.3 SECTION 11.4

Objector

800/2085 GO-East

Further Proposed Change

FPC030.44

Key Issue

11.3.1 Whether supporting text should advise that SPG has been produced to assist applicants.

Inspector's Conclusions

11.3.2 PC282 resolves this objection.

Recommendation

11.3.3 Para. 11.4.1 be modified in accordance with PC282.

11.4 POLICY BE1

Objector

533/1067 Essex County Council

Key Issue

11.4.1 Whether policy BE1 should include reference to achieving higher densities in appropriate locations.

Inspector's Conclusions

11.4.2 The objector cites PPG3 advice in support of their submission. However, PPG3 advice relates to housing and specifically the need for higher residential densities, whereas policy BE1 relates to all forms of development. The need for new residential development to be built at higher densities is covered by policy H3 (as recommended to be modified). It would thus be both inappropriate and unnecessary to include further comment in BE1.

Recommendation

11.4.3 No modification be made in response to this objection.

PROVIDING A HIGH QUALITY, LEGIBLE AND SUCCESSFUL PUBLIC REALM

11.5 POLICY BE2

Inspector's Comment

- 11.5.1 Policy BE2 has no outstanding objections. But I would suggest that it be reviewed.
- 11.5.2 Firstly. It is unreasonable to suggest that *all* planning permissions will be granted provided *all* of the criteria are met, as clearly several will be irrelevant to many (the majority?) of applications for development.
- 11.5.3 Secondly. It is unclear from both the policy and supporting text as to whether BE2 relates to proposals for a single building or development embracing several buildings, public open space(s), private open space(s), roads, footpaths, cycleways and the like. Whichever, it fails to provide anything other than a collection of supposed criteria, most of which are written as a mix of fact and intent.
- 11.5.4 Finally. I suggest that the objective of the policy be identified; single building or more extensive development proposals. If you wish to cover both, you probably need two policies. And then state your requirements in practicable, uncompromising, and realistic terms, using criteria that clearly identify your requirements.

SUSTAINABLE DEVELOPMENT BY DESIGN

11.6 PARAGRAPH 11.6.2

Objector

533/ 1065 Essex County Council

Further Proposed Change

FPC030.47

Key Issue

- 11.6.1 Whether it is reasonable to expect all buildings to be capable of adaptation to another use.

Inspector's Conclusions

- 11.6.2 I have earlier, in response to objections to policy SD9 (renumbered SD8), commented that I consider the requirement to show that buildings are capable of being used for other purposes to be excessive. PCs 288 and 290 seek to ameliorate the position by

recognising that some uses require specially designed buildings and are thus incapable of adaptation. However, I am not persuaded that the introduction of exemption caveats resolves the fundamental issue as to whether adaptability for another use can form a legitimate means of development control. I return to this issue in response to objections to policy BE3 below.

- 11.6.3 Meantime, I recognise that it is desirable in principle for buildings to be capable being put to an alternative use, with the proviso that the alternative use would also be acceptable in locational terms. Para. 11.6.2 should thus be modified to recognise the need for flexibility in design, and to establish a link with the DETR publication By Design : Urban Design in the Planning System, which promotes simple robust building forms.

Recommendation

- 11.6.4 Para. 11.6.2 (or para. 11.6.1) be modified to recognise the need for flexibility in design, and to establish a link with the DETR publication By Design : Urban Design in the Planning System.

11.7 POLICY BE3

Objectors

533/1068	Essex County Council
800/2095	GO-East
800/R5077	GO-East

Further Proposed Change

FPC030.46

Key Issues

- 11.7.1 Whether the policy is needless.
- 11.7.2 Whether the policy should apply to all new developments.

Inspector's Conclusions

- 11.7.3 As noted in section 11.6 above, the fundamental issue in considering objections to policy BE3 is whether the adaptability of a building for another use can form a legitimate means of development control. And I am not persuaded that it can. Thus, while it is appropriate for the Plan to include text extolling the virtues of adaptability, it would be inappropriate to include a policy requirement to that effect.
- 11.7.4 A fundamental test of any policy is: - could an application for planning permission be refused solely on grounds that it conflicted with that policy. If not, then the policy has no place in a local plan. In my

view it would be wholly unreasonable to refuse planning permission on grounds that a building was incapable of adaptation to another use, especially given that it is a legal requirement that all applications must be considered on their own merits. And if it were to be argued that permission would not be refused because the building(s) would be exempt by reason of the caveats introduced by PCs 288, 290 and 291, then the policy is needless, and serves no useful purpose.

Recommendation

11.7.5 Policy BE3 be deleted.

11.8 POLICY BE4

Objectors

800/2096	GO-East
800/R5061	GO-East

Further Proposed Change

FPC026

Key Issue

11.8.1 Whether *higher density* should be clarified.

Inspector's Conclusions

11.8.2 FPC026 resolves this objection. Almost.

11.8.3 The opening paragraph of the suggested modified text should be amended to make sense and to take account of possible site clearance.

Recommendation

11.8.4 Policy BE4 be modified in accordance with FPC026, subject to the further modification of the opening paragraph to state:-

Proposals for development on previously developed land at a density higher than that existing (or previously existing), in terms of additional number of units and/or increase in floor space, will be granted planning permission provided that:-

CRIME PREVENTION AND PERSONAL SAFETY

11.9 PARAGRAPH 11.8.1

Objector

533/1066 Essex County Council

Key Issue

11.9.1 Whether seeking security by means of design is an appropriate process.

Inspector's Conclusions

11.9.2 I can see no reason to question the principle that personal safety and community security can be enhanced by the design, layout and landscaping of buildings and places. Achieving security by design is thus a legitimate and appropriate part of the planning process.

Recommendation

11.9.3 No modification be made in response to this objection.

LISTED BUILDINGS

11.10 POLICY BE7

Objectors

492/881 Harlow Area Access Group
703/1547 Railtrack PLC
767/1821 English Heritage

Supporter

23/65 ECC

Further Proposed Change

FPC030.48

Key Issues

11.10.1 Whether policy BE7 would disadvantage persons with mobility difficulties by prohibiting change to listed buildings.

11.10.2 Whether policy BE7 should acknowledge that, in exceptional circumstances, development that adversely affects a listed building may be appropriate.

- 11.10.3 Whether advice on the demolition of listed buildings should be presented separately.

Inspector's Conclusions

- 11.10.4 Para. 3.3 of PPG15 confirms that *there should be a general presumption in favour of the preservation of listed buildings...* Policy BE7 reflects that presumption, whilst allowing for alterations and extensions to listed buildings provided certain strict criteria are met.
- 11.10.5 I appreciate that there can often be a serious conflict of interest between the presumption in favour of preserving the character of a listed building and the need to provide access for persons with mobility difficulties. However, in my view it would be inappropriate to amend BE7 in order to particularise or otherwise exempt work required to improve access to and / or within listed buildings. Rather, such proposals should be considered on their merits, having regard to the need for the works and their impact on the listed building concerned.
- 11.10.6 It is possible that, in exceptional circumstances, development that adversely affects a listed building may be regarded as acceptable, possibly on grounds that there is no alternative location for the proposal and that the development has wider benefits that outweigh the impact on the listed building. However, given the exceptional nature of the circumstances that would lead to a decision of this nature, it would be inappropriate to make policy provision for the event.
- 11.10.7 The Council propose that advice on the demolition of listed buildings should be included in a separate policy, PC300. However, whilst not wishing to be unduly picky, it seems to me that the policy could be expressed more clearly and simply.

Recommendation

- 11.10.8 Policy BE7 be modified in accordance with PC300 to form new policy BE8, re-drafted to state: -

Planning permission for development that would necessitate the demolition of a listed building, or buildings, or compromise its / their character or setting, will not be granted.

No other modification be made in response to these objections.

11.11 POLICY BE8 (RENUMBERED BE9)

Objectors

767/1822 English Heritage
767/1823 English Heritage

767/R4972 English Heritage
799/2060 Frank Jackson

Supporter

23/66 ECC

Key Issues

- 11.11.1 Whether policy BE8 (renumbered BE9) should refer to English Heritage's guidance 'Enabling Development and the Conservation of Heritage Assets'.
- 11.11.2 Whether the policy should include reference to the general presumption in favour of retaining listed buildings, and the criteria contained in PPG15 against which applications will be considered.
- 11.11.3 Whether reference in the final sentence to policy BE8 should be to policy BE7.

Inspector's Conclusions

- 11.11.4 It would be inappropriate to expand policy BE8 (BE9) to include reference to English Heritage's publication Enabling Development and the Conservation of Heritage Assets, as this would elevate its contents - not all of which may be relevant to the situation in Harlow, may not necessarily be fully agreed by the DC, and non of which has been the subject of local public consultation - to the status of policy. As a point of principle, reference to any non-DC / CC publication is best made in supporting text.
- 11.11.5 Likewise, it would be inappropriate to repeat sections of PPG advice in this, or indeed any other, policy. Para. 3.3 of PPG12 discourages LPAs from repeating large sections of national planning guidance in local plans; this advice is carried forward in para. 2.30 of PPS12.
- 11.11.6 Finally, PC302 identifies the correct policy in the final sentence of BE8 (BE9).

Recommendation

- 11.11.7 Policy BE8 (renumbered BE9) be modified in accordance with PC302, but no other modification be made in response to these objections.

CONSERVATION AREAS**11.12 POLICY BE9 (RENUMBERED BE10)****Objector**

798/2011 Harlow Civic Society

Supporter

23/67 ECC

Key Issue

11.12.1 Whether The Stow neighbourhood centre should be designated as a Conservation Area.

Inspector's Conclusions

11.12.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on LPAs to *determine which parts of their area are areas of special character or historic interest the character or appearance of which it is desirable to preserve or enhance* and to *designate those areas as conservation areas*. This duty is separate from, and thus falls outside of, the local plan preparation process. It would thus be inappropriate to identify any additional area, no matter how worthy, as a potential conservation area in a local plan.

11.12.3 Policy BE9 (BE10) is a list of designated conservation areas, identifying those areas within which conservation area policies will apply. However, it is clearly not a land use planning policy in its own right, and should thus be deleted. A list of designated areas should be included in supporting text, and the areas shown on the Proposals Map.

11.12.4 As an aside, an inherent danger of non-land use `list policies' such as this, is that if, for example, an additional conservation area were to be designated during the Plan period, it could be argued that the omission of that area from the identifying `policy' precludes conservation area policies from applying within that area until the Plan was reviewed and list updated. The inclusion of the relevant list in supporting text, together with a note remarking that it may be subject to change, avoids this potential pitfall.

Recommendation

11.12.5 Policy BE9 (renumbered BE10) be deleted and its contents moved to supporting text.

11.13 POLICY BE10 (RENUMBERED BE11)

Objectors

703/1545 Railtrack PLC
767/1816 English Heritage
767/1817 English Heritage

Supporter

23/61 ECC

Key Issues

- 11.13.1 Whether policy BE10 (renumbered BE11) should acknowledge that, in exceptional circumstances, development that adversely affects a conservation area may be appropriate.
- 11.13.2 Whether the policy should include a more general commitment to the preservation or enhancement of conservation areas.
- 11.13.3 Whether the policy should be expanded to require a contract securing redevelopment to be signed before demolition is allowed to proceed.

Inspector's Conclusions

- 11.13.4 It is possible that, in exceptional circumstances, development that adversely affects a conservation area may be regarded as acceptable, possibly on grounds that there is no alternative location for the proposal and that the development has wider benefits that outweigh the impact on the area. However, given the exceptional nature of the circumstances that would lead to a decision of this nature, it would be inappropriate to make policy provision for the event.
- 11.13.5 A general commitment to the preservation or enhancement of conservation areas lies at the heart of advice in PPG15. As an integral part of national planning guidance, it does not need to be reiterated in local plan policy.
- 11.13.6 Para. 4.29 of PPG15 advises that it will often be appropriate when granting consent for the demolition of a building within a conservation area to impose a condition requiring a contract for the carrying out of works of redevelopment to be in place prior to demolition taking place. This advice likewise forms part of national policy for the control of development within conservation areas, and thus does not need to be repeated in local plan policy.

Recommendation

- 11.13.7 No modification be made in response to these objections.

11.14 POLICY BE11 (RENUMBERED BE12)**Objectors**

703/1546 Railtrack PLC
800/2090 GO-East

Supporter

23/62 ECC

Further Proposed Changes

FPC030.48
FPC030.49

Key Issues

11.14.1 Whether policy BE11 (renumbered BE12) should acknowledge that, in exceptional circumstances, development that adversely affects a conservation area may be appropriate.

11.14.2 Whether criteria 2 and 3 are superfluous.

Inspector's Conclusions

11.14.3 The objection by Railtrack PLC is a repeat of that made to policy BE10 (BE11). There is no need for me to reiterate my conclusions, which remain unchanged.

11.14.4 A purist could argued that criteria 2 and 3 are superfluous, given that development that conflicts with the requirements of either criterion would, by its very nature, be harmful to the character or appearance of a conservation area. However, in my view criteria 2 and 3 provide a useful guide to those matters to be considered by the LPA in their determination of applications for development within a conservation area. They should therefore be retained.

Recommendation

11.14.5 No modification be made in response to these objections.

11.15 POLICY BE12 (RENUMBERED BE13)

Objector

767/R4973 English Heritage *
800/2091 GO-East

* Recorded against policy BE13.

Supporter

23/63 ECC

Key Issues

- 11.15.1 Whether the advice in the final sentence that *Works carried out by statutory undertakers must not be detrimental to the special character or appearance of the conservation area* could usefully be retained.
- 11.15.2 Whether policy BE12 (renumbered BE13) relates to matters beyond the control of the Plan.

Inspector's Conclusions

- 11.15.3 The Council concede (and I agree) that advice in the final sentence of policy BE12 (BE13) relates to matters beyond their control, and therefore propose that it be deleted (PC312). The submission that this advice be retained thus cannot be supported. However, that which remains is clearly a statement of intent and (to say again) does not form a land use planning policy as such. Policy BE12 (BE13) should therefore be deleted.

Recommendation

- 11.15.4 Policy BE12 (renumbered BE13) be deleted.

11.16 POLICY BE13 (DELETED)

Objectors

None

Supporter

23/64 ECC

HISTORIC PARKS AND GARDENS

11.17 POLICY BE14

Objectors

530/1018 CPREssex
767/1818 English Heritage

Supporter

767/R4974 English Heritage

Key Issue

- 11.17.1 Whether policy BE14 should be strengthened.

Inspector's Conclusions

11.17.2 PC315 resolves these objections.

Recommendation

11.17.3 Policy BE14 be modified in accordance with PC315.

ARCHAEOLOGY

11.18 POLICY BE16

Objector

767/1819 English Heritage

Key Issue

11.18.1 Whether policy BE16 should be strengthened.

Inspector's Conclusions

11.18.2 Policy BE16 relates to architectural sites and remains of 'lesser importance', ie sites of local, rather than national, significance. Development proposals affecting these sites will need to be considered in the context of the relative importance of the archaeological remains, the need for the development, and whether preservation in situ or 'preservation by record' was possible and / or appropriate. However, any further strengthening of the policy would go beyond PPG16 advice for sites of this nature, and thus cannot be condoned.

11.18.3 Finally, although not the subject of specific objection, it seems to me that BE16 could usefully be re-written in a more readable form

Recommendation

11.18.4 Policy BE16 be re-written to state:-

The desire to preserve the remains and setting of a site with archaeological remains of lesser importance will be material consideration when considering development proposals affecting the site. This desire will be balanced against the importance of the remains; the need for the development; the possibility of preservation in situ; and / or the appropriateness of an archaeological excavation for 'preservation by record'.

11.18.5 No other modification be made in response to this objection.

11.19 POLICY BE17

Objector

767/1820 English Heritage

Supporter

767/R4975 English Heritage

Key Issues

11.19.1 Whether policy BE17 should confirm that development proposals affecting a site of known, or possible, archaeological interest will only be determined after an archaeological field evaluation has been undertaken.

Inspector's Conclusions

11.19.2 PC318 resolves this objection.

11.19.3 However. Given that grammatically it is not possible to '*determine' 'development that is proposed'*, it seems to me that policy BE17 could usefully be re-written in a more readable form.

Recommendation

11.19.4 Policy BE17 be re-written to state:-

Development proposals that affect a site where archaeological remains may exist will only be determined after an archaeological field evaluation has been undertaken.

11.19.5 No other modification be made in response to this objection.

LIGHT POLLUTION

11.20 PARAGRAPH 11.14.1

Objectors

None

Supporter

706/R4911 Essex Wildlife Trust

11.21 POLICY BE19

Objectors

None

Supporters

516/960 Ron Bill
706/R4912 Essex Wildlife Trust *

* Not recorded in the Schedule of Responses to the Second Deposit

AIR POLLUTION

11.22 POLICY BE21

Objectors

None

Supporter

706/1619 Essex Wildlife Trust

Further Proposed Changes

FPC030.45
FPC030.50

ENVIRONMENTAL IMPROVEMENTS

11.23 POLICY BE22

Objectors

None

Supporter

566/1201 English Partnerships

Inspector's Comment

11.23.1 There are no outstanding objections to policy BE22. However, the opening sentence is clearly a statement of intent, while the remainder shares the same flaws as policy BE9 (renumbered BE10), namely it is a list and not a land-use planning policy in its own right. A list of those areas identified as Areas of Opportunity for Regeneration

should be included in supporting text, and the areas shown on the Proposals Map.

- 11.23.2 I thus suggest that policy BE22 be deleted, and its contents moved to supporting text.

NEW HALL PLAN

11.24 POLICY BE24

Objectors

None

Supporters

530/1019 CPREssex
546/1127 Essex County Council

EASTEND

11.25 PARAGRAPH 11.20.2

Objector

701/R4827 Countryside Residential (North Thames) Ltd

Further Proposed Change

FPC030.52

Key Issue

- 11.25.1 Whether para. 11.20.2 as proposed to be changed should be further amended by the re-introduction of 'if' in place of 'when'.

Inspector's Conclusions

- 11.25.2 I have earlier, in sections 10.15 and 10.17 of my Report, considered objections to policies NE6 and NE6/2 concerning SRAs in principle and the allocation of land at Eastend as a SRA in particular, and there recommend that policy NE6 and its component parts be deleted. I also consider this and other objections relating to land at Eastend in section 15.2 of my Report, and there conclude that Eastend should not be allocated for residential development, and recommend that given the location, character and planning history of the area, it would be preferable to leave Eastend without allocation, and to rely on the strength of other proven Plan policies to control development.

11.25.3 These recommendations combined render section 11.20 and policy BE25 redundant. And I thus recommend that they be deleted. If, however, the Council feel the need to include a policy and text concerning land at Eastend, it should reflect my conclusions in section 15.2. But given the limited opportunities for development, and the extent of control exercised by other policies in the Plan, I can see little point.

Recommendation

11.25.4 No modification be made in response to this objection. Para. 11.20.2, together with para. 11.20.1 and policy BE25, be deleted.

11.24 POLICY BE25

Objectors

299/460	Mr J Fennell
300/463	Mr H Simmons
301/466	Mr S Denovan
302/469	Mr D Lawley
303/472	Mr B Quimnn
304/475	Mr H Wilson
317/513	Ms M Simmons
511/939	Stephen Denovan
688/4700	New Hall Projects Ltd
701/4666	Countryside Residential (North Thames) Ltd
800/4735	GO-East

Key Issues

- 11.24.1 Whether land at Eastend should be allocated for residential development.
- 11.24.2 Whether the density restriction of 8 dph is reasonable and can be justified.
- 11.24.3 Whether policy BE25 conflicts with policy NE6 with regard to the delivery of housing development

Inspector's Conclusions

11.24.4 As noted above in response to an objection to para. 11.20.2, I have earlier considered objections to policies NE6 and NE6/2 concerning SRAs in principle and the allocation of land at Eastend as a SRA in particular, and there recommend that policy NE6 and its component parts be deleted. I consider objections concerning the suggested allocation of land at Eastend for residential development, including comment on objections concerning the suggested density of 8 dph, in section 15.2 of my Report, and there conclude that Eastend should not be allocated for residential development. I further conclude, and

recommend, that given the location, character and planning history of the area, it would be preferable to leave Eastend without allocation, and to rely on the strength of other proven Plan policies to control development.

- 11.24.5 These recommendations combined render section 11.20 and policy BE25 redundant. And I thus recommend that they be deleted. If, however, as suggested above, the Council feel the need to include a policy and text concerning land at Eastend, it should reflect my conclusions in section 15.2. But again I would comment that, given the limited opportunities for development within Eastend, and the extent of control exercised by other policies in the Plan, I can see little point.

Recommendation

- 11.24.6 No modification be made in response to these objections. Policy BE25 and supporting text be deleted.

12.0 CHAPTER 12 : REGENERATING THE TOWN CENTRE AND SHOPPING

THE SEQUENTIAL APPROACH

12.1 POLICY RTCS1

Objectors

528/4350	Somerfield Stores Ltd
567/4368	B & Q PLC
698/4673	United Glass Ltd
699/4676	V and P Midlands Ltd
800/R2145	GO-East
1045/R4887	Molyneux Harlow Ltd

Supporters

682/R4892	Wm Morrison Supermarkets PLC
696/4374	Sapphire Retail Fund

Key Issues

- 12.1.1 Whether policy RTCS1 duplicates or reflects PPG6 guidance.
- 12.1.2 Whether policy RTCS1 and the Proposals Map should define the town centre in a manner that more accurately reflects PPG6 guidance.
- 12.1.3 Whether policy RTCS1 should be expanded to include reference to potential retail development on sites adjacent to existing out of centre retail parks.
- 12.1.4 Whether the sequential approach in policy RTCS1 should connect with the different strands of retail policy.
- 12.1.5 Whether policy RTCS1 should accommodate retail development at Edinburgh Way as part of the sequential approach, possibly by combining levels 3 and 4 in the hierarchy, and the addition of 'retail parks' as hierarchy level 4.

Inspector's Conclusions

- 12.1.6 Policy RTCS1 in the FDD was lengthy and, in part, duplicated PPG6 advice. Following objection, it is proposed that the policy be made more succinct (PC335), and that reference to accessibility by public transport and means other than the car be included (PC334). I raise no objection to these PCs, which reflect, without unnecessary duplication, PPG6 guidance.

- 12.1.7 I note that objection has been made to the use of the terms *neighbourhood centres* and *hatches* on grounds that these are inconsistent with PPG6 advice. However, PPG6 does not preclude the use of local terminology for district and local centres. And in Harlow, with its history of development as a New Town, the terms *neighbourhood centres* and, uniquely, *hatches* are readily understood.
- 12.1.8 The Town Centre is identified on the Proposals Map. The defined area embraces both Primary and Secondary Shopping Frontages, together with 'edge of centre' areas, subject to the definition of the total area by means of readily identifiable boundaries. An additional Edge of Centre (Wych Elm) area is identified north of the Town Centre.
- 12.1.9 The Proposals Map properly identifies the component parts of the centre. I appreciate that the identified centre does not include all of those areas within 200-300m of the Primary Shopping Frontages. However, boundary definition must have regard to the realities of the existing situation, including the 'barrier' effect caused by roads and other obstructions. At Harlow, the town centre is physically defined and constrained by the existing road network. And hence I am satisfied that the proposed centre boundary, together with that to the Wych Elm area to the north, has been appropriately defined and provides a firm base for policy interpretation and implementation.
- 12.1.10 Policy RTCS1 outlines the sequential hierarchy for the identification of sites for retail and other developments which attract large numbers of people. In so doing it follows the guidance in PPG6 which seeks to direct major new retail development to the town centre or, if no suitable site is available, to an edge of centre site. No mention is made of sites on the edge of existing out of centre retail parks. And hence, unless identified by means of a specific allocation, it would be inappropriate to suggest that such locations were acceptable.
- 12.1.11 With regards to the interconnection between retail policies, para. 1.3.4 of the Plan confirms that the *Local Plan must be read as a whole as policies are not mutually exclusive*. There is thus no need to cross reference RTCS1 with other policies, or otherwise connect with the different strands of retail policy.
- 12.1.12 I am not persuaded that it would be appropriate to combine levels 3 and 4 in the retail hierarchy as suggested, or to introduce an additional hierarchy level 4 relating specifically to retail warehouse parks. Policy RTCS1 establishes the sequential hierarchy for the location of new retail development, and as such accords with PPG6 advice. I recognise that there are existing retail warehouse parks in Harlow that do not accord with the exacting provisions of PPG6, presumably as a result of them having been established prior to the introduction of current PPG advice. However, retail warehouse parks are not exempt from the sequential guidance embodied in PPG6; as para. 3.8 makes clear, they are to be treated as if they were conventional retail businesses. Hence it would be inappropriate make separate provision for retail warehouse park development within the

policy hierarchy or, as noted above, to suggest that additional development on sites adjacent to existing parks would be acceptable.

- 12.1.13 Finally, neither am I persuaded that reference should be made to possible additional retail development at Edinburgh Way, given that policy RTCS1 is not site specific.

Recommendation

- 12.1.14 Policy RTCS1 be modified in accordance with PCs 334 and 335, but no other modification be made in response to these objections.

VITALITY AND VIABILITY

12.2 POLICY RTCS2

Objectors

1045/R4979	Molyneux Harlow Ltd
567/4283	B & Q PLC
798/4679	Harlow Civic Society *

* Recorded against policy RTCS2, but submitted against policy RTCS5.

Supporters

682/R4893	Wm Morrison Supermarkets PLC
696/4375	Sapphire Retail Fund

Key Issues

- 12.2.1 Whether criterion 6 is unnecessary, on grounds that it duplicates the protection afforded to other land uses by policies elsewhere in the Plan.
- 12.2.2 Whether criterion 6 should be replaced by a criterion which recognises the positive effects of retail development on employment.

Inspector's Conclusions

- 12.2.3 It is proposed that criterion 6 be deleted (PC336) in recognition of the fact that policies elsewhere in the Plan protect land allocated for housing , employment or open space use.
- 12.2.4 Policy RTCS2 is concerned with protecting the vitality and viability of Harlow's shopping centres, and not with the effect of retail development on employment. It may be argued that retail development has a positive effect on employment, 'though this would need to be balanced against potential employment generation that

may be brought about by an alternative use of a particular site. However, that is not a matter for RTCS2.

Recommendation

- 12.2.5 Policy RTCS2 be modified in accordance with PC336, but no other modification be made in response to these objections.

TOWN CENTRE AND REGENERATION**12.3 PARAGRAPHS 12.5.7 – 12.5.8 AND POLICY RTCS3 (DELETED)****Objectors**

800/2147	GO-East
1045/R4888	Molyneux Harlow Ltd
1045/R4889	Molyneux Harlow Ltd
1045/R4890	Molyneux Harlow Ltd

Supporters

566/4358	English Partnerships
566/R4958	English Partnerships
566/R4959	English Partnerships
566/R5038	English Partnerships
566/R5041	English Partnerships *
696/1496	Sapphire Retail Fund

* Not recorded in Full Schedule of Responses to the SDD.

Key Issues

- 12.3.1 Whether a Town Centre Strategy should inform development policies.
- 12.3.2 Whether the Plan should include a clear strategic framework to provide for the future development of the town centre.

Inspector's Conclusions

- 12.3.3 Policy RTCS3 in the FDD confirmed that a revised Town Centre Strategy was being prepared to guide regeneration, redevelopment and new development in the town centre, and that when adopted as SPG, the Strategy would be a material consideration in the determination of planning applications. Following objection, the Council propose that RTCS3 be deleted (PC339) on grounds that it is not a land use planning policy, and confirmation that the revised Strategy, once adopted as SPG, would be a material consideration, be moved to supporting text, para. 12.5.7 (PC337). The Council further propose that an additional paragraph, para. 12.5.8, be included confirming that a strategy for the Town Centre North is being

commissioned, and that this will guide future development in that area (PC338).

12.3.4 I agree the Council's conclusion that RTCS3 in the FDD is not a land use planning policy, and hence raise no objection to its deletion and the mention of its intentions in supporting text. Neither do I raise objection to the inclusion of additional comment confirming the imminent preparation of a strategy for the Town Centre North.

12.3.5 I fully appreciate objector's concern that the Plan should include a clear strategic framework to guide development in the town centre. However, until such time as the revised and emerging Town Centre Strategies have been adopted as SPG, any attempt to formulate policy guidance would be premature, and potentially misleading for users of the Plan. Meantime, it is entirely appropriate for supporting text to confirm the Council's intentions in this respect.

Recommendation

12.3.6 Para. 12.5.7 be modified in accordance with PC337, additional para. 12.5.8 be inserted in accordance with PC338, and policy RTCS3 be deleted in accordance with PC339, but no other modification be made in response to these objections.

12.4 POLICY RTCS4 (RENUMBERED RTCS3)

Objectors

None

Supporters

566/4359	English Partnerships
696/4672	Sapphire Retail Fund

Inspector's Comments

12.4.1 There are no outstanding objections to policy RTCS4 (renumbered RTCS3). However: -

- I question whether it is possible (economically, socially or physically, let alone grammatically) to simultaneously *strengthen and maintain the role of the town centre*; I suspect the Council's objective is to strengthen.
- The final sentences of criteria 1 and 3 are statements of intent, and should be deleted.
- Criterion 4 does not follow from the opening paragraph; *enhancing its environmental character and appearance* would suffice.

- There is no need to introduce criterion 6 with *Where appropriate*, given that all proposals will be assessed as to whether they are locationally appropriate. And *encouraging* (introducing another statement of intent!) should be replaced by *providing*.

12.5 POLICY RTCS5 (RENUMBERED RTCS4)

Objectors

456/4629	B Lawley
498/4766	Mr J Humphrey
798/4679	Harlow Civic Society *

* Recorded against policy RTCS2.

Supporters

566/4360	English Partnerships
696/4377	Sapphire Retail Fund

Key Issues

- 12.5.1 Whether policy RTCS5 (renumbered RTCS4) should specify design and performance standards to ensure high standards of access to and within the town centre, specifically by reference to SPG.
- 12.5.2 Whether policy RTCS5 (RTCS4) needs to be clarified regarding the provision of canopies and covered pedestrian walkways following the loss of the pedestrian canopy at Adams House.

Inspector's Conclusions

- 12.5.3 Policy BE5 as proposed to be changed requires new development, including change of use, that is open to the public or used for educational or employment use, together with open spaces that serve development, to be accessible to disabled people. While para. 1.3.4 confirms that policies are not mutually exclusive, and that the Plan must be read as a whole. Hence it is not necessary to repeat the requirement regarding accessibility in policy RTCS5 (RTCS4). Furthermore, para. 42 of PPG1 confirms that SPG should only be referred to in supporting text, and should not, therefore, be included in policy.
- 12.5.4 Policy RTCS5 (RTCS4) specifies a range of town centre improvements, including the provision of canopies and covered pedestrian walkways, for which planning permission (it is suggested) will be granted. RTCS5 (RTCS4) is not site specific and hence, notwithstanding my comments below, it would be inappropriate for the policy – or more particularly the intention to provide additional canopies - to be

influenced by the loss of a specific canopy, no matter how regrettable that loss may be.

12.5.5 As noted above, RTCS5 (RTCS4) specifies a range of town centre improvements for which *Planning permission will be granted*. Unfortunately, the policy is seriously flawed. In part it makes no sense. What, for example, is meant by *built environment* and how would anyone apply for planning permission for it? Or how, if they were so inclined, would the Council refuse permission for the *movement of pedestrians within the town centre*? Furthermore, the statement that *planning permission will be granted* implies that permission is required in the first place. However, several of the 'improvements' clearly do not require permission, for example tree planting, landscaping, paving, surfacing, street furniture, signage, covered pedestrian walkways and physical linkages (if within the public highway), and (arguably) the introduction of art work and sculpture. Or would probably form an integral part of a larger proposal, for example servicing arrangements, public squares and spaces. I do not need to go on!

12.5.6 I have no doubt that each of these 'improvements' would benefit the town centre. However, the detailed intention of RTCS5 (RTCS4) could, and should, be expressed so much more clearly in text, supporting a simple, all-embracing policy.

Recommendation

12.5.7 Policy RTCS5 (renumbered RTCS4) be re-written to state:-

Planning permission will be granted for proposals that will produce an improvement in the environmental quality of the town centre, or otherwise be of benefit to those working, visiting or residing within the centre.

12.5.8 And its scope and intentions expressed in supporting text.

TOWN CENTRE SUB AREAS

12.6 PARAGRAPH 12.6.1 – 12.6.3

Objectors

None

Supporters

566/4362	English Partnerships
566/4363	English Partnerships
566/4364	English Partnerships

TOWN CENTRE NORTH

12.7 SECTION 12.7

Objector

798/4768 Harlow Civic Society

Supporter

716/4380 P Kent

Further Proposed Changes

FPC030.53
FPC030.54

Key Issue

12.7.1 Whether section 12.7, including both policy and text, requires clarification as to what is intended for the market and Market Square.

Inspector's Conclusions

12.7.2 Para. 12.7.1 includes reference to the fact that *An alternative site for the market will be considered in TCC (Town Centre Central), and whether a reduction in the capacity is appropriate.* And policy RTCS8.5 (re-numbered RTCS7.5) makes provision for the relocation of the market from Town Centre North. In my view, further clarification of this issue is not required.

Recommendation

12.7.3 No modification be made in response to this objection.

12.8 POLICY RTCS6 (RENUMBERED RTCS5)

Objectors

None

Supporter

566/4361 English Partnerships

12.9 POLICY RTCS7 (RENUMBERED RTCS6)

Objector

570/4370 Kenmore

Supporters

31/4336 Simon Turner
689/4669 Royal Mail Group PLC *

* Specifically re RTCS7.2 (renumbered RTCS6.2)

Key Issue

12.9.1 Whether Westgate House should be included in one of the areas identified in RTCS7 (renumbered RTCS6) for redevelopment.

Inspector's Conclusions

12.9.2 Policy RTCS7 (RTCS6) identifies three areas within Town Centre North for redevelopment, each of which has a specific purpose or focus. Westgate House has been omitted from areas 1 and 3 (area 2 is remote), as its redevelopment would not directly contribute to achieving the redevelopment objectives identified for either of the areas concerned. However, Westgate House lies within the Town Centre North boundary, and will thus be included in the emerging Town Centre North Strategy. Its owners may therefore, if they so wish, discuss its redevelopment potential with the Council in the context of the Strategy for the Town Centre North area as a whole.

Recommendation

12.9.3 No modification be made in response to this objection.

TOWN CENTRE CENTRAL

12.10 POLICY RTCS8 (RENUMBERED RTCS7)

Objectors

None

Supporters

31/4337 Simon Turner
566/4365 English Partnerships
696/4379 Sapphire Retail Fund

Further Proposed Changes

FPC030.55

PLAYHOUSE SQUARE SITE

12.11 POLICY RTCS9 (RENUMBERED RTCS8)

Objector

799/4681 Frank Jackson

Supporter

31/4338 Simon Turner

Key Issue

12.11.1 Whether the suggestion that the Playhouse be relocated is realistic.

Inspector's Conclusions

12.11.2 Policy RTCS9 (renumbered RTCS8) is concerned with the possible redevelopment of Playhouse Square. It is envisaged that redevelopment proposals would result in unspecified improvements to the Playhouse, and its extension for associated art facilities. But it is also recognised that if the development proposals were shown to be potentially detrimental to the viability of the Playhouse, then the Playhouse would need to be relocated to a larger facility on an appropriate Town Centre North site. However, both policy and supporting text are silent as to how this relocation would be achieved. If, as appears to be implied, it is to be funded by means of an Agreement with prospective developers, both policy and text should say so.

Recommendation

12.11.3 Part 2 of policy RTCS9 (renumbered RTCS8) be modified to state:-

2. The proposal would result in improvements to and/or the extension of the existing Playhouse, or, if shown to be necessary, the relocation of the Playhouse to a larger facility on an appropriate Town Centre North site. The funding for relocation to be secured by means of an Agreement between the Council and prospective developers.

12.11.4 Supporting text be modified by the inclusion of clarification of the means whereby the relocation of the Playhouse is to be funded.

MAGISTRATES' COURT SITE

12.12 PARAGRAPH 12.10.1

Objector

755/4677 Mr P J O'Reilly

Key Issues

12.12.1 Whether the Magistrates' Court could be relocated to Terminus House.

12.12.2 Whether additional courts could be provided at satellite locations around Harlow.

Inspector's Conclusions

12.12.3 The Magistrates' Court requires a purpose-build building. So Terminus House, or any other vacant / underused office building, would be unsuitable.

12.12.4 To be effective, the Magistrates' Court needs to be in one, preferably central, location. A number of smaller dispersed courts would, I understand, be logistically unworkable and economically unviable.

Recommendation

12.12.5 No modification be made in response to this objection.

PRIMARY AND SECONDARY FRONTAGES

12.13 POLICY RTCS11 (RENUMBERED RTCS10)

Objectors

None

Supporter

566/4366 English Partnerships

12.14 POLICY RTCS13 (RENUMBERED RTCS12)

Objectors

None

Supporter

566/4367 English Partnerships

NEIGHBOURHOOD CENTRES AND HATCHES

12.15 POLICY RTCS15 (RENUMBERED RTCS14)

Objector

755/4678 Mr P J O'Reilly

Key Issue

12.15.1 None.

Inspector's Conclusions

12.15.2 The objector gives no reason for this objection.

Recommendation

12.15.3 No modification be made in response to this objection.

CHANGE OF USE IN NEIGHBOURHOOD CENTRES AND HATCHES

12.16 PARAGRAPH 12.14.1 AND POLICY RTCS18 (RENUMBERED RTCS17)

Objector

694/4372 M K Brown
694/4373 M K Brown

Further Proposed Change

FPC030.59

Key Issue

12.16.1 Whether the prohibition of additional Class A3 uses within neighbourhood centres and hatches will discriminate against the black ethnic minority by preventing the introduction of Afro-Caribbean hot-food outlets.

Inspector's Conclusions

12.16.2 The Council are of the view that the existing provision of Class A3 (food and drink) uses within neighbourhood centres and hatches is adequate, and that no further provision is required. I have no reason to dispute this conclusion, and thus support the provisions of policy RTCS18 (RTCS17).

12.16.3 The prohibition against additional Class A3 outlets is, of course, effective against all types of A3 use, including Indian and Chinese

restaurants and hot-food take-aways, as well as Anglo – American and Afro-Caribbean establishments. However, policy RTCS18 (RTCS17) does not prevent the introduction of an Afro-Caribbean outlet into a neighbourhood centre or hatch, as this could be achieved by occupation of an existing A3 premises.

Recommendation

12.16.4 No modification be made in response to these objections.

THE STOW AND BUSH FAIR NEIGHBOURHOOD CENTRES**12.17 PARAGRAPH 12.15.1 AND POLICY RTCS19 (RENUMBERED RTCS18)****Objector**

798/4759 Harlow Civic Society

Supporter

689/4670 Royal Mail Group PLC
689/4671 Royal Mail Group PLC

Key Issue

12.17.1 Whether policy RTCS19 (renumbered RTCS18) should encourage the redevelopment of the Stow Neighbourhood Centre.

Inspector's Conclusions

12.17.2 Policy RTCS19 (RTCS18) provides for the improvement, including possible redevelopment, of the Stow and Bush Fair Neighbourhood Centres. Objection is raised to the partial or total redevelopment of the Stow Centre, on grounds that as Harlow's first neighbourhood centre it occupies an important part in the town's architectural heritage as an outstanding example of a post-war new town. No objection is raised in respect of the Bush Fair Centre, although they are contemporary in age and design.

12.17.3 I understand that changes have been made to the layout of the Stow Neighbourhood Centre subsequent to its construction in the 1960s, including full pedestrianisation, planting and paving. However, the centre retains a great deal of its original character as an excellent example of a 1960s new town neighbourhood centre and, whilst perhaps a little 'tired' in parts, appears to be thriving. The Bush Fair Centre likewise appears to be thriving.

12.17.4 I appreciate that the Centre is neither listed nor in a Conservation Area, and hence there is no 'front-line' defence against demolition. Nonetheless, it seems to me that in view of their planning history and

architectural heritage, priority should be given to the retention and improvement of both Centres as preferable to redevelopment. With imagination and local support both could be revitalised in a manner that redevelopment cannot necessarily guarantee.

Recommendation

12.17.5 Policy RTCS19 (renumbered RTCS18) be re-written to state: -

Proposals for the improvement and, if shown to be necessary, partial redevelopment of the Stow and/or Bush Fair Neighbourhood Centres will be favourably considered. All proposals must respect the existing character of the Centres, and their position in the architectural heritage of Harlow.

Exceptionally, proposals for the full redevelopment of the Centres will be favourably considered.

Proposals should not result in the loss of key facilities that contribute to the range of offer or that act as anchors or catalysts which assist in retaining existing or attracting new operators in the neighbourhood centre.

12.17.6 Supporting text be modified to confirm that improvement, with possibly partial redevelopment, of the Stow and Bush Fair Neighbourhood Centres will be preferred to full redevelopment.

HATCHES

12.8 POLICY RTCS20 (RENUMBERED RTCS19)

Inspector's Comment

12.18.1 There are no recorded objections to policy RTCS20 (renumbered RTCS19). However, for consistency with policy RTCS19 (RTCS18), and to remove the statement of intent (!), I suggest that it be re-written to state: -

Proposals for the improvement or redevelopment of hatches for mixed retail / business and residential uses will be favourably considered.

Proposals should not result in the loss of key facilities that contribute to the range of offer or that act as anchors or catalysts which assist in retaining existing or attracting new operators in the hatch.

12.18.2 Supporting text be modified as necessary.

NEW HALL

12.19 POLICY RTCS21 (RENUMBERED RTCS20)

Objectors

None

Supporters

530/4758 CPREssex
688/4668 New Hall Projects Ltd

Inspector's Comments

12.19.1 There are no outstanding objections to policy RTCS21 (renumbered RTCS20). But I cannot help but wonder where local residents will shop once they are no longer *new*? And to be picky, whether the policy could be expressed in a less clumsy, more positive, manner. I suggest: -

Shops and other appropriate facilities will be provided in suitable locations at New Hall to meet the needs of local residents. Appropriate facilities will include school(s), a community centre, a health centre, public house(s), a library, church(s), and any other relevant facility identified in the New Hall Master Plan.

RETAIL WAREHOUSE PARKS

12.20 POLICY RTCS22 (RENUMBERED RTCS21)

Objector

699/4400 V and P Midlands Ltd

Further Proposed Change

FPC030.60

Key Issue

12.20.1 Whether the proposed extension to the Queensgate Centre retail warehouse park off Edinburgh Way should be identified in policy RTCS22 (renumbered RTCS21).

Inspector's Conclusion

12.20.2 Planning permission has been granted for additional retail warehouse development on land adjacent to the existing Queensgate Centre, off Edinburgh Way. The construction of these additional units is presently underway. However, recognition of this extension to the

Centre in policy RTCS22 (RTCS21) is unnecessary, given that the Queensgate Centre as a whole is already identified as a retail site (RTCS22/1 (RTCS21/1)).

12.20.3 I deal with a similar objection concerning the identification of the proposed extension to the Queensgate Centre on the Proposals Map in Chapter 14 of my Report.

12.20.4 Finally, I suggest a minor modification to the opening sentence of policy RTCS22 (RTCS21), for clarification and to ensure consistency with RTCS23 (RTCS22).

Recommendation

12.20.5 The opening sentence of policy RTCS22 (renumbered RTCS21) be modified to state: -

The following retail warehouse parks are identified on the Proposals Map:

12.20.6 No other modification be made in response to these objections.

12.21 POLICY RTCS23 (RENUMBERED RTCS22)

Objectors

567/4369	B & Q PLC *
698/4674	United Glass Ltd
699/4675	V and P Midlands Ltd
800/2146	GO-East
1045/R4891	Molyneux Harlow Ltd
1049/R4947	Pillar Property PLC

* Recorded against policy RTCS23 (renumbered RTCS22), but submitted against criterion 6 in policy RTCS2 (see section 12.2).

Key Issues

12.21.1 Whether the controls in policy RTCS23 (renumbered RTCS22) are embodied in the tests implicit in policies RTCS1 and RTCS2.

12.21.2 Whether the controls in policy RTCS23 (RTCS22) are over detailed and prescriptive.

12.21.3 Whether *normally* should be deleted.

12.21.4 Whether *normally* should be reinstated in the SDD.

Inspector's Conclusions

- 12.21.5 Policy RTCS23 (RTCS22) seeks to control sub-division, the sale of unspecified goods and the change of use of existing retail warehouse units; it is not concerned with potential new development locations. It thus does not duplicate controls implicit in policies RTCS1 and 2, which deal with the sequential approach to retail site identification and the vitality and viability of existing and proposed shopping centres respectively.
- 12.21.6 In my view, the controls embodied in RTCS23 (RTCS22) are neither over detailed nor prescriptive. And hence I do not accept the suggestion that proposals for sub-division, the sale of unspecified goods, or change to a non-Class A1 use should be considered on their individual merits, having regard to the impact they would have on the development Plan Strategy. Control over the sub-division of retail warehouse units is necessary to ensure that the amount of available retail floorspace remains within acceptable policy limits. Restriction on the range of goods that may be sold ensures that the nature of items on sale is appropriate to a retail warehouse park location. And restriction on changes to uses other than Class A1 maintain the retail cohesion of existing parks and pre-empt pressure for additional retail warehouse development elsewhere. Policy RTCS23 (RTCS22) is entirely consistent with Government guidance in para. 3.11 of PPG6 in this respect.
- 12.21.7 Finally, it is generally accepted that the use of 'normally' introduces an element of uncertainty to a policy which, where possible, should be avoided. The Council thus propose that *normally* be deleted (PC376). I raise no objection to this PC. On the other hand, the suggested reinstatement of 'normally' would create uncertainty regarding the intention and implementation of RTCS23 (RTCS22) which, as contained in the SDD, is clearly expressed – almost. I suggest minor re-drafting below.

Recommendation

- 12.21.8 Policy RTCS23 (renumbered RTCS22) be re-drafted to state:-

Proposals for development within retail warehouse parks will not be permitted if they involve any of the following:

- 1. the sub-division of units;*
- 2. the sale of items other than DIY goods, furniture, floor coverings, leisure and garden products, motor accessories and electrical goods;*
- 3. the change of use from Class A1 (shop) to any other use.*

- 12.21.9 No other modification be made in response to these objections.

13.0 CHAPTER 13 : COMMUNITY FACILITIES AND PUBLIC UTILITIES

OBJECTIVES

13.1 SECTION 13.1

Objectors

755/1790	Mr P J O'Reilly
768/1824	HM Prison Service
768/4773	HM Prison Service

Supporter

706/1613	Essex Wildlife Trust
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Key Issues

- 13.1.1 Whether more efficient use of various community premises could be achieved by rationalisation, and the redistribution of a various social and community facilities throughout the town.
- 13.1.2 Whether the RHLP should include a specific policy / allocation for a new prison.

Inspector's Conclusions

- 13.1.3 I note the detailed suggestions regarding the possible rationalisation and redistribution of a various social and community facilities throughout the town, together with suggested locations for additional facilities, including a possible university. However, the LP cannot move users or functions into other premises, and can only identify sites for a particular use if the provider requests that provision be made, and there is a clear commitment to implementation. Thus, while the detailed suggestions are interesting, and have clearly been given a great deal of thought, they cannot be accommodated in the LP.
- 13.1.4 Para. 4.13 of PPG12 requires LPAs, in preparing development plans, to consider the relationship of planning policies and proposals to social needs and problems. Para. 4.14 specifically mentions that plans should make provision for prisons. The need for additional infrastructure facilities to be taken into account in the preparation of local development documents is carried forward, but without specific reference to prisons, in para. B3 of Annex B to PPS12. C03/98, Planning for Future Prison Development, sets out advice to LPAs on the need to make adequate provision through the planning system for new prison developments, and includes an approach whereby sites can be brought forward through the development plan process.

- 13.1.5 I fully appreciate that the prison population in England and Wales has risen dramatically in recent years to an unprecedented level, and that there is an urgent and increasing need for new prisons. I also recognise that Harlow lies within an area identified as being of strategic importance for additional prison places, confirming the requirement identified in para. 7 of C03/98 for new prisons over the next ten years in the London area.
- 13.1.6 Para. 7 of C03/98 also advises that: *In order that local planning authorities may be enabled to make provision for new prisons in their development plans the Prison Service will consult them about likely areas of future need.* However, I understand that the Prison Service did not consult the DC during the Plan preparation process, and as a result the RHLP includes neither policy nor allocation for a new prison.
- 13.1.7 Paras. 9-12 of C03/98 provide guidance on the locational requirements for a new prison, although the Prison Service recognises that no one site is likely to satisfy all of the criteria. Reference is also made to the need for the site to be large enough for the type of prison to be built, typically around 16ha, and preferably regular in shape. However, Harlow has a tight administrative boundary, within which the majority of available land is either allocated for development or protected as Green Wedge or Metropolitan Green Belt. Policy NE1 protects Green Wedges from inappropriate development, and I note that the general presumption against inappropriate development in the Green Belt applies to prisons as to other development proposals. It is thus highly unlikely that a suitable site of sufficient size can be identified within the town to meet the operational needs of a new prison. Likewise it is highly unlikely that a previously developed site of sufficient size will become available during the Plan period. Hence, in my view, it would be inappropriate to include a policy in the RHLP for a new prison which, by implication, would appear to suggest otherwise.
- 13.1.8 Notwithstanding the above, I recognise that Harlow meets many of the locational criteria for a new prison. And I have earlier acknowledged that the town is likely to be a focus for substantial new development as a result of emerging regional guidance in RPG14. It thus seems to me that it may be possible to identify a suitable site as part of the LDF process for the anticipated expansion of the town. In light of advice in para. 7 of C03/98 noted above, the initiative now rests with the Prison Service.

Recommendation

- 13.1.9 No modification be made in response to these objections.

COMMUNITY

13.2 POLICY CP1

Objectors

546/R4832	Essex County Council
800/2099	GO-East
800/2100	GO-East

Supporter

546/1128	Essex County Council
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Key Issues

- 13.2.1 Whether policy CP1 duplicates policy CP2, which in turn duplicates policy IMP1.
- 13.2.2 Whether *normally* should be deleted.
- 13.2.3 Whether *must* should be reinstated in place of *should* in the SDD.

Inspector's Conclusions

- 13.2.4 Policy CP1 is concerned with the provision of land and finance for community facilities, whereas policy CP2 is concerned with the scale of financial contributions and those instances where off-site facilities will be allowed. IMP1 (in Chapter 14 of the Plan) deals with the statutory requirements regarding infrastructure, services and facilities and environmental protection. I am satisfied that, in principle, each of these policies deals with a different subject matter. And it is perhaps inevitably that there is a degree of duplication between all three. However, it would be difficult to combine CP1 and CP2 into a single policy that retains their original meaning and purpose whilst meeting the PPG12 requirement to be clear, precise and easily understood. Policy IMP1 is concerned with implementation, and it is thus appropriate in my view for it to remain free-standing.
- 13.2.5 It is generally accepted that the use of 'normally' introduces an element of uncertainty to a policy which, where possible, should be avoided. The Council thus propose that *will normally* be replaced with *should* (PC378). I raise no objection to this PC.
- 13.2.6 Finally, I fail to see a significant grammatical difference between *must* and *should*, given that, in the context of policy, both relate to an obligation or duty. In my view *must* provides certainty, whereas *should* sounds less assertive and more conducive towards negotiation. I have no strong views either way, and there are more important things in the Plan to worry about. But on balance I prefer the implied flexibility of *should*.

Recommendation

13.2.7 Policy CP1 be modified in accordance with PC378, but no other modification be made in response to these objections.

13.3 POLICY CP2

Objectors

None

Supporter

546/1129 Essex County Council

13.4 POLICY CP3

Inspector's Comment

13.4.1 There are no recorded objections to policy CP3. However, for consistency and to remove (yet another!) statement of intent, I suggest that the introductory paragraph be re-written to state: -

New community facilities should be designed to accommodate a broad range of activities, and must be accessible to all sectors of the community, in particular:

13.5 POLICY CP4

Objectors

715/1690 B Bostock
755/4716 Mr P J O'Reilly
800/2105 GO-East

Key Issues

13.5.1 Whether the Princess Alexandra Hospital should be provided with its own helipad.

13.5.2 Whether policy CP4 delegates decisions to the Harlow Master Plan.

Inspector's Conclusions

13.5.3 I understand that provision has been made for a helipad in the Master Plan prepared on behalf of the hospital.

- 13.5.4 PC382 clarifies the fact that the Master Plan referred to in CP4 is that prepared on behalf of the Hospital, and not the original Master Plan for the New Town.

Recommendation

- 13.5.5 Policy CP4 be modified in accordance with PC382, but no other modification be made in response to these objections.

13.6 POLICY CP5

Objector

492/882 Harlow Area Access Group

Key Issue

- 13.6.1 Whether policy CP5 should clarify the design standards expected by the Council.

Inspector's Conclusions

- 13.6.2 Policy CP5 is concerned with the provision and expansion of health care facilities, and not the design of individual premises. However, I suspect that the objector's prime concern is access for the disabled. This is dealt with in policy CP3, as suggested to be modified (see above).
- 13.6.3 As an aside, I am puzzled by the use of *would* (past tense) throughout CP5, which contrasts sharply with the use of *will* (future tense) in other policies throughout the Plan. Given that the Plan looks to the future, I recommend the use of *will*.

Recommendation

- 13.6.4 Policy CP5 be modified by the substitution of *will* in place of *would* throughout, but no other modification be made in response to this objection.

13.7 POLICY CP6

Objector

800/2106 GO-East

Key Issues

- 13.7.1 Whether policy CP6 is ungrammatical and / or unclear.

Inspector's Comments

- 13.7.2 Policy CP6 in the FDD was both ungrammatical and mind-bogglingly unclear. The policy has been re-constructed in the SDD (PC386) and it is now apparent as to what the Council are seeking to achieve. However, whilst not wishing to rub salt into the wound, I suggest that CP6 could be further improved by the removal of a duplicated criterion and the suggestion that it is somehow possible to refurbish facilities that are to be lost.

Recommendation

- 13.7.3 Policy CP6 be re-drafted to state:-

Proposals involving in the loss of an existing community facility will be required to replace that facility, unless it can be shown that:

- 1. No replacement facility is required; or*
- 2. Suitable alternative facilities can be provided in the locality; or*
- 3. An appropriate commuted sum can agreed.*

13.8 POLICY CP7

Objectors

492/883 Harlow Area Access Group
800/2107 GO-East

Key Issues

- 13.8.1 Whether policy CP7 should specify the design and performance standards expected by the Council to ensure the highest possible levels of access and inclusion.
- 13.8.2 Whether the use of *encouraged* is appropriate.

Inspector's Conclusions

- 13.8.3 Policy CP7 is concerned with the development of education and training facilities at Harlow College, and not the design of individual premises. However, I suspect that the objector's prime concern is similar to that expressed in respect of policy CP5, namely access for the disabled. As noted above, this is dealt with in policy CP3, as suggested to be modified.
- 13.8.4 PC385 removes the offending *encouraged*, and thereby resolves this objection.

Recommendation

13.8.5 Policy CP7 be modified in accordance with PC385, but no other modification be made in response to these objections.

13.9 PARAGRAPH 13.2.11 AND POLICY CP8

Objector

755/4717 Mr P J O'Reilly
755/4718 Mr P J O'Reilly

Key Issue

13.9.1 Whether a site for a combined fire and ambulance station should be identified at Templefields

Inspector's Conclusions

13.9.2 The LP can only identify sites for a particular use if the provider requests that provision be made, and there is a clear commitment to implementation. I understand that the Ambulance Service have expressed a desire to relocate their existing station at Wych Elm elsewhere in the town. However, as far as I am aware, the Fire Service are not seeking to move, and neither the Fire nor Ambulance Service has asked the Council to identify a site for additional or replacement premises in the Templefields area. Thus, notwithstanding suggested locational advantages, it would be inappropriate at the present time for the Plan to identify a site for a combined station at Templefields.

13.9.3 I have no doubt that the Council will assist the Ambulance Service in identifying a suitable replacement site, and support the Service in its relocation. However, again I must point out that CP8 is a statement of intent, and not a land use planning policy. Its intentions should thus be expressed in supporting text.

Recommendation

13.9.4 Policy CP8 be deleted, and its intentions moved to supporting text, but no other modification be made in response to these objections.

PUBLIC UTILITIES

13.10 POLICY CP9

Objector

289/446 Thames Water Property Services

Supporter

703/1548 Railtrack PLC

Further Proposed Change

FPC030.64

Key Issue

13.10.1 Whether policy CP9 is sufficiently detailed regarding the requirements of sewerage and water undertakers.

Inspector's Conclusions

13.10.2 Policy CP9 relates to the requirements of all statutory undertakers, not just the Water Authority. However, it is proposed that the policy be changed (PC387) to reflect (in parts verbatim) the objector's concerns. Additional supporting text is thus not required specific to water supply and waste water facilities.

Recommendation

13.10.3 Policy CP9 be modified in accordance with CP387, but no other modification be made in response to this objection.

13.11 POLICY CP10

Objectors

289/444 Thames Water Property Services
800/2101 GO-East

Key Issues

13.11.1 Whether policy CP10 should include an additional paragraph confirming that planning permission for developments that increase the demand for off site service infrastructure will only be permitted if sufficient capacity already exists or extra capacity can be provided in time to serve the development.

13.11.2 Whether the policy in the FDD requires grammatical correction.

Inspector's Conclusions

13.11.3 The Council maintain that the suggested additional text duplicates the requirements of policy CP10. To an extent that is true. However, it seems to me that a combination of the two would provide a clearer policy statement that would be more readily understood by all statutory undertakers.

13.11.4 PC388 provides the required grammatical correction.

Recommendation

13.11.5 Policy CP10 be re-written to state: -

To allow for the proper provision of public utility services, planning permission for development that increases the demand for off-site service infrastructure will only be granted if sufficient capacity already exists or extra capacity can be provided in time to serve the proposed development. Where sufficient capacity does not exist, planning permission may be granted conditionally requiring the phasing of development to coincide with provision

13.12 PARAGRAPH 13.3.5

Objectors

736/1746	Orange Personal Communications Services Ltd
1042/4630	Mr Perridge

Key Issue

13.12.1 Whether para. 13.3.5 is poorly worded.

Inspector's Conclusions

13.12.2 PC389 resolves these objections

Recommendation

13.12.3 Para. 13.3.5 be modified in accordance with PC389.

13.13 POLICY CP11 (DELETED)

Objectors

687/4684	Vodafone Ltd
695/4686	British Telecom

Supporters

706/1620	Essex Wildlife Trust
706/R4913	Essex Wildlife Trust

Key Issues

13.13.1 Whether *suitable* requires qualification.

13.13.2 Whether policy CP11 should be combined with policy CP12.

Inspector's Conclusions

13.13.3 It is proposed that policies CP11 and CP12 be combined to provide a single, criteria based, policy that deals comprehensively with the control of telecommunication development, - thereby resolving outstanding objections.

Recommendation

13.13.4 Policy CP11 be deleted in accordance with PC390.

13.14 POLICY CP12 (RENUMBERED CP11)

Objectors

695/4685	British Telecom
736/1748	Orange Personal Communications Services Ltd
800/2102	GO-East
1042/4631	Mr Perridge
695/R4876	British Telecom

Further Proposed Changes

FPC027
FPC030.66

Key Issues

13.14.1 Whether policies CP11 and CP12 should be combined.

13.14.2 Whether policy CP12 (renumbered CP11) is unclear with regards to *residential amenity*, and whether residential amenity is covered by criteria 1 and 5 (4).

13.14.3 Whether the policy should include mention of possible restrictions arising from health concerns.

13.14.4 Whether the opening paragraph in the SDD requires further amendment to avoid misinterpretation.

Inspector's Conclusions

13.14.5 As noted above, it is proposed that policies CP11 and CP12 be combined to provide a single criteria based policy that deals comprehensively with the control of telecommunication development – thereby resolving objections submitted to both policies in this respect.

13.14.6 I appreciate that PPG8 does not make mention of residential amenity. However, as the Council correctly notes, para. 7 of PPG8 advises LPAs to: ... *take account of the advice on the protection of urban and rural*

areas in other planning policy guidance notes... . The protection of residential amenity is frequently cited in other PPGs as a material consideration in the determination of applications for development and may thus, in my view, likewise be cited as a consideration in respect of applications for telecommunication development. Furthermore, I am not persuaded that criteria 1 and 5 (4) duplicate the objectives of criterion 4 (3). Criterion 1 is concerned with the protection of the character and appearance of the surrounding area; criterion 5 (4) is concerned with health issues. On the other hand, I view criterion 4 (3) as being concerned with residential amenity in terms of outlook, overshadowing, and the like.

- 13.14.7 With regards to the suggested inclusion of mention of possible restrictions arising from health concerns, I note that PPG8 states: *... it is the Government's firm view that the planning system is not the place for determining health safeguards.* And continues: *.... if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.* Criterion 5 (4) specifically requires the submission of a certificate of compliance with ICNIRP public exposure guidelines as part of any planning application. And thereby, in my view, meets the requirements to consider health issues and public concern in so far as they may be material considerations in determining applications for planning permission or prior approval.
- 13.14.8 Finally, I am satisfied that FPC027 rectifies the poor construction of the opening paragraph of policy CP12 (CP11) in the SDD.

Recommendation

- 13.14.9 Policy CP12 (renumbered CP11) be modified in accordance with PC392, and further modified in accordance with FPC027, but no other modification be made in response to these objections.

13.15 PARAGRAPH 13.3.9 AND POLICY CP13 (RENUMBERED CP12)

Objector

755/4719 Mr P J O'Reilly
755/4720 Mr P J O'Reilly

Further Proposed Changes

FPC030.65
FPC030.67
FPC030.68

Key Issue

- 13.15.1 Whether it is appropriate for the Council to exercise control over the installation of satellite dishes.

Inspector's Conclusions

- 13.15.2 It is, of course a matter of personal choice as to whether a household decides to receive satellite tv, and in the majority of cases the installation of a satellite dish is deemed permitted development. However, given that in certain instances permission is required, it is appropriate for the Plan to include policy guidance for use by the Council in exercising control.
- 13.15.3 There are no objections to the substance of policy CP13 (CP12). However, the opening sentence is a statement of intent, and should be moved to supporting text. I suggest that for clarity the remaining parts be re-written.

Recommendation

- 13.15.4 The opening sentence of policy CP13 (renumbered CP12) be moved to supporting text, and the remainder re-written to state:-

Where communal provision for the reception of television broadcasts exists or is proposed, applications for satellite antenna on dwelling houses will be resisted. On all other properties, planning permission will not be granted for microwave/ satellite antennas where they would be detrimental to the appearance of the building and / or injurious to the visual amenities of the area.

- 13.15.5 No other modification be made in response to these objections.

13.16 PARAGRAPH 13.3.11

Objectors

797/1957 Environment Agency
797/R4919 Environment Agency

Further Proposed Changes

FPC028
FPC030.69

Key Issues

- 13.16.1 Whether para. 13.3.11 should be amended to clarify the position re flood risk and flooding frequency.

13.16.2 Whether para. 13.3.11 in the SDD should be further amended to clarify the position re flood risk and flooding frequency.

Inspector's Conclusions

13.16.3 It appears that para. 13.3.11 in the First and Second Deposit Drafts was based, in part, on mis-information. The position has now been clarified, and FPC028 provides a definitive statement regarding areas liable to flood, the relationship between areas allocated for development and flood-risk, and the requirements of PPG25.

Recommendation

13.16.4 Para. 13.3.11 be modified in accordance with FPC028, but no other modification be made in response to these objections.

13.17 POLICY CP14 (RENUMBERED CP13)

Objectors

800/2103	GO-East
800/R5062	GO-East

Supporters

557/1154	English Nature
706/1621	Essex Wildlife Trust
706/R4914	Essex Wildlife Trust

Further Proposed Change

FPC029

Key Issues

13.17.1 Whether policy CP14 (renumbered CP13) requires clarification.

13.17.2 Whether policy CP14 (CP13) in the SDD requires further clarification.

Inspector's Conclusions

13.17.3 It is proposed that policy CP14 (CP13) in the FDD be replaced in order to clarify the Environment Agency's requirements (PC398). However, following further objection it is proposed that replacement policy CP14 (CP13) be amended to provide certainty (FPC029). I raise no objection to these proposed changes.

Recommendation

13.17.4 Policy CP14 (renumbered CP13) be replaced in accordance with PC398, and replacement policy CP14 (CP13) be modified in accordance with FPC029.

13.18 PARAGRAPH 13.3.14 (RENUMBERED 13.3.17)**Objector**

797/1961 Environment Agency

Inspector's Note

13.18.1 Objection 797/1961, submitted by the Environment Agency, has been recorded against para. 13.3.14. But there is no correlation between the objection and para. 13.3.14 which, in the FDD, related to consultation distances around hazardous installations.

13.18.2 In the SDD it is proposed that para. 13.3.14 be renumbered 13.3.17, following the insertion of three additional paragraphs in response to a series of seemingly identical objections by the Environment Agency concerning a range of drainage issues. As a result, para. 13.3.14 in the SDD reflects text suggested by the Environment Agency.

13.18.3 I am satisfied that these additional paragraphs and other consequential changes fully respond to issues raised by the Environment Agency. I therefore conclude that objection 797/1961 has been recorded in error against para. 13.3.14, and I take no further action thereon.

13.19 POLICY CP15 (RENUMBERED CP14)**Objectors**

755/1792 Mr P J O'Reilly
800/R5051 GO-East

Supporters

289/4316 Thames Water Property Services
557/1155 English Nature
706/1622 Essex Wildlife Trust
706/R4915 Essex Wildlife Trust

Key Issue

13.19.1 Whether criterion 4 in the SDD goes beyond the scope of planning control.

Inspector's Conclusions

- 13.19.2 I understand that wording for policy CP15 (CP14) in the FDD was provided by the Environment Agency, and that the policy was completely changed in the SDD in response to a further representation from the Agency suggesting improved text. However, I share GO-East's concern that criterion 4 goes beyond the scope of planning control. And, in common with my reaction to similar policy SD12 (SD11), I question whether CP15 (CP14) is a planning policy as such.
- 13.19.3 In my view CP15 (CP14) lies within a grey area of planning control. It laudably requires proposals to *take account of water conservation and sustainable drainage systems* and itemises those issues that may be considered. However, it does not provide a firm basis to approve or, more testingly, refuse an application for planning permission. And as such, I fear, fails the most crucial test of policy implementation. I thus recommend that policy CP15 (CP14) be deleted, and its contents moved to supporting text. However, I reiterate my earlier comment that advice regarding water conservation and re-use could perhaps usefully form the subject of SPG.

Recommendation

- 13.19.4 Policy CP15 (renumbered CP14) be deleted, and its contents moved to supporting text.

13.20 PARAGRAPH 13.3.15

Objector

797/R4920 Environment Agency

Further Proposed Changes

FPC030
FPC030.70

Key Issue

- 13.20.1 Whether para. 13.3.15 in the SDD should be deleted.

Inspector's Conclusions

- 13.20.2 The Environment Agency, who earlier provided the text for para. 13.3.15 in the SDD, have requested that it be deleted on grounds that it may be misleading. The Council have agreed to this request (FPC030). I raise no objection to this FPC.

Recommendation

13.20.3 Para. 13.3.15 in the SDD be deleted in accordance with FPC030.

13.21 POLICY CP16 (RENUMBERED CP15)

Objector

800/2104 GO-East

Key Issue

13.21.1 Whether the word *unacceptable* provides sufficient clarity and certainty.

Inspector's Conclusions

13.21.2 Policy CP16 (CP15) is concerned with applications for planning permission for development involving the use or storage of hazardous substances, and proposals for development within Hazardous Substance Consultation Zones.

13.21.3 When dealing with such applications it rests with the LPA, in conjunction with the Health and Safety Executive, to assess any associated or potential risk. In such circumstances there will always be a residual risk, no matter how slight, and hence no absolute certainty. A judgement will thus need to be made as to whether the risk is acceptable or unacceptable. In my view, CP16 (CP15) properly reflects the uncertainties inherent in this situation. The policy could, however, be made clearer, and I recommend accordingly.

Recommendation

13.21.4 Policy CP16 (renumbered CP15) be re-written to state: -

Planning permission will only be granted for development involving the use or storage of hazardous substances where there is no unacceptable risk to residential or other sensitive areas, or to public health and safety.

Planning permission will not be granted for development within a Hazardous Substances Consultation Zone if it would result in an unacceptable risk to public health and safety.

13.22 POLICY CP17 (RENUMBERED CP16)

Inspector's Comment

- 13.22.1 There are no outstanding objections to policy CP17 (CP16). However, it is highly questionable as to whether it constitutes a planning policy as such.
- 13.22.2 In my view a requirement for the provision of a verge to allow for underground services, in common with visibility splays, radii of curvature, and other highway / estate layout matters are more appropriately dealt with by means of adopted highway standards. I thus suggest that CP17 (CP16) be deleted, and supporting text be modified to provide a cross reference to the relevant standards or guidance.

**14.0 CHAPTER 14 : IMPLEMENTATION, MONITORING AND REVIEW.
APPENDICES AND PROPOSALS MAP**

CHAPTER 14

14.1 PARAGRAPH 14.2.1

Supporter

706/4688 Essex Wildlife Trust

14.2 POLICY IMP 1

Supporters

706/4689 Essex Wildlife Trust
546/1130 Essex County Council

14.3 MONITORING INDICATORS NUMBERS 18 - 21

Supporters

706/4690 Essex Wildlife Trust
706/4691 Essex Wildlife Trust
706/4692 Essex Wildlife Trust
706/4693 Essex Wildlife Trust

APPENDICES

14.4 APPENDIX 2 : ESSEX VEHICLE PARKING STANDARDS

Objector

800/2117 GO-East

Key Issue

14.4.1 Whether the Essex Vehicle Parking Standards should be attached as an Appendix.

Inspector's Conclusions

14.4.2 I note that the Essex Vehicle Parking Standards are to be attached to the Plan as Appendix 2.

Recommendation

- 14.3.1 The Plan be modified by the inclusion of the Essex Vehicle Parking Standards as Appendix 2.

PROPOSALS MAP

14.5 LAND SOUTH OF MULBERRY GREEN / NORTH OF GILDEN WAY

Objectors

521/4737	P Hambro
689/4713	Royal Mail Group PLC

Key Issue

- 14.5.1 Whether land south of Mulberry Green / north of Gilden Way should be shown on the Proposals Map as a housing development site.

Inspector's Conclusions

- 14.5.2 These objections are predicated on me recommending the allocation of a former depot and triangular parcel of land south of Mulberry Green / north of Gilden Way as a housing development site. I deal with that objection in detail in Chapter 15, section 15.5, of my Report, and there conclude, for several cogent reasons, that the sites, either singularly or combined, should not be so allocated. It thus follows that the combined site should not be shown allocated on the Proposals Map.

Recommendation

- 14.5.3 No modification be made in response to these objections.

14.6 LINK ROAD BETWEEN THE A414 AND OLD LONDON ROAD

Objectors

688/4300	New Hall Projects Ltd
799/2072	Frank Jackson

Key Issue

- 14.6.1 Whether the line of the A414 – Old London Road should be shown as 'indicative'.

Inspector's Conclusions

- 14.6.2 The Council acknowledge that the line and layout of the proposed link road between the A414 and Old London Road shown on the Proposals

Map is indicative; details of alignment, roundabouts and junctions will be determined at the planning application stage.

- 14.6.3 For clarity, it is thus proposed that the key to the Proposals Map be amended to confirm that the line of the proposed link road is indicative (PC429).

Recommendation

- 14.6.4 The Proposals Map be modified in accordance with PC429.

14.7 QUEENSGATE CENTRE, EDINBURGH WAY

Objectors

688/4401	New Hall Projects Ltd
699/4402	V and P Midlands Ltd

Key Issues

- 14.7.1 Whether land adjacent to the Queensgate Centre, off Edinburgh Way, should be included within the Retail Warehouse Park allocation.

Inspector's Conclusion

- 14.7.2 Planning permission has recently been granted for additional retail warehouse units on land adjacent to the existing Queensgate Centre retail warehouse park, off Edinburgh Way, the construction of which is presently underway. The Council propose that this area be identified on the Proposals Map as an integral part of the Centre (PC547).

Recommendation

- 14.7.3 The Proposals Map be modified in accordance with PC547.

14.8 EMPLOYMENT LAND DELETIONS

Objector

1045/R4886	Molyneux Harlow Ltd
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Key Issue

- 14.8.1 Whether employment land allocations should be reinstated.

Inspector's Conclusions

- 14.8.2 Land north of Nortel Networks was shown on the FDD Proposals Map allocated for employment development. However, the Council subsequently concluded that sufficient land remained available for

employment use within the town, and decided to delete the allocation. The site is shown on the SDD Proposals Map as a Special Restraint Area.

- 14.8.3 I consider objections to the allocation / deletion of land north of Nortel Networks for employment development in sections 7.7 and 7.17, of my Report, and there conclude that the employment allocation should be reinstated.
- 14.8.4 Likewise, the Magistrates Court was shown on the FDD Proposals Map allocated for employment development. Again, following the Council's conclusion concerning the sufficiency of employment land, the allocation was deleted. The site is shown on the SDD Proposals Map without allocation.
- 14.8.5 I consider an objection concerning the allocation of the Magistrates Court for employment development in section 7.9 of my Report, and there conclude that the employment allocation should be reinstated.
- 14.8.6 In light of the above, it follows that the employment allocations on land north of Nortel Networks and the Magistrates Court should be reinstated on the Proposals Map.

Recommendation

- 14.8.7 The Proposals Map be modified by the allocation of land north of Nortel Networks and the Magistrates Court for employment development.

14.9 POLICY MARKERS

Inspector's Comment

- 14.9.1 There are no recorded objections concerning the indication of policy numbers on the Proposals Map. However, there appears to be some inconsistency as to whether policy numbers are shown on the Map or not.
- 14.9.2 I appreciate that it would be impossible, and meaningless, to show general development control policies on the Map, and that a line has to be drawn between clarity and clutter. However, site specific policies should, wherever possible, be identified on the Proposals Map. Obvious omissions include policies ER5/1-7, RTCS22/1-4 (RTCS21/1-4) and RTCS15/1-5 (RTCS14/1-5). There may well be others.

15.0 COUNTER PROPOSALS

INTRODUCTION

In this Chapter I consider objections proposing the allocation of sites for residential development. These objections have been recorded against specific policies in the Plan. However, for convenience and comparison, I deal with them here, in a separate chapter of my Report.

15.1 LAND EAST OF CHURCHGATE STREET

Objector

Leach Homes

Key Issue

- 15.1.1 Whether land east of Churchgate Street should be allocated for residential development.

Inspector's Conclusions

- 15.1.2 The objection site comprises some 2.25 ha of agricultural land to the rear of properties fronting Churchgate Street and Elmbridge, south-east of Old Harlow. Pedestrian access to the site is off Churchgate Street, over a road-side stream footbridge and via a narrow unmade grassed track. A second, potentially vehicular, access is available off Elmbridge Road, but this is presently blocked by overgrown vegetation. The land appears to be farming off land to the east or south.
- 15.1.3 It is suggested that the site be developed either in isolation or as part of a larger extension to Harlow up to, and if necessary beyond, the administrative boundary.
- 15.1.4 I have elsewhere in my Report considered objections concerning proposed sites throughout Harlow, and am satisfied that the sites allocated in the Plan together with that which I have recommended be allocated are capable of delivering sufficient dwellings during the Plan period to meet my recalculated housing requirement. Hence there is no reason for additional land to be allocated to assist deliverability or to meet an outstanding housing need. Nonetheless I considered this objection site in detail below.
- 15.1.5 The objection site lies within the Metropolitan Green Belt. Notwithstanding any advantages it may have in terms of proximity to existing or proposed developments or the availability of infrastructure, its Green Belt location must be viewed as a major, indeed determining, constraint. There is a general presumption

against inappropriate development, which includes residential development, in the Green Belt. In the absence of very special circumstances permission will not be granted for such development, and neither will Green Belt sites be allocated for development. I am unaware of any very special circumstances that would justify development in this case, or the removal of the site from the Green Belt. There are thus overwhelming reasons to resist the allocation of this site.

- 15.1.6 I appreciate that proposals for the possible expansion of Harlow in emerging RPG14 may precipitate a review of Green Belt boundaries and the release of Green Belt land for development. However, as made clear in the Introduction to my Report and elsewhere, this is a matter outside of this Local Plan. These changes, if they occur, must be guided and controlled through the emerging LDF process.

Recommendation

- 15.1.7 No modification be made in response to these objections.

15.2 LAND AT EASTEND

Objectors

Mr J Fennell
Mr H Simmons
Mr S Denovan
Mr D Lawley
Mr B Quinn
Mr H Wilson
Ms M Simmons
Countryside Residential (North Thames) Ltd

Key Issue

- 15.2.1 Whether land at Eastend should be allocated for residential development.

Inspector's Conclusions

- 15.2.2 Eastend comprises a scattered group of dwellings, leisure plots a commercial kennels / cattery, paddocks and open land immediately south of Roydon Road, on the north-western outskirts of Harlow. The area, which extends to some 7.3ha, is bounded to the north and west by open countryside which falls within the Metropolitan Green Belt, and to the east and south by land which is presently undeveloped but which lies within the expanding Harlow Business Park. The primary vehicular access to the area is via Skins Lane, a narrow public right of way which provides a somewhat tenuous link through to the Business Park to the south. There is a secondary vehicular access to the east.

The collection of buildings at the junction of Skins Lane and Roydon Road, comprising The Old House and Skins Farm, are listed Grade II

- 15.2.3 The area has a somewhat tortured planning history, which I do not propose to dwell on in detail. Suffice to say that the site is shown in the RHLF as a Special Restraint Area, subject to policies NE6/2 and BE25. Policy NE6/2 confirms the proposed allocation of the area as a SRA. There is a presumption against development in SRAs unless the land is shown to be required for future development needs arising from a review of the Plan, or otherwise meets the Green Belt policy test and does not prejudice the development of the larger area for longer term needs. Policy BE25 confirms that if the Eastend SRA is required to meet Harlow's housing requirement before 2011, planning permission will not be granted for development with a density greater than 8dph.
- 15.2.4 In summary, the objectors seek the allocation of Eastend as a housing site in place of the proposed SRA (policy NE6/2), and the relaxation (or deletion) of policy BE25 to permit development at densities higher than 8dph. Consequential amendments are also sought to para. 11.20.2, specifically to remove the uncertainty surrounding the development potential of Eastend introduced by the substitution of *if* in place of *when*.
- 15.2.5 The Council and objectors agree that the objection area is predominantly previously developed land. I concur with that view. I am also of the opinion that, although detached from nearby built-up areas, Eastend is properly perceived as being within the built-up area of Harlow. Eastend is gradually being absorbed within the expanded Harlow area, and this will be complete once the Harlow Business Park allocation is fully implemented.
- 15.2.6 I have earlier, in response to objections to Chapter 6 (Housing) concluded that the allocation and development of sites identified in policy H4 accords with the broad principles of site selection outlined in PPG3. I have also concluded that additional land is required to be allocated to meet the anticipated shortfall in housing provision arising primarily from my recommended reduction in the number of Urban Capacity Study Windfall dwellings likely to come forward during the Plan period, and a reduction in the number of dwellings that may reasonable be expected to be competed at New Hall. I conclude elsewhere that this shortfall should be met by the allocation of land at Ram Gorse, specifically in view of its scale and sustainable location.
- 15.2.7 The objectors suggest that the allocation of land at Eastend would accord with advice in para. 32 of PPG3, which states the presumption that previously developed land should be developed before greenfield sites. It is thus argued that as predominantly previously developed land, Eastend should be allocated and developed in preference to other allocated sites, and New Hall in particular. The allocation of the area as a SRA, which tacitly recognises the suitability of Eastend for development, albeit in the longer term, gives some credence to the

objector's case. However, para. 32 of PPG3 continues by stating that the exception to the principle of giving priority to previously developed land will be where sites perform so poorly in relation to the criteria listed in para. 31 of the PPG as to preclude their use for housing within a particular plan period or phase before an alternative greenfield site.

- 15.2.8 Para. 31 of PPG3 requires local planning authorities, in deciding which sites to allocate for housing a in local plan, to assess their suitability against a range of criteria, including location and accessibility, the capacity of existing and potential infrastructure, the ability to build communities, and physical and environmental constraints on the development of the land.
- 15.2.9 As noted above, Eastend lies on the north-western fringe of Harlow, albeit within the built-up area. However, unlike other proposed housing sites (including that at Ram Gorse), Eastend is distant from shops and other services.
- 15.2.10 Harlow has a hierarchical system of shops, with hatches at the local level serving the local area, neighbourhood centres providing for the neighbourhood clusters, and the town centre serving the town as a whole and its local neighbourhood. There is no local hatch to serve Eastend, neither are there any neighbourhood facilities. Neighbourhood centres throughout Harlow are designed and located to serve a catchment area of approximately 1km radius. Given the absence of a more convenient alternative, the town centre would thus be required to serve as the neighbourhood centre for Eastend, at a distance of some 3km, far in excess of the acceptable norm. Likewise, the limited shopping facilities at Roydon are some 1.5 km distant, again in excess of the desirable threshold distance.
- 15.2.11 The nearest primary school at Roydon is some 1.5km to the west, and the two nearest schools in Harlow at Little Parndon and Hare Street are both some 2.7km distant to the east. While these distances are within the County Council's guidelines, they are greater than that which children in Harlow would normally be expected to make. None of the journeys would be particularly safe for children on foot, with some lengths or the routes being along busy roads which in parts are unlit or without footpaths. Furthermore, I understand that there is no spare capacity at the school in Roydon, and that available capacity at Little Parndon will be taken up by the proposed housing development at the Sport Centre.
- 15.2.12 Eastend lies between railway stations at Roydon and Harlow, some 2km and 3.4km to the west and east respectively, both of which provide a frequent rail service to London and surrounding towns. Likewise the area is served by three bus services along Roydon Road. However the service is infrequent. During peak hours Monday to Friday the service to Harlow bus station is every one to two hours, and during the day is every two hours. On Saturdays the service is reduced to three journeys, with no service on Sunday. It is possible

that development at Eastend may precipitate an improvement in the frequency of service serving the area. However, I share the Council's scepticism that this is unlikely to be of any real significance, if at all. There is, as noted above, a somewhat tenuous pedestrian link from Eastend through to the Business Park to the south, and it has been suggested that this could provide access to extended bus services serving the Park. But this will remain a tenuous pedestrian route, there is no guarantee that bus routes will be extended sufficient to effectively serve the Eastend area, or that services will continue outside peak hours.

- 15.2.13 The sole locational advantage enjoyed by Eastend is its proximity to the Business Park and the employment opportunities this presents. However, it is questionable – and in my view very doubtful - whether there is a close correlation between residential areas and nearby employment sites in terms of the numbers of employees who chose to live close to their workplace or alternatively chose to work close to their home. Decisions of this kind are made having regard to a whole host of personal and financial considerations. But what is certain is that while the Business Park may provide a ready source of convenient employment opportunities, there is absolutely no guarantee that incoming residents to Eastend would choose to avail themselves of them.
- 15.2.14 The objectors suggest that Eastend has a notional capacity of between 50-70 dwellings, producing, I estimate, a population of some 125-175 persons. There is no evidence before me to suggest that local utility services will be unable to cope, either as existing or improved, with this scale of development. However, these 50-70 dwellings will be separated from shops, community facilities and other areas of residential development by distance, an extensive employment area, and open countryside. And as such would be wholly incapable of creating a community of sufficient size capable of sustaining even a basic level of local services or facilities.
- 15.2.15 A fundamental objective of Government planning policy is, as stated in PPG3, to create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services. As evidenced above, Eastend is in a wholly unsustainable location. Notwithstanding the fact that the area comprises predominantly previously developed land, development at Eastend would fail to achieve this prime objective, and thus cannot be condoned.
- 15.2.16 As noted above, Eastend has been identified as a SRA *where land is protected until it is required to meet future development needs* (para. 10.6.1). However, PC332 to para. 11.20.2 introduces an element of doubt into that part of supporting text speculating on the possible long-term allocation of Eastend to meet a future housing need by substituting *if* in place of *when*. Given Eastend's character and unsustainable location I can appreciate the Council's hesitancy to

suggest that the area will, for certain, be released at some distant date for development. Indeed PC332 appears to suggest that the Council are having second thoughts on the future of the area, and would prefer to maintain the status quo in the belief that other sites will always out-perform Eastend in the site-selection process, thereby precluding its allocation indefinitely. Unfortunately, this has produced an inconsistency between the principle of policy NE6/2, the intentions expressed in para. 11.20.2 as proposed to be changed, and advice in PPG3 (which forms the basis of my conclusions above). In my view this inconsistency can only be resolved by the deletion of the SRA allocation.

- 15.2.17 This inconsistency of purpose is exacerbated by section 11.20 of the Plan, *Eastend*, including policy BE25. The Plan has earlier concluded that no additional land is required beyond that allocated to meet the RSP housing requirement. I do not wholly share that view, and recommend an additional allocation at Ram Gorse to meet the total housing need. Either way, the full housing need has been met and further allocations are no longer required. However, the Council, through policy BE25, continue to speculate on the possible release of land at Eastend, which appears to suggest a certain lack of confidence in their Plan. The uncertainty surrounding the future of Eastend is then exacerbated by the policy requiring new development to be restricted to 8dph or less. Given that PPG3 advises local planning authorities to encourage housing development at densities of between 30-50dph, the proposal that a maximum density of 8dph will be permitted leads me to conclude that the Council do not view Eastend as a genuine potential housing allocation site at all. I fully appreciate the Council's reticence, and am not for one moment suggesting that development at PPG3 densities should be permitted at Eastend. Rather, given the location, character and planning history of the area, it seems to me that it would be preferable to leave Eastend without allocation, in the same way that other established residential areas throughout the town are unallocated, and to rely on the strength of other proven Plan policies to control development.

Recommendation

- 15.2.18 No modification be made in response to these objections.
- 15.2.19 I have earlier recommended that policies NE6 (including NE6/2) and BE25, together with supporting text, be deleted.

15.3 LAND SOUTH OF COMMONSIDE ROAD**Objector**

D Mitchell

Key Issue

- 15.3.1 Whether land south of Commons side Road, west of Latton Green, should be allocated for residential development.

Inspector's Conclusions

- 15.3.2 I estimate that the objection site, which comprises a short row of detached dwellings and a somewhat overgrown paddock to the rear, on the southern side of Commons side Road, extends to some 2ha overall.
- 15.3.3 I have elsewhere in my Report considered objections concerning proposed sites throughout Harlow, and am satisfied that the sites allocated in the Plan together with that which I have recommended be allocated are capable of delivering sufficient dwellings during the Plan period to meet my recalculated housing requirement. Hence there is no reason for additional land to be allocated to assist deliverability or to meet an outstanding housing need. Nonetheless I considered this objection site in detail below.
- 15.3.4 The site lies within a Green Wedge, and is thus protected from inappropriate development under Plan policy NE1. Green Wedges make an important contribution to the visual and leisure amenities of Harlow, and their long-term protection is thus vital if the landscape character of the town is to be maintained.
- 15.3.5 Policy NE1 ensures that within Green Wedges permission will not be granted for development, except for small scale development and the replacement of existing buildings which do not have an adverse effect on the role or character of the Wedge. Residential development at a scale and density that would be precipitated by the allocation of the site would clearly be inappropriate, would seriously prejudice the open character of the Green Wedge, and should therefore be resisted. Furthermore, any intensification of development in this location would compromise the separation between the Latton Bush and Stewards neighbourhoods affected by the Green Wedge, further undermining a principal purpose of the Wedge.
- 15.3.6 In light of the above I am satisfied that there are overwhelming policy objections to the allocation of this site.

Recommendation

- 15.3.7 No modification be made in response to this objection.

15.4 LAND AT RAM GORSE (Harlow Rugby Union Football Club)**Objector**

Harlow Rugby Union Football Club (on behalf of Bryant Homes) *

* Representations on the RHLP Second Issues Report (CD22) were submitted in the name of the Harlow Rugby Union Football Club (HRUFC). However, objections to the FDD were made in the name of Bryant Homes, the trading name of Taylor Woodrow Developments Ltd, who until recently were sponsors of the Club. Objections to the SDD were made in the name of the HRUFC. For consistency I deal with all outstanding objections in the name of the HRUFC.

I also deal below with a range of objections submitted by various parties concerning paragraphs and policies in sections 6.4, 9.9, 9.13 and 10.3 of the Plan where they relate to land at Ram Gorse and Latton Farm. These objections are recorded (numbers and names) earlier in my Report against the specific policy or text and thus, to avoid duplication, are not repeated here.

Key Issues

- 15.4.1 Whether land at Latton Farm should be specifically identified in the Local Plan as replacement playing fields for use by Harlow Rugby Union Football Club.
- 15.4.2 Whether land at Ram Gorse should be allocated as a Green Wedge.
- 15.4.3 Whether land at Ram Gorse should be allocated for residential development.

Inspector's Conclusions

- 15.4.4 The Ram Gorse site comprises some 3.7ha of open land used as pitches by the HRUFC. A small club house and car park are situated in the southeastern corner of the site, with access off Parndon Mill Lane. Parndon Mill Lane continues along the eastern boundary of the site, passes the listed St Mary's Church, and provides access to the River Stort Valley and open countryside beyond. To the east is the Burnt Mill employment area, with Harlow Town railway station beyond. To the west is a small woodland known as Ram Gorse, beyond which are playing fields and a golf course. To the north are a few scattered dwellings beyond which, north of the railway line, is the former Parndon Mill, woodland and open countryside. Land to the west and north lies within the Metropolitan Green Belt. The site is bounded to the south by Elizabeth Way, a local distributor road, beyond which are the built-up neighbourhoods of Little Parndon and Hare Street, and the town centre.
- 15.4.5 Latton Farm comprises a small area of arable farm land isolated within the heart of the town and farmed as an adjunct to a larger farm unit outside of the District.

- 15.4.6 The Ram Gorse site was shown on the adopted 1995 Harlow Local Plan without allocation. Latton Farm and its environs formed part of an established Green Wedge.
- 15.4.7 The FDD proposed that the Ram Gorse site be allocated as a Green Wedge, subject to policy NE3/3. Section 9.9 of the FDD, *Rugby Club Ground*, provided supporting text for policy L8. Para 9.9.1 recognised that the HRUFC has outgrown its existing site, and has been seeking to relocate for some time. The text continued by confirming that *Green Wedges are recognised for their valued character and amenity, however formal sports uses have always been integrated as part of Harlow's sport, leisure and recreation provision*. Policy L8 confirmed that *A suitable alternative site for a Rugby ground, including a club house/pavilion, floodlit pitches, all purpose surface, car-parking and a playground will be sought*.
- 15.4.8 Section 9.13 of the FDD, *Latton Farm*, provided supporting text for policy L12. Para. 9.13.1 confirmed that should Latton Farm cease to be viable as a working farm, its future use would need to retain the open nature of the land and be opened up for public access. Policy L12 allocated land at Latton Farm as playing fields, subject to prospective applicants demonstrating that its use as farmland was no longer viable.
- 15.4.9 In the SDD policy N3/3 and supporting text remain unchanged. However, in section 9.9 additional text has been added to para. 9.9.1 confirming that *A suitable alternative site for a Rugby Ground to meet the growing needs of the club will be sought*. As a consequence, it is proposed that policy L8 be deleted. In section 9.13 policy L12 (renumbered L10) has been amended, de-allocating the site as playing fields and confirming that if the use of Latton Farm as farmland is proven to be no longer viable the only acceptable alternative use of the land is as playing fields.
- 15.4.10 In a series of objections to the First and Second Deposit Drafts, HRUFC sought the following modifications to the Plan:
- a) The identification of land at Latton Farm as a site for the relocation of the HRUFC. Supporting text to be amended as necessary and policy L8 reinstated specifically allocating land at Latton Farm, subject to the farmland viability test, as an alternative site for the Rugby Club. The Proposals Map to be amended accordingly.
 - b) The deletion from Green Wedge policy NE3/3 of Ram Gorse. The Proposals Map to be amended accordingly.
 - c) The allocation of 3.7ha of land at Ram Gorse (the existing HRUFC playing fields) under policy H4 for residential development, comprising approximately 110 dwellings, with consequential amendments to policy H5 and supporting text

throughout the Plan. The Proposals Map to be amended accordingly.

15.4.11 I deal with each of these objection topics in turn.

a) Latton Farm : Proposed Allocation for Playing Fields

15.4.12 It is evident that HRUFC has a long-established relationship with the town, both as an active rugby club and by encouraging and providing opportunities for young people throughout Harlow to take up and enjoy rugby as a sport. The value of these activities, often undertaken on a voluntary basis, should not be underestimated. However, it is also clear and common ground between the Council and HRUFC that there is a need for the Club to relocate. Para. 9.9.1 of the Plan confirms that the Club has outgrown its present site at Ram Gorse, and that land is required for additional pitches to cater for more juniors, mini rugby, women's rugby, training, tag rugby, increased car parking, a fenced ground (for the first team), and a new clubhouse. This need has been recognised for some time, and has been acknowledged in both broad and specific terms in a range of studies sponsored and/or supported by the DC that have examined the opportunities, potential and future demand for cultural and leisure facilities throughout the town. These studies include The State of Play – The Future of Sport in Harlow, Playing Fields Assessment 2001-2011 (CD18), and Open Space Sports and Recreation Draft SPG. Given the weight of evidence of the need to relocate, I am satisfied that it is appropriate for the Plan to recognise the needs and aspirations of the Club and to identify a suitable replacement site; - in the same way section 9.7 and policy L6 (notwithstanding my recommended modification) do for Harlow Town Football Club.

15.4.13 The Club have identified a site at Latton Farm for their purpose. As noted above, Latton Farm is the subject of policy L12 (renumbered L10) which confirms that, should the farm cease to be viable, the only acceptable alternative use would be as playing fields. I do not disagree with this conclusion. And thus recognise that playing field use has been established in principle on the land to which the Club wish to relocate. In my view, the long-term viability of Latton Farm is questionable; indications are that it is likely that use of the land for farming purposes will cease during the Plan period. In contrast, it seems to me that Latton Farm is ideally situated for HRUFC's purpose; it is centrally located, readily accessible from surrounding areas and local schools, and its use would have little direct impact on the amenities of nearby residents. Hence I am persuaded that it would be appropriate to allocate part of the farm specifically for playing field use, and recommend accordingly.

15.4.14 The Club seek the allocation of some 11ha of land, sufficient for their immediate and long-term needs. I am satisfied that this level of provision can be accommodated within the Latton Farm complex, with sufficient land remaining available for other playing field uses, should there be further demand. However, I am not persuaded that it would

be appropriate to allocate the site specifically for use by HRUFC. To do so would deprive other clubs with similar operational needs of the opportunity to pursue their own objective at Latton Farm and, in particular, would deny English Partnership's rights, as owners, to negotiate the disposal of the site on the open market. Furthermore, it could also be argued that the policy would be invalidated if the Club were to change its name. Neither is it incumbent on the Club, or any other potential user, to demonstrate that the farm is no longer viable. However, in my view it would be appropriate for supporting text to confirm that in principle the allocation is intended to meet the specific needs of HRUFC.

- 15.4.15 It will, of course, be necessary for a range of additional facilities to be provided to support the Club's playing activities, including car parking, replacement changing rooms and clubhouse, and the like. However, I am confident that the nature and scale of these can be determined through the development control process, having regard to the realistic operational needs of the Club and Green Wedge policies, and the precedent established by the many comparable sports facilities in Green Wedges elsewhere throughout Harlow.

b) Green Wedge Policy N3/3

- 15.4.16 There is a difference of opinion as to whether the Ram Gorse site was originally intended in Sir Frederick Gibberd's Master Plan to be developed as an extension to the adjoining Burnt Mill area for either residential or industrial use, or whether it was to remain undeveloped. It matters not. The fact is that the site has remained undeveloped and without allocation since the 1952 Master Plan, a period of 52 years. It was proposed at the time of preparation of the current Local Plan that the site be included within the Green Belt. This suggestion was rejected on grounds that the Green Belt boundary would be better defined along the northern and eastern boundaries of the Ram Gorse site. Presently, as noted above, the RHLP proposes that the site be allocated as a Green Wedge under policy NE3/3, and hence subject to protection by policy NE1.
- 15.4.17 Section 10.1 of the Plan confirms that Green Wedges are fundamental to the character of Harlow. The original Master Plan sought to preserve the form of the original landscape and the natural features that gave the area its particular character. These green areas were generally kept free of buildings, and as natural and as broad as possible to prevent built-up areas merging one-with-the-other.
- 15.4.18 The approved 1995 Local Plan identified the extent of Green Wedges for the first time, provided criteria for the designation of new Wedges, and introduced policy (NE1) that sought to resist all development, including new areas of formal recreation.
- 15.4.19 It is now proposed that the principles of Green Wedges established in the Mater Plan and refined in the approved Local Plan be embodied in the RHLP. Policy NE1 provides policy protection for and identifies the

roles of a Green Wedges. I have thus critically examined the proposed designation of Ram Gorse under policy NE3/3 against the seven *roles* of a Green Wedge as stated in NE1.

i) Providing a landscape design feature which is fundamental to the character of the town.

15.4.20 There has clearly been no need to include Ram Gorse within a Green Wedge over the past 52 years in order to protect the fundamental character of the town as it developed. Now that development nearby is complete - indeed has been complete for (I estimate) some 30 years - it is difficult to see why it is felt necessary to allocate the site as a Green Wedge at this late stage. Designation of the site as a Green Wedge is clearly not fundamental to the character of the town. It never has been, and never will be.

ii) Protecting and enhancing the inherent qualities of the landscape and keeping areas as natural as possible

15.4.21 Ram Gorse has few, if any, inherent landscape qualities, being an area of open, featureless playing fields. Neither can the site be regarded as *natural*, as it is clearly man-made with all the paraphernalia of an active rugby club.

iii) Retaining the open character of existing uses and safeguarding the land from inappropriate development.

15.4.22 I recognise, of course, that Ram Gorse is an existing open use. However, this *role* seeks to retain the open character of areas that have been properly identified as suitable for inclusion in a Green Wedge; it is not a *role* against which the suitability of other open areas for inclusion can be assessed. The retention of the open character of areas not suitable for inclusion within a Green Wedge can, if necessary, be protected by other policies in the Plan.

iv) Preserving sites of ecological value and maximising potential for biodiversity in Harlow

15.4.23 It cannot be argued that Ram Gorse has any ecological value worthy of protection. As open playing fields that are maintained on a regular basis the site is barren in term of ecological interest and biodiversity. Indeed, redevelopment of the site for housing, with gardens and landscaping, would multiply its ecological value many times over.

v) Separating neighbourhoods, housing areas and industrial areas.

15.4.24 The acknowledged purpose of a Green Wedge is to separate adjoining neighbourhoods, and to prevent built-up areas merging one-with-the-other. Ram Gorse lies on the edge of the town, at the interface between built development to the east and south and open countryside and recreational uses to the north and west. Hence it serves no separation purpose whatsoever.

vi) Preserving the setting and special character of a number of historic sites and areas.

15.4.25 It may be argued that St Mary's Church, immediately north of Ram Gorse, is an historic site, the setting and character of which it is desirable to preserve. However, it is not necessary, in my view, to retain the Ram Gorse site in its entirety as a Green Wedge in order to achieve this objective. Existing views of the church across Ram Gorse are limited and, whilst individually attractive, are not outstanding. I am satisfied that these, equivalent, or indeed enhanced views of the Church could be secured in a development scheme for the site. The proximity of St Mary's thus provides no justification for designation as a Green Wedge. Furthermore, with regards to this function, the scale and isolated nature of Ram Gorse is such that it clearly does not, and cannot, preserve the setting and special character of a *number* of historic sites and areas.

vii) Contributing towards the amenities of local residents.

15.4.26 It is evident that Ram Gorse contributes towards the amenities of local residents in broad terms as the home of the local rugby club and as a result of the community activities and involvement generated by that use. At the local level Ram Gorse provides some visual amenity and an unwelcome (by HRUFC) facility for dog walking and the like. However, it has recently been determined, following an application to designate the playing fields as a village green under the Commons Registration Act 1965, that no inalienable right has been established by the general public to use Ram Gorse. It could thus be argued that the contribution the Rugby Club makes to the amenities of Harlow's residents would be enhanced by its relocation to Latton Farm, in that this would facilitate an increase in community involvement. And in my view, the limited contribution the site makes to amenities at the local level is insufficient to justify its allocation as a Green Wedge, or otherwise protect the site in its entirety.

Conclusions

15.4.27 I recognise that Green Wedges make a significant contribution to the character of Harlow. They provide a physical framework for the town, separation between neighbourhoods, and preserve the character imbued in the new town by its original Master Plan. The Wedges themselves are occupied by schools, public and private recreation facilities, churches, farms and other buildings, as well as local watercourses, woodlands and other natural features. In contrast, Ram Gorse fails to fulfil any of the functions identified in policy NE1. It lies on the edge of the town, at the interface between built development and the countryside. It thus fails to perform even the most basic function of a Green Wedge, namely to act as a wedge between areas of built development. Furthermore, it is a relatively small area of land, isolated from and totally unrelated to any other Green Wedge. It does, however, abut the Green Belt. But after due consideration, has properly been excluded from that designation. In

conclusion therefore, I can find no justification whatsoever to allocate Ram Gorse as a Green Wedge, and accordingly recommend that policy NE3/3 be deleted.

c) Ram Gorse : Proposed Allocation for Housing

- 15.4.28 I have earlier, in response to objections to policy H4, recommended a reduction in the number of dwellings anticipated to be provided on Urban Capacity Study Windfall sites, a reduction in the number of dwellings expected to be provided at New Hall, and a modest reduction in the number of dwellings to be provided on the Rye Croft Garages site. I have also recommended that policy H4 should recognise the anticipated increase in the number of dwellings to be provided on the former Harlow Sport Centre site. As a result of these modifications, there would be a shortfall of 199 dwellings below the estimated requirement of 2041. This shortfall can only be overcome by the allocation of additional greenfield land for residential development.
- 15.4.29 In her dismissal of an appeal against the decision by the District Council to refuse planning permission for the development of Ram Gorse for 147 dwellings, a colleague Inspector concluded that the site is *very well located for housing* and that it *could be developed for housing if the design preserves the important existing features (specifically views and setting of St Mary's Church) and respects its setting on the edge of the town and adjoining Green Belt*. I concur entirely with my colleague's conclusions.
- 15.4.30 I am satisfied that development of Ram Gorse can be achieved in such a way as to overcome the constraining factors identified by my colleague regarding its relationship with St Mary's Church, and to facilitate its integration with both the nearby neighbourhood and adjacent countryside. Furthermore, it seems to me that the site is geographically sustainable having regard to its proximity to employment areas, the town centre, schools and other community facilities, public transport (including the nearby railway station), open space and other recreational areas, all of which are within reasonable walking distance. Development of the site would also meet the objectives of other Plan policies, including the provision of a range and choice of housing sites and affordable housing, and would provide other, albeit less significant, benefits, including additional public open space and improved access to the countryside to the north by means of a safer crossing for Elizabeth Way.
- 15.4.31 Development at Ram Gorse would not prevent identified brownfield sites coming forward for development. Neither would it prejudice the delivery of dwellings at New Hall or other allocated sites.
- 15.4.32 Overall, therefore, I am satisfied that the allocation of Ram Gorse for residential development is appropriate. The erection of some 110 dwellings on the site would reduce the shortfall in provision to some 89 dwellings (4.3%) of the total requirement. This being well within

the 10% deviation generally recognised as the parameters within which a local plan maintains conformity with an approved structure plan.

- 15.4.33 I realise that development of Ram Gorse would realise funds for the HRUFC and thereby effect its relocation to the Latton Farm site. I also recognise that monies raised through the sale and development of the site can only be used for the purpose of rugby in Harlow, with any surplus being shared between English Partnership and Harlow District Council. However, I have based my conclusions on the issues raised by the objections submitted by or on behalf of HRUFC on the planning merits of the case before me, and disregarded the financial tie between each of the issues.

Recommendation

- 15.4.34 Paragraphs 9.9.1 and 9.13.1 be amalgamated to state: -

9.9 Rugby Club Ground

9.9.1 Harlow Rugby Union Football Club has outgrown their existing site at Ram Gorse and has been seeking relocation for some time. The Club requires additional pitches to cater for more juniors, mini rugby, women's rugby, training, tag rugby, increased car parking, fencing of the first team pitch, and a new clubhouse.

9.9.2 Green Wedges are recognised for their valued character and amenity. However, formal sports uses have always been integrated as part of Harlow's sports, leisure and recreation provision. Latton Farm is an area of farmland in a Green Wedge in the centre of the built-up area of Harlow. It is anticipated that, at some point, it will no longer be viable as a working farm, and that an alternative use will have to be found. Reflecting its location, the future use would need to retain the open nature of the land and enable it to be opened up for public access. It is thus considered to be a suitable alternative site for the Harlow Rugby Union Football Club to meet the growing needs of the Club. Some 11ha of land at Latton Farm are thus allocated for playing field use. It is recognised that the use of this site by the Rugby Club would, in addition to the provision of a range of playing fields, necessitate the provision of a clubhouse / pavillion, floodlights, car parking and other associated facilities, the scale and location of which will need to have regard to their Green Wedge location. In the event of the Rugby Club failing to secure the use of the playing fields for their own use, their use by an alternative club or association would be acceptable.

- 15.4.35 Policy L8 be modified to state:

Eleven hectares of land at Latton Farm are allocated for use as playing fields.

- 15.4.36 Section 9.13, policy L12 (renumbered L10) and supporting text be deleted.
- 15.4.37 Policy NE3/3 be deleted, and supporting text be modified as necessary.
- 15.4.38 Policy H4 be modified by the allocation of 3.7ha of land at Ram Gorse for residential development at a gross and net density of 30 dph, to provide a total of 110 dwellings.
- 15.4.39 The Proposals Map be modified as necessary.

15.5 LAND SOUTH OF MULBERRY GREEN / NORTH OF GILDEN WAY, OLD HARLOW

Objector

P Hambro

Key Issue

- 15.5.1 Whether land south of Mulberry Green / north of Gilden Way, Old Harlow, should be allocated for residential development.

Inspector's Conclusions

- 15.5.2 The objection site as shown on the plan accompanying the formal objection (ref. H4/521/991), comprises a former depot, now overgrown and semi-derelict, and an adjoining triangular parcel of land that comprises a severed part of a private garden, south of Mulberry Green / north of Gilden Way, in the south-eastern part of Old Harlow.
- 15.5.3 It appears from the objection text that the objector's land holding does not include the depot. The text draws a clear distinction between the former depot and *our client's parcel of land adjacent*, and suggests that *the former Green Wedge depot and our client's site should be combined to form a single development parcel*. There is no evidence before me to suggest that the current owner of the former depot has been informed of this objection, or has any interest in a combined development scheme.
- 15.5.4 The objector suggests that the main driver for the development of the objection site will be its association with the restoration of the nearby listed Mulberry Green House, previously damaged by fire. Or alternatively, as suggested above, it could be combined with the depot to form a single site. Either way, development of the triangular site appears to be entirely dependent upon its association with another site, particularly with regards to the provision of a means of access. Vehicular access is presently not available off Gilden Way, and I have no doubt that one would not be permitted.

- 15.5.5 The former depot is shown on the approved Local Plan as being within the adjacent Green Wedge. However, in the RHLP it is proposed that it be removed from the Wedge, and as a brownfield site is thus, in principle, suitable for redevelopment. However, notwithstanding potential problems of layout and access, it falls below the 0.4ha threshold for identification as a potential housing site in the Local Plan.
- 15.5.6 The objection site likewise falls below the 0.4ha threshold for identification. I appreciate that combined the former depot and triangular site marginally exceed the 0.4ha threshold. But, in the absence of a positive commitment to land assembly, it would be inappropriate to allocate the total site for development; to do so would encourage applications for piecemeal development. Meantime, proposals for the development of either the depot or the triangular site, either on a stand-alone basis or combined, must be considered on their merits.

Recommendation

- 15.5.7 No modification be made in response to this objection.

15.6 LAND NORTH OF GILDEN WAY

Objectors

David Wilson Homes Ltd *
James Keir
Taylor Woodrow Dev Ltd *
Westbury Homes Ltd *

* Objections by these Companies were submitted jointly as a Consortium, but have been registered individually by the Council.

Key Issue

- 15.6.1 Whether land north of Gilden Way should be allocated for residential development.

Inspector's Conclusions

- 15.6.2 The objection site, which totals some 75ha, lies on the north-eastern edge of Harlow, adjoining Old Harlow to the west. The site is defined to the north by the London – Cambridge railway line, beyond which is the River Stort floodplain; to the east by Marsh Lane, woodland and hedges; to the south by Gilden Way (B183); and to the west by a narrow tree-lined ditch that extends along the eastern edge of Old Harlow. Internally the site comprises agricultural fields divided by narrow hedgerows with occasional trees, and a small meadow. Within the site the land slopes slightly upwards from Gilden Way to a plateau

and then gently downwards towards Old Harlow to the east and more steeply downwards towards the railway and River Stort to the north.

- 15.6.3 The site is bounded by urban areas to the west and south, and by rural areas to the north and east. To the west is Old Harlow, which includes modern housing at its northern end and the historic buildings of Harlowbury at the south. To the south, on the opposite side of Gilden Way, is an area of playing fields beyond which the built-up area of Churchgate is focussed on Sheering Road and Churchgate Street. To the north of the site is the shallow Stort Valley, containing parkland, water-meadows and belts of woodland trees. To the east, beyond Marsh Lane, are pockets of deciduous woodland interspersed amongst arable fields.
- 15.6.4 The northern part of the site, extending to some 40ha, lies within the Metropolitan Green Belt, subject to policy NE4. The southern part, extending to some 35ha, has been identified as a Special Restraint Area, subject to policy NE6/1. There is a strong presumption against inappropriate development in the Green Belt. Likewise, there is a presumption against development in SRAs unless the land is shown to be required for future development needs arising from a review of the Plan, or otherwise meets the Green Belt policy test and does not prejudice the development of the larger area for longer term needs.
- 15.6.5 The site has a somewhat tortured planning history, closely bound up with the comparative merits of development at Church Langley and New Hall Farm. I do not propose to dwell on this history in detail. Suffice to say that development at Church Langley is now nearing completion. And I have earlier, in response to objections to policy H4/10 (renumbered H4/9), recommended that the area of land allocated for development at New Hall be reduced to 18ha, and the Indicative Site Capacity be reduced to 750. I have also recommended that the Proposals Map be modified to indicate the 18ha extent of land to be developed during the current Plan period, and that the residual area presently shown for housing be shown as land to be developed post 2011.
- 15.6.6 In summary, the primary objectors seek the exclusion of the southern part of the site from the SRA and its allocation under policy H4 for housing on the basis of one or both of two alternative scenarios. Firstly, that the Council's assessment of housing land supply is over-optimistic and that an additional strategic allocation should be made to ensue that the RSP housing requirement can be met by 2011. And/or. That the emerging RPG has progressed sufficiently to demonstrate the inevitability of requiring the release of the objection site to meet accelerated growth in the Harlow area in accordance with the Government's Sustainable Communities Plan. In detail, it is envisaged that the site could accommodate some 950 dwellings, together with a neighbourhood centre. The centre would incorporate some employment use, possibly including live/work units, local retail provision, community facilities, and a site for a first school.

- 15.6.7 A key to the objectors' submission is that the objection site is allocated as a SRA. Supporting text (paras. 10.6.1–2) states that land within SRAs *is protected until it is needed to meet future development needs* and that the SRAs *will be safeguarded to meet longer term development needs*. Policy NE6 confirms that *There will be a presumption against development in the Special Restraint Areas unless: The land is shown to be needed for development resulting from a review of this Local Plan*. Notwithstanding my earlier recommendation that policy NE6 and supporting text be deleted, I agree the objector's submission that the identification of the site as an SRA (reflecting, in part, its planning history) confirms its suitability, in principle, for development.
- 15.6.8 Furthermore, from the evidence before me, it seems to me that it will be possible to produce acceptable design, ecological and archaeological solutions to identified constraints, including the sensitive relationship between the site and Old Harlow, and that traffic impact can be mitigated, although the latter may require additional - as yet unspecified - off-site works. In my view, these and other potential constraints can, where necessary, be overcome by condition or agreement at the planning application stage. However, I am not persuaded that the site should be released for development in the current Plan for reasons I summarise below.
- 15.6.9 I have earlier, in response to objections to policy H4, recommended a reduction in the number of dwellings anticipated to be provided on Urban Capacity Study Windfall sites, a reduction in the number of dwellings expected to be provided at New Hall, and a modest reduction in the number of dwellings to be provided on the Rye Croft Garages site. I have also recommended that policy H4 should recognise the anticipated increase in the number of dwellings to be provided on the former Harlow Sport Centre site. As a result of these modifications there would be a shortfall of 199 below the estimated requirement of 2041 dwellings. This shortfall can only be overcome by the allocation of additional greenfield land. And I have concluded that it can best be met by the allocation of land at Ram Gorse, to provide some 110 additional dwellings. It could be argued, of course, that this shortfall could be met on the objection site, either as a free standing development or as the first phase of a larger development continuing beyond the current Plan period. However, there is no suggestion that development should be restricted to part of the site; rather that it should, as envisaged by the SRA allocation, extend over the whole site. Identification of part of the site for development would thus need to be predicated on the identification of the remainder - and much larger part - of the site for development post 2011.
- 15.6.10 In the Introduction to my Report I recognised that the planning process in Harlow and throughout much of the East of England is in a state of flux, with emerging RPG14 effecting a sea change in the scale and distribution of development. I acknowledge that Harlow has been identified as a potential centre for growth, and agree that there can

be little doubt that the town will be a focus for new development. However, whilst recognising that the extension of the plan period, as suggested by several objectors, and/or the allocation of additional sites, would facilitate the step change required to achieve the scale and rate of delivery of development anticipated, I formed the view that it would be legally incorrect to extend the plan period beyond 2011 and procedurally inappropriate for the RHLP to pre-judge emerging regional guidance by identifying sites specifically for that purpose. I further concluded that statutorily approved RPG is the proper means to determine the requisite quantum and location of new development. I recognise that completion of the sequential planning process may delay the delivery of new housing, and thereby impair achieving by 2021 the target levels of provision that may be identified in the final version of RPG. Nonetheless, I remain of the view that this is a price that may have to be paid to secure long-term co-ordinated sustainable development throughout the region. Further expansion at Harlow should thus be achieved through the emerging LDF process. Meantime, any attempt to prejudice or pre-judge this process should be resisted.

- 15.6.11 In summary, therefore, I recognise that the suitability of land north of Guilden Way for development has been established in principle. However, I am not persuaded that it would be appropriate to allocate part of the site for housing during the current Plan period, or to identify the whole of the site for development extending beyond 2011. Timing for the release of the site must therefore be determined as part of the LDF process in the context of approved Regional Planning Guidance.

Recommendation

- 15.6.12 No modification be made in response to these objections.
- 15.6.13 I have earlier recommended that policy NE6 (including NE6/1) and supporting text be deleted.

15.7 LAND AT TEMPLEFIELDS EMPLOYMENT AREA (PROSPECT ROYAL SITE) AND ADJOINING GREEN WEDGE

Objector

Cophorn Homes

Key Issue

- 15.7.1 Whether land within the Templefields Employment Area and within the adjoining Green Wedge should be allocated for residential development.

Inspector's Conclusion

- 15.7.2 The objection site comprises land within the Templefields Employment Area (known as Prospect Royal) and adjoining land between the employment allocation and the A414. That part of the site within Templefields comprises approximately 3.16ha¹ of predominantly flat land that appears to have been cleared but is presently semi-derelict, with direct access to East Road. The adjoining area comprises a triangular parcel of some 2.85ha of land bounded by the elevated A414 to the east. This part of the site is identified as Green Wedge on the Plan.
- 15.7.3 I have elsewhere in my Report considered objections concerning proposed sites throughout Harlow, and am satisfied that the sites allocated in the Plan together with that which I have recommended be allocated are capable of delivering sufficient dwellings during the Plan period to meet my recalculated housing requirement. Hence there is no reason for additional land to be allocated to assist deliverability or to meet an outstanding housing need. Nonetheless I considered this objection site in detail below.
- 15.7.4 The objector maintains that there is virtually no prospect of the larger part of the site being developed for an employment generating use in its current form. Likewise, the remainder of the site should be removed from the Green Wedge on grounds that it fails to fulfil any of the functions of a Green Wedge, as set out in policy NE1. The combined site would thus be better put to an alternative predominantly residential use, albeit with some potential for employment generating uses aimed at meeting local needs.
- 15.7.5 I recognise that the objection site lies within the town boundaries, and is well related to the existing settlement pattern and transport network. And that development of the site is not dependent upon any third party interest. However, in my view the site, either as separate components or combined, is wholly unsuitable for residential development.
- 15.7.6 The larger part of the site clearly forms part of the adjoining employment area. Notwithstanding the suggesting that an alternative (or additional) means of access could be provided off Netteswell Road or the A414, development in this location would comprise an isolated pocket of residential use on the edge of an extensive employment area, unrelated to any other residential development nearby. Furthermore, given the range and intensity of uses throughout the

¹ As noted in response to objections to policy ER5, evidence submitted by Copthorn Homes suggests that the part of the site presently allocated for industrial use has an area of some 3.16ha. However, information available on the Countryside Properties (who are identified on site as selling / letting agents) web-site describes the site as having an area of 5.3 acres; which equates to 2.14ha. I estimate the site has an area of some 2.0 - 2.5ha. But for consistency, I have taken the figure given in evidence as being correct.

Employment Area, I am not persuaded that the prospect of the site being developed for an employment use is so remote as to in any way justify considering an alternative, inappropriate, allocation.

15.7.7 As noted above, the smaller part of the site lies within a Green Wedge, and is thus protected from inappropriate development under Plan policy NE1. Green Wedges make an important contribution to the visual and leisure amenities of Harlow, and their long-term protection is vital if the landscape character of the town is to be maintained. Policy NE1 ensures that within Green Wedges permission will not be granted for development, except for small scale development and the replacement of existing buildings which do not have an adverse effect on the role or character of the Wedge. Residential development at a scale and density that would be precipitated by the allocation of the site would clearly be inappropriate, would seriously prejudice the open character of the Green Wedge, and should therefore be resisted. Furthermore, it seems to me that, in addition to contributing to the wider functions of the Green Wedge, the objection site contributes to the separation between the Temple Fields Employment Area to the west and Old Harlow to the east, and enhances the setting of the A414 as a principal route through the town. Any diminution of the contribution the objection site makes to the function of the Green Wedge, either as a whole or in this location, should thus be strongly resisted.

15.7.8 In light of the above, I am satisfied that the allocation of the objection site, either as separate components or as a whole, for residential development cannot be justified.

Recommendation

15.7.9 No modification be made in response to this objection.

LIST OF ABBREVIATIONS

The following abbreviations have been used throughout this Report:

C	Circular
CC	County Council
DC	District Council
DETR	Department for Environment Transport and the Regions
dpa	dwellings per annum
dph	dwellings per hectare
dphn	dwellings per hectare net
EIA	Environmental Impact Assessment
FDD	First Deposit Draft (of the Replacement Harlow Local Plan)
FPC	Further Proposed Change
FSS	First Secretary of State
HATS	Harlow Area Transport Strategy
HNS	Housing Needs Survey
HRUFC	Harlow Rugby Union Football Club
LDD	Local Development Documents
LDF	Local Development Framework
LPA	Local Planning Authority (usually Harlow District Council)
LSCP	London–Stansted–Cambridge–Peterborough (growth corridor)
LTP	Local Transport Plan
MGB	Metropolitan Green Belt
PAER	Priority Area for Economic Regeneration
PC	Proposed Change
PCPA	Planning and Compulsory Purchase Act 2004
pcu	Passenger Car Unit
pmm	plan, monitor and manage
PPG	Planning Policy Guidance

PPS	Planning Policy Statement
R&D	Research and Development
RHLP	Replacement Harlow Local Plan (the Plan)
RPG	Regional Planning Guidance
RSP	Replacement Structure Plan (the Essex and Southend-on-Sea Replacement Structure Plan)
RSS	Regional Spatial Strategies
S	Section
SDD	Second Deposit Draft (of the Replacement Harlow Local Plan)
SERAS	South East Regional Airport Strategy
SLA	Special Landscape Areas
SoS	Secretary of State
SP	Structure Plan
SPG	Supplementary Planning Guidance
SRA	Special Restraint Area
SSSI	Site of Special Scientific Interest
SuD	Sustainable Drainage Systems
TCPA	Town and Country Planning Act 1990 (the Act)
TIA	Traffic Impact Assessment
TPO	Tree Preservation Order
UCS	Urban Capacity Study

PLANNING POLICY GUIDANCE NOTES, PLANNING POLICY STATEMENTS, AND REGIONAL PLANNING GUIDANCE

The following Planning Policy Guidance Notes (PPG), Planning Policy Statements (PPS) and Regional Planning Guidance (RPG) notes are referred to or have been consulted in the preparation of this Report:-

PLANNING POLICY GUIDANCE NOTES

PPG1	February 1997	General Policy and Principles
PPG2	January 1995	Green Belts
PPG3	March 2000	Housing
PPG4	November 1992	Industrial and Commercial Development and Small Firms
PPG6	June 1996	Town Centres and Retail Development
PPG7	February 1997	The Countryside – Environmental Quality and Economic and Social Development
PPG8	August 2001	Telecommunications
PPG9	October 1994	Nature Conservation
PPG11	October 2000	Regional Planning
PPG12	December 1999	Development Plans
PPG13	March 2001	Transport
PPG15	September 1994	Planning and the Historic Environment
PPG16	November 1990	Archaeology and Planning
PPG17	July 2002	Planning for Open Space, Sport and Recreation
PPG22	February 1993	Renewable Energy
PPG23	July 1994	Planning and Pollution Control
PPG24	September 1994	Planning and Noise
PPG25	July 2001	Development and Flood Risk

PLANNING POLICY STATEMENTS

PPS11	August 2004	Regional Spatial Strategies
PPS12	September 2004	Local Development Frameworks

REGIONAL PLANNING GUIDANCE

RPG9	March 1994	Regional Planning Guidance for the South East
RPG9	March 2001	Regional Planning Guidance for the South East
RPG14	February 2004	Draft Regional Planning Guidance for the East of England
RPG14	October 2004	Revised Draft Regional Planning Guidance for the East of England

APPENDIX A : SUMMARY OF RECOMMENDATIONS

Note : The following is a summary of recommendations made in response to outstanding objections to the Replacement Harlow Local Plan. It does not include those modifications suggested in respect of policies or supporting text for which there are no recorded or outstanding objections. These additional comments and suggestions have been made to assist the Council, and in order to maintain consistency throughout the Plan. The Council are advised to take them into account at the same time as they consider the formal recommendations below.

INTRODUCTION : CONFORMITY AND PLAN PERIOD

The Plan period for the Replacement Harlow Local Plan not to be extended beyond 2011.

No additional sites to be allocated in the Replacement Harlow Local Plan for housing or any other form of development specifically in anticipation of emerging Regional Planning Guidance for the East of England, RPG14.

CHAPTER 1 : INTRODUCTION

CONCEPT

No modification be made.

PARAGRAPH 1.1.1

No modification be made.

CHAPTER 2 : BACKGROUND

PARAGRAPH 2.4.1

The Plan be modified in accordance with PC8, but no other modification be made.

PARAGRAPH 2.5.1

The Plan be modified in accordance with PC8, but no other modification be made.

PARAGRAPH 2.5.2

The Plan be modified in accordance with PC8, but no other modification be made.

PARAGRAPH 2.5.3

The Plan be modified in accordance with PC8, but no other modification be made.

PARAGRAPH 2.5.4

The Plan be modified in accordance with PC8, but no other modification be made.

PARAGRAPH 2.5.5

The Plan be modified in accordance with PC8, but that no other modification be made.

PARAGRAPH 2.5.6

The Plan be modified in accordance with PCs 1 and 8, but no other modification be made.

CHAPTER 3 : A VISION FOR HARLOW

CONCEPT

Chapter 3 be modified by the inclusion of reference to the fact that the Vision carries the concepts established by Sir Fredrick Gibberd's Master Plan forward into the 21st Century.

PARAGRAPH 3.1.1

No modification be made.

CHAPTER 4 : AIMS

CONCEPT

No modification be made.

PARAGRAPH 4.2.1

No modification be made.

CHAPTER 5 : SUSTAINABLE DEVELOPMENT

SECTION 5.2

No modification be made.

POLICY SD1

Policy SD1 be modified in accordance with PC14, but no other modification be made.

POLICY SD2

Policy SD2 be modified in accordance with PC15, subject to the substitution of *improve the local economy* in place of *achieve economic success*, and in accordance with FPC030.2.

PARAGRAPH 5.5.1

Paragraph 5.5.1 be modified in accordance with PC16, but no other modification be made.

POLICY SD3

Policy SD3 be modified in accordance with PC18, but no other modification be made.

POLICIES SD3 - SD5

Policy SD3.5 be modified in accordance with PC19 and FPC001.

SECTION 5.6

Policies SD4 – SD6 be modified in accordance with PCs 20, 21, 22, 23 and 24, but no other modification be made.

POLICY SD4

No modification be made.

POLICY SD5

Policy SD5 be further modified to provide grammatical clarity.

POLICY SD7

The Plan be modified by the deletion of policy SD7 in accordance with PC25, and by the insertion of additional para. 5.7.3 in accordance with PC26, as further modified by FPC002, but no other modification be made.

PARAGRAPH 5.7.3 (RENUMBERED 5.7.4)

Paragraph 5.7.3 (renumbered 5.7.4) be modified in accordance with PC28, but no other modification be made.

PARAGRAPH 5.7.5 (RENUMBERED 5.7.6)

Paragraph 5.7.5 (renumbered 5.7.6) be modified in accordance with PC31 and FPC003.

POLICY SD8 (RENUMBERED SD7)

Policy SD8 (renumbered SD7) be modified in accordance with PC33, but no other modification be made.

SECTION 5.8

No modification be made.

POLICY SD9 (RENUMBERED SD8)

Policy SD9 (renumbered SD8) be modified in accordance with PC36 and by the deletion of criterion 5. Supporting text be modified as necessary. No other modification be made.

POLICY SD10 (RENUMBERED SD9)

Policy SD10 (renumbered SD9) be modified in accordance with PC38, but no other modification be made.

POLICY SD11 (RENUMBERED SD10)

Policy SD11 (renumbered SD10) be modified in accordance with PCs 41 and 42, but no other modification be made.

POLICY SD12 (RENUMBERED SD11)

Policy SD12 (renumbered SD11) be deleted, and supporting text modified as necessary to encourage the inclusion of water conservation and recycling facilities in development proposals.

CHAPTER 6 : HOUSING

CONCEPT

No modification be made.

SECTION 6.1

No modification be made.

SECTION 6.3

No modification be made.

POLICY H1

Policy H1 and supporting text (para. 6.3.5) be deleted.

POLICY H2

Policy H2 and supporting text (para. 6.3.6) be deleted.

POLICY H3

Policy H3 be re-written as follows:

To avoid the inefficient use of land, new residential development should be built at a density of 30 dwellings per hectare net or more.

Paragraph 6.3.7 be modified to include comment confirming that a high quality of design and layout must be maintained within high density development, and that the character of the surrounding area must not be compromised.

SECTION 6.4

Policy H4 be modified by the substitution of 400 in place of 520 as the Urban Capacity Study Windfall allowance, and that para. 6.4.7 (renumbered 6.4.9) be revised as necessary.

POLICY H4

Para. 6.4.6 (renumbered 6.4.8) be modified in accordance with FPC005.

Section 6.4 be modified by the inclusion of additional supporting text to provide reasoning for the indicative density for the Old Harlow Area of Opportunity.

Policy H4 and supporting text be modified in accordance with recommendations elsewhere in my Report, but no other modification be made.

POLICY H4/1 : HARLOW SPORT CENTRE

The Indicative Site Capacity for Harlow Sport Centre policy H4/1 be modified to 500 (gross and net), and the Indicative Density be amended to 44 dphn, but no other modification be made.

POLICY H4/2 : HARLOW SWIMMING POOL

No modification be made.

POLICY H4/3 : DARLINGTON GARAGE

Policy H4 be modified in accordance with PC53, but no other modification be made.

POLICY H4/4 (RENUMBERED H4/3) : OLD HARLOW AREA OF OPPORTUNITY

No modification be made.

POLICY H4/5 (RENUMBERED H4/4) : FAIRCROFT LITTLE BAYS

No modification be made.

POLICY H4/6 (RENUMBERED H4/5) : NORTHBROOKS REGENERATION AREA

No modification be made.

POLICY H4/7 (RENUMBERED H4/6) : SHERARDS HOUSE

No modification be made.

POLICY H4/8 (RENUMBERED H4/7) : RYE CROFT GARAGE SITE

The Indicative Site Capacity for the Rye Croft Garage site policy H4/8 (renumbered H4/7) be modified to 14, and the Indicative Density reduced to 35 dphn, but no other modification be made.

POLICY H4/9 (RENUMBERED H4/8) : MARSHGATE FARM DEPOT

No modification be made.

POLICY H4/10 (RENUMBERED H4/9) : NEW HALL

The Area of land allocated for development at New Hall under policy H4/10 (renumbered H4/9) be modified to 18ha, and the Indicative Site Capacity be modified to 750 (gross and net).

The Proposals Map be modified to indicate the 18ha extent of land to be developed under modified policy H4/10 (renumbered H4/9), and the residual area shown on the SDD Proposals Map for housing development at New Hall be shown as land committed for developed post 2011.

No other modification be made.

PARAGRAPH 6.4.3

No modification be made.

PARAGRAPH 6.4.4

Paragraph 6.4.4 be modified in accordance with PC54, but no other modification be made.

PARAGRAPH 6.4.5 (RENUMBERED 6.4.6)

Paragraph 6.4.5 (renumbered 6.4.6) be modified in accordance with PCs 57-59 and FPC030.4, but no other modification be made.

PARAGRAPH 6.4.6 (RENUMBERED 6.4.8)

Paragraph 6.4.6 (renumbered 6.4.8) be modified in accordance with PCs 61-63 and FPC005, but no other modification be made.

PARAGRAPH 6.4.7 (RENUMBERED 6.4.9)

Paragraph 6.4.7 (renumbered 6.4.9) be modified to ensure consistency with my recommendation in section 6.8 that the Urban Capacity Study Windfall allowance in policy H4 be reduced to 400, but no other modification be made.

PARAGRAPH 6.4.8 (RENUMBERED 6.4.10)

Para. 6.4.8 (renumbered 6.4.10) be modified to ensure consistency with my recommendations in section 6.19 and elsewhere concerning the scale of development at New Hall, the capacity of previously developed land, and the allocation of land at Ram Gorse, but no other modification be made.

PARAGRAPH 6.4.9 (RENUMBERED 6.4.11)

Paragraph 6.4.9 (renumbered 6.4.11) be re-written to ensure consistency with my recommendation in section 6.8, and to clarify the relationship between the historic rates of windfall provision, the UCS, and my recommended reduced windfall allowance, but no other modification be made.

PARAGRAPH 6.5.2 AND TABLE H1

If retained, Table 1 be modified to include reference to the allocation of land at Ram Gorse, but that otherwise Table 1 be deleted, and supporting text modified or deleted as necessary. No other modification be made.

POLICY H5

Policy H5 (together with Table H1) be deleted, and supporting text be modified as necessary.

POLICY H6

Policy H6 be deleted, and that an explanation of the monitoring process be included as supporting text.

PARAGRAPH 6.5.4

Paragraph 6.5.4 be modified to reflect my recommended deletion of Table 1 and policy H5.

No other modification be made.

SECTION 6.8

No modification be made.

PARAGRAPH 6.8.2

Paragraph 6.8.2 be modified to provide a more mathematically correct assessment of affordable housing need.

PARAGRAPH 6.8.4

Paragraph 6.8.4 be modified in accordance with my recommendation concerning para. 6.8.2 to provide a more mathematically correct assessment of affordable housing need.

POLICY H8

Policy H8 be modified to state: -

To meet the affordable housing requirement, on residential development sites of 15 or more dwellings or 0.5 of a hectare or more irrespective of the number of dwellings, the Council will negotiate the provision of 30% or more of the development proposed as affordable dwellings. Negotiations will take into account the economics of provision and site suitability.

There is a presumption that provision will be made on site. However, in exceptional circumstances and by mutual agreement between the developer and Council, a financial or other contribution may be agreed for provision to be made on another site within the District.

The definition of affordable housing be included within supporting text. The definition to include reference to the levels of local income and their relationship to local house prices and rents.

An additional policy and supporting text be included in the Plan confirming that the Council will negotiate the provision of an appropriate percentage of low cost market housing and / or subsidised housing on residential development sites of 15 or more dwellings or 0.5ha or more irrespective of the number of dwellings, taking into account the need locally for low cost market dwellings, Government guidance, the economics of provision and individual site circumstances. The definition of low cost market and subsidised housing to be included in supporting text.

POLICY H9

Policy H9 be deleted, and its contents expressed as a table in supporting text, modified as necessary to reflect the revised Indicative Site Capacity figures identified in response to objections to policy H4 and its component parts. Additional explanatory supporting text to be provided as necessary.

POLICY H9/1 : HARLOW SPORT CENTRE

No modification be made.

POLICY H9/10 (RENUMBERED H9/9) : NEW HALL

No modification be made.

POLICY H10

Policy H10 be modified in accordance with PC83 and FPC030.13, but no other modification be made.

PARAGRAPH 6.9.1

No modification be made.

POLICY H11

Policy H11 be modified to state: -

All new housing development proposals will be required to take account of the needs of those with disabilities and special needs.

The Council will negotiate the provision of housing to meet the requirements of special need groups in order to create a mixed development catering for a variety of housing needs. Negotiations will take into account site suitability, together with the demand for and economics of provision.

Supporting text be modified as necessary.

POLICY H12

Policy H12 be modified by the deletion of sub-policy H12/4, Large Windfall Housing Sites (greater than 30 dwellings), and that reference to *dwellings for elderly people* be clarified, confirming that policy H11 relates to sheltered or other forms of supported accommodation. Additional supporting text should explain the rationale behind the selection of sites H12/1-3.

No other modification be made.

POLICY H13

Policy H13 be modified in accordance with FPC008.

POLICY H14

The opening statement in policy H14 be modified to state: -

Planning permission for residential infill development, including the subdivision of garden plots, small redevelopment schemes and the development of vacant plots, will be granted if all of the following criteria are met:

PARAGRAPH 6.11.3

No modification be made.

POLICY H15

The final part of policy H15 be expressed as a separate policy, strengthened with appropriate criteria and supported with explanatory text. Alternatively, its purpose be clarified in supporting text. Or, deleted.

No other modification be made.

POLICY H16

No modification be made.

CHAPTER 7 : ECONOMIC REGENERATION

CONCEPT

No modification be made.

PARAGRAPH 7.5.1

Paragraph 7.5.1 to be re-written to confirm the allocation of land north of Nortel Networks for employment purposes, specifically to facilitate the Research and Development sector of the local economy, but otherwise no modification be made.

PARAGRAPH 7.5.2

Paragraph 7.5.2 to be re-written to confirm the allocation of land north of Nortel Networks for employment purposes, specifically to facilitate the Research and Development sector of the local economy, but otherwise no modification be made.

POLICY ER2

No modification be made.

POLICY ER2/1 : LAND NORTH OF NORTEL NETWORKS

Policy ER2 be modified by the re-allocation of 13.7ha of land north of Nortel Networks specifically for business use (Class B1). The development of the site to be subject to the prior provision of adequate and suitable replacement recreation facilities, including playing fields and pavilion / social club buildings, nearby.

Supporting text in section 7.5 and elsewhere throughout the Plan be modified as necessary to provide a reasoned explanation for the allocation, and to confirm that development will be restricted to business use (Class B1) only, with priority being given to campus type R&D development.

POLICY ER2/2 (RENUMBERED ER2/1) : NEW HALL FARM

No modification be made.

POLICY ER2/3 : MAGISTRATES' COURT, SOUTH GATE

Policy ER2 be modified by the re-allocation of the Magistrates' Court, South Gate, specifically for business use (Class B1).

Supporting text in section 7.5 and elsewhere throughout the Plan be modified as necessary to provide a reasoned explanation for the allocation, and to confirm that development will be restricted to business use (Class B1) only.

POLICY ER3

Policy ER3 be modified in accordance with FPC009, but no other modification be made.

SECTION 7.6

No modification be made.

POLICY ER5

No modification be made.

POLICY ER6

Criterion 3 of policy ER6 be modified by the deletion of *that it likely to persist over the plan period*, but otherwise no modification be made.

POLICY ER7

Policy ER7 be modified by the insertion of *other* in place of *sui generis*, and that the final sentence be removed to supporting text, re-drafted as necessary to confirm the Council's intentions.

No other modification be made.

POLICY ER8

Policy ER8 be re-drafted to state: -

Planning permission will be granted for the redevelopment, regeneration and modernisation of existing employment sites and premises. Where practicable, proposals should seek to intensify the use of the site and maximise employment generating potential.

No other modification be made.

PARAGRAPH 7.9.2

Paragraph 7.9.2 be modified by the re-instatement of the final sentence, as contained in the FDD of the Plan.

POLICY ER9

Policy ER9 be modified to state: -

Planning permission will be granted for development that facilitates the expansion of the research and development sector at the employment site on London Road and elsewhere, in locations that cluster such businesses close to existing research and development establishments.

And that reference to the beneficial effects of the 'cluster effect' arising from proximity to existing R&D facilities be included in supporting text.

PARAGRAPH 7.12.2

Paragraph 7.12.3 be modified in accordance with PC105.

PARAGRAPH 7.12.3

The Plan be modified by the deletion of para. 7.12.3.

POLICY ER12

The Plan be modified by the deletion of criterion 3 of policy ER12, and supporting text.

CHAPTER 8 : TRANSPORT

TRANSPORTATION INITIATIVES

No modification be made.

SECTION 8.1

No modification be made.

PARAGRAPH 8.2.4

No modification be made.

POLICY T3

Policy T3 be modified in accordance with PC127 as further modified by FPC010, and that supporting text in para. 8.5.1 (renumbered 8.6.1) be modified by the deletion of *during the peak hour*.

POLICY T5

Policy T5 be modified in accordance with PC134, and by the substitution of *the private car* in place of *motorised transport*.

SECTION 8.8 (RENUMBERED 8.9)

No modification be made.

PARAGRAPH 8.9.2 (RENUMBERED 8.10.2)

Paragraph 8.9.2 (renumbered 8.10.2) be modified to confirm *the use of express bus routes, and priority at traffic signals and junctions*.

POLICY T9

Policy T9 be deleted.

POLICY T10

The substance of policy T10 be redrafted as supporting text, and the policy itself re-written to state:

The Council will secure the provision of adequate public transport access and facilities at major developments by means of negotiations with developers and / or the imposition of conditions on planning permissions.

These negotiations and / or conditions will ensure that access improvements and facilities are provided at an early stage of the development process, or as otherwise identified through a Transport Impact Assessment.

SECTION 8.10 (RENUMBERED 8.11)

No modification be made.

PARAGRAPH 8.10.1 (RENUMBERED 8.11.1)

Paragraph 8.10.1 (renumbered 8.11.1) be further modified in accordance with FPC012.

POLICY T11

The bulk of policy T11 be redrafted as supporting text, and the policy itself re-written to state: -

Vehicle parking for new developments shall be provided in accordance with the revised Essex Vehicle Parking Standards. These Standards are expressed as a maximum, and justification will be required for the amount of car parking proposed on the basis of operational needs and, if applicable, a Green Commuter Plan.

Where the amount of on-site car parking can be reduced, a contribution may be sought by negotiation from developers for use on schemes within the Harlow Area Transport Strategy.

The Essex Vehicle Parking Standards are included at Appendix 2.

PARAGRAPH 8.11.1 (RENUMBERED 8.12.1)

No modification be made.

PARAGRAPH 8.11.2 (RENUMBERED 8.12.2)

No modification be made.

POLICY T13

No modification be made.

PARAGRAPHS 8.12.1 – 8.12.5 (RENUMBERED 8.13.1 – 8.13.5)

Paragraph 8.12.1 (renumbered 8.13.1) be extended to provide support for the introduction of traffic calming measures throughout the District.

POLICY T15

No modification be made.

CHAPTER 9 : LEISURE AND CULTURE

PARAGRAPHS 9.2.1 – 9.2.6

No modification be made.

PARAGRAPH 9.3.3

Para. 9.3.3 be modified in accordance with FPC013.

POLICY L1

Policy L1 be modified in accordance with PC185 and FPC015, but that no other modification be made.

PARAGRAPHS 9.4.1 – 9.4.2

Paragraphs 9.4.1 and 9.4.2 be modified in accordance with FPC016 and FPC017 respectively.

POLICY L2

Policy L2 be modified in accordance with PC187, but no other modification be made.

POLICY L3

Policy L3 be modified in accordance with PC188 and FPC018, and by the inclusion of an additional criterion: -

4. suitable replacement facilities are provided elsewhere in an agreed location within or convenient to Harlow.

Supporting text be modified as necessary.

PARAGRAPHS 9.6.1 – 9.6.2

No modification be made.

POLICY L5

No modification be made.

POLICY L6

Policy L6 be modified by the deletion of *for the use of Harlow Town Football Club*, but no other modification be made in response to these objections.

POLICY L7

Policy L7 be modified in accordance with FPC019, but no other modification be made.

PARAGRAPH 9.9.1

Refer to detailed recommendations in Chapter 15, section 15.4, of this Report.

POLICY L8

Refer to detailed recommendations in Chapter 15, section 15.4, of this Report.

PARAGRAPH 9.10.1

Para. 9.10.1 as proposed to be changed be further modified in accordance with FPC020.

POLICY L9

Policy L9 be deleted in accordance with PC198.

POLICY L10 (RENUMBERED L8)

No modification be made.

POLICY L11/1 (RENUMBERED L9/1)

No modification be made.

POLICY L11/2 (RENUMBERED L9/2)

No modification be made.

POLICY L12 (RENUMBERED L10)

Refer to detailed recommendations in Chapter 15, section 15.4, of this Report, but otherwise on modification be made in response to these objections.

PARAGRAPH 9.15.1

Para. 9.15.1 be modified in accordance with FPC022.

POLICY L14.3 (RENUMBERED L12.3)

Policy L14.3 (renumbered L12.3) be modified in accordance with PC211.

POLICY L16 (RENUMBERED L14)

Policy L16 (renumbered L14) be deleted, and its intentions expressed in supporting text.

POLICY L19 (RENUMBERED L17)

No modification be made.

PARAGRAPH 9.20.1

Section 9.20 be headed *Ryehill Park*, but no other modification be made.

POLICY L20 (RENUMBERED L18)

Policy L20 (renumbered L18) be deleted, and its intentions moved to supporting text.

CHAPTER 10 : NATURAL ENVIRONMENT AND NATURAL RESOURCES

PARAGRAPHS 10.2.3 – 10.2.7

No modification be made.

POLICY NE1

No modification be made.

POLICY NE2

Policy NE2 be deleted, and its broad thrust moved to supporting text as reasoned justification for the allocation of additional Green Wedges identified in policy NE3.

POLICY NE3

Refer to detailed recommendations in Chapter 15, section 15.4, of my Report, but otherwise no modification be made.

POLICY NE3/3 : RAM GORSE PLAYING FIELDS

Refer to detailed recommendations in Chapter 15, section 15.4, of my Report.

PARAGRAPH 10.4.5

No modification be made.

POLICY NE4

Policy NE4 be modified by the inclusion of the following concluding text: -

Development permitted under this policy should preserve the openness of the Green Belt and should not conflict with any of the main purposes of including land within it.

Development that is permitted must be of a scale, design and siting such that the character and appearance of the countryside is not harmed.

PC230 be not adopted.

SECTION 10.6

Refer to detailed recommendations in Chapter 15, sections 15.1 and 15.2, of this Report, but no other modification be made.

PARAGRAPHS 10.6.2 AND 10.6.3

Refer to detailed recommendations in Chapter 7, sections 7.7 and 7.17, of this Report, but no other modification be made.

POLICY NE6

Policy NE6 and supporting text be deleted. Replacement supporting text to explain the change in planning circumstances. Otherwise, no modification be made.

POLICY NE6/1 : LAND NORTH OF GILDEN WAY

No modification be made.

POLICY NE6/2 : LAND AT EASTEND

No modification be made.

POLICY NE6/3 : LAND NORTH OF NORTEL NETWORKS

Refer to detailed recommendations in Chapter 7, sections 7.7 and 7.17, of this Report, but no other modification be made.

POLICY NE7

Policy NE7 be deleted.

POLICY NE8

No modification be made.

POLICY NE10 (RENUMBERED NE9)

No modification be made.

POLICY NE11 (RENUMBERED NE10)

Policy NE11 (renumbered NE10) be modified in accordance with PC240 and FPC023, but no other modification be made.

PARAGRAPH 10.11.1

Para. 10.11.1 be modified in accordance with PC241.

POLICY NE12 (RENUMBERED NE11)

No modification be made.

PARAGRAPH 10.12.1 AND POLICY NE13 (DELETED)

Policy NE13 be deleted and supporting text modified in accordance with PCs 244 and 243 respectively, but no other modification be made.

PARAGRAPH 10.13.1 AND POLICY NE14 (DELETED)

Policy NE14 be deleted and supporting text modified in accordance with PCs 247 and 246 respectively, but no other modification be made.

PARAGRAPHS 10.14.1 – 10.14.2 AND POLICY NE15 (DELETED)

Policy NE15 be deleted and supporting text modified in accordance with PCs 251 and 247 plus 246 respectively.

The Plan be modified by the inclusion of an additional policy to state-

In considering applications for development affecting trees or hedges the Council:

- 1. may require a survey of the site and the trees and hedges concerned:*
- 2. will oppose the loss of trees and hedgerows of amenity value and wildlife importance.*
- 3 will serve Tree Preservation Orders to protect trees with public amenity value:*
- 4. may impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction.*

Sections 10.13 and 10.14 be combined to form a single section.

POLICY NE16 (RENUMBERED NE12)

Policy NE16 (renumbered NE12) be modified in accordance with PC254.

POLICY NE17 (RENUMBERED NE13)

Policy NE17 (renumbered NE13) be re-written to state:-

In considering applications for new development affecting the quality of the water environment the Council:

- 1. will oppose any adverse effect on watercourses and their corridors, or on groundwater quality or levels;*
- 2. will require the protection, maintenance and where possible enhancement of the River Stort, ponds, watercourses and water meadows;*
- 3. may require the reinstatement and management of ponds;*
- 4. may require the creation of new water areas, and the inclusion of schemes to enhance biodiversity.*

All management schemes, including funding, must be agreed with the Council.

POLICY NE18 (RENUMBERED NE14)

Policy NE18 (renumbered NE14) be redrafted to state:-

Planning permission will not be granted for proposals that detract from the visual quality of Special Landscape Areas.

Supporting text be modified to confirm that any change in the name, status or extent of the Special Landscape Areas arising from the CC's landscape character assessment study will be reflected in a future Review of the Plan.

POLICY NE19 (RENUMBERED NE15)

The final two sentences of para. 10.18.2 be re-written to state:-

To assist biodiversity, the Council will encourage developers to set aside some 10% of major development sites in order to provide for an increase in wildlife habitats. Management schemes proposed by developers for these areas will need to be agreed with the Council before planning permission is granted.

Policy NE19 (renumbered NE15) be re-written to state:-

Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures.

All management schemes, including funding, must be agreed with the Council.

POLICY NE20 (RENUMBERED NE16)

The text of policy NE20 (renumbered NE16) be re-written to state: -

Proposals for development within or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny.

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on an SSSI unless it can be demonstrated that the reason for the proposal clearly outweighs the nature conservation value of the site itself and the national policy to safeguard the national network of such sites.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's nature conservation interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes, including funding, must be agreed with the Council.

The following SSSIs have been identified on the Proposals Map:

POLICY NE21 (RENUMBERED NE17)

Policy NE21 (renumbered NE17) be re-written to state: -

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Local Nature Reserve unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures

All management schemes must be agreed with the Council.

The following Local Nature Reserves have been identified on the Proposals Map:

The statement that the Council will encourage the appropriate management of these sites for their wildlife value be moved to supporting text.

POLICY NE22 (RENUMBERED NE18)

Policy NE22 (renumbered NE18) be re-written to state: -

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Wildlife Site unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes must be agreed with the Council.

The following Wildlife Sites have been identified on the Proposals Map:

The statement that the Council will encourage the appropriate management of these sites for their wildlife value be moved to supporting text.

POLICY NE23 (RENUMBERED NE19)

Policy NE23 (renumbered NE19) be re-written to state: -

Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Protected Wildlife Verge unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the verge.

If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.

All management schemes must be agreed with the Council.

The following Protected Wildlife Verges have been identified on the Proposals Map:

POLICY NE24 (RENUMBERED NE20)

Policy NE24 (renumbered NE20) be re-written to state: -

Applications for planning permission for new development that is likely to affect protected or other rare (UK and Essex BAP) specie(s) must be accompanied by a fully informed survey, carried out at an appropriate time of the year, detailing the development's impact on the protected or rare specie(s)

Planning permission will not be granted for development or changes in land use which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 (as amended), the Habitats Regulations 1994 (as amended) and other rare (UK and Essex BAP) specie(s) unless it can be demonstrated that the reason for the proposal outweighs the need to safeguard the specie(s).

If granted, planning permissions may be subject to conditions, obligations or management agreements to: -

- 1. facilitate the survival of individual members of the species;*

2. *reduce disturbance to a minimum;*
3. *provide adequate alternative habitats to sustain at least the current levels of population;*
4. *provide a commuted sum towards securing the long-term management of the site*

All management schemes must be agreed with the Council.

Comments concerning the need to obtain a licence from DEFRA for development which may compromise the protection of European protected species, eg bats, great crested newts and otters, should be included in supporting text.

CHAPTER 11 : BUILT ENVIRONMENT

SECTION 11.3

No modification be made.

SECTION 11.4

Para. 11.4.1 be modified in accordance with PC282.

POLICY BE1

No modification be made.

PARAGRAPH 11.6.2

Para. 11.6.2 (or para. 11.6.1) be modified to recognise the need for flexibility in design, and to establish a link with the DETR publication By Design : Urban Design in the Planning System.

POLICY BE3

Policy BE3 be deleted.

POLICY BE4

Policy BE4 be modified in accordance with FPC026, subject to the further modification of the opening paragraph to state: -

Proposals for development on previously developed land at a density higher than that existing (or previously existing), in terms of additional number of units and/or increase in floor space, will be granted planning permission provided that:-

PARAGRAPH 11.8.1

No modification be made.

POLICY BE7

Policy BE7 be modified in accordance with PC300 to form new policy BE8, re-drafted to state:-

Planning permission for development that would necessitate the demolition of a listed building, or buildings, or compromise its / their character or setting, will not be granted.

No other modification be made.

POLICY BE8 (RENUMBERED BE9)

Policy BE8 (renumbered BE9) be modified in accordance with PC302, but no other modification be made.

POLICY BE9 (RENUMBERED BE10)

Policy BE9 (renumbered BE10) be deleted and its contents moved to supporting text.

POLICY BE10 (RENUMBERED BE11)

No modification be made.

POLICY BE11 (RENUMBERED BE12)

No modification be made.

POLICY BE12 (RENUMBERED BE13)

Policy BE12 (renumbered BE13) be deleted.

POLICY BE14

Policy BE14 be modified in accordance with PC315.

POLICY BE16

Policy BE16 be re-written to state:-

The desire to preserve the remains and setting of a site with archaeological remains of lesser importance will be material consideration when considering development proposals affecting the site. This desire will be balanced against the importance of the remains; the need for the development; the possibility of preservation in situ; and / or the appropriateness of an archaeological excavation for 'preservation by record'.

No other modification be made.

POLICY BE17

Policy BE17 be re-written to state: -

Development proposals that affect a site where archaeological remains may exist will only be determined after an archaeological field evaluation has been undertaken.

No other modification be made.

PARAGRAPH 11.20.2

No modification be made. Para. 11.20.2, together with para. 11.20.1 and policy BE25, be deleted.

POLICY BE25

No modification be made. Policy BE25 and supporting text be deleted.

CHAPTER 12 : REGENERATING THE TOWN CENTRE AND SHOPPING

POLICY RTCS1

Policy RTCS1 be modified in accordance with PCs 334 and 335, but no other modification be made.

POLICY RTCS2

Policy RTCS2 be modified in accordance with PC336, but no other modification be made.

PARAGRAPHS 12.5.7 – 12.5.8 AND POLICY RTCS3 (DELETED)

Para. 12.5.7 be modified in accordance with PC337, additional para. 12.5.8 be inserted in accordance with PC338, and policy RTCS3 be deleted in accordance with PC339, but no other modification be made.

POLICY RTCS5 (RENUMBERED RTCS4)

Policy RTCS5 (renumbered RTCS4) be re-written to state: -

Planning permission will be granted for proposals that will produce an improvement in the environmental quality of the town centre, or otherwise be of benefit to those working, visiting or residing within the centre.

And its scope and intentions expressed in supporting text.

SECTION 12.7

No modification be made.

POLICY RTCS7 (RENUMBERED RTCS6)

No modification be made.

POLICY RTCS9 (RENUMBERED RTCS8)

Part 2 of policy RTCS9 (renumbered RTCS8) be modified to state:-

2. The proposal would result in improvements to and/or the extension of the existing Playhouse, or, if shown to be necessary, the relocation of the Playhouse to a larger facility on an appropriate Town Centre North site. The funding for relocation to be secured by means of an Agreement between the Council and prospective developers.

Supporting text be modified by the inclusion of clarification of the means whereby the relocation of the Playhouse is to be funded.

PARAGRAPH 12.10.1

No modification be made.

POLICY RTCS15 (RENUMBERED RTCS14)

No modification be made.

PARAGRAPH 12.14.1 AND POLICY RTCS18 (RENUMBERED RTCS17)

No modification be made.

PARAGRAPH 12.15.1 AND POLICY RTCS19 (RENUMBERED RTCS18)

Policy RTCS19 (renumbered RTCS18) be re-written to state:-

Proposals for the improvement and, if shown to be necessary, partial redevelopment of the Stow and/or Bush Fair Neighbourhood Centres will be favourably considered. All proposals must respect the existing character of the Centres, and their position in the architectural heritage of Harlow.

Exceptionally, proposals for the full redevelopment of the Centres will be favourably considered.

Proposals should not result in the loss of key facilities that contribute to the range of offer or that act as anchors or catalysts which assist in retaining existing or attracting new operators in the neighbourhood centre.

Supporting text be modified to confirm that improvement, with possibly partial redevelopment, of the Stow and Bush Fair Neighbourhood Centres will be preferred to full redevelopment.

POLICY RTCS22 (RENUMBERED RTCS21)

The opening sentence of policy RTCS22 (renumbered RTCS21) be modified to state: -

The following retail warehouse parks are identified on the Proposals Map:

No other modification be made.

POLICY RTCS23 (RENUMBERED RTCS22)

Policy RTCS23 (renumbered RTCS22) be re-drafted to state: -

Proposals for development within retail warehouse parks will not be permitted if they involve any of the following:

- 1. the sub-division of units;*
- 2. the sale of items other than DIY goods, furniture, floor coverings, leisure and garden products, motor accessories and electrical goods;*
- 3. the change of use from Class A1 (shop) to any other use.*

But no other modification be made.

CHAPTER 13 : COMMUNITY FACILITIES AND PUBLIC UTILITIES

SECTION 13.1

No modification be made.

POLICY CP1

Policy CP1 be modified in accordance with PC378, but no other modification be made.

POLICY CP4

Policy CP4 be modified in accordance with PC382, but no other modification be made.

POLICY CP5

Policy CP5 be modified by the substitution of *will* in place of *would* throughout, but no other modification be made.

POLICY CP6

Policy CP6 be re-drafted to state: -

Proposals involving in the loss of an existing community facility will be required to replace that facility, unless it can be shown that:

1. *No replacement facility is required; or*
2. *Suitable alternative facilities can be provided in the locality; or*
3. *An appropriate commuted sum can be agreed.*

POLICY CP7

Policy CP7 be modified in accordance with PC385, but no other modification be made.

PARAGRAPH 13.2.11 AND POLICY CP8

Policy CP8 be deleted, and its intentions moved to supporting text, but no other modification be made.

POLICY CP9

Policy CP9 be modified in accordance with CP387, but no other modification be made.

POLICY CP10

Policy CP10 be re-written to state: -

To allow for the proper provision of public utility services, planning permission for development that increases the demand for off-site service infrastructure will only be granted if sufficient capacity already exists or extra capacity can be provided in time to serve the proposed development. Where sufficient capacity does not exist, planning permission may be granted conditionally requiring the phasing of development to coincide with provision

PARAGRAPH 13.3.5

Para. 13.3.5 be modified in accordance with PC389.

POLICY CP11 (DELETED)

Policy CP11 be deleted in accordance with PC390.

POLICY CP12 (RENUMBERED CP11)

Policy CP12 (renumbered CP11) be modified in accordance with PC392, and further modified in accordance with FPC027, but no other modification be made.

PARAGRAPH 13.3.9 AND POLICY CP13 (RENUMBERED CP12)

The opening sentence of policy CP13 (renumbered CP12) be moved to supporting text, and the remainder re-written to state: -

Where communal provision for the reception of television broadcasts exists or is proposed, applications for satellite antenna on dwelling houses will be resisted. On all other properties, planning permission will not be granted for microwave/ satellite antennas where they would be detrimental to the appearance of the building and / or injurious to the visual amenities of the area.

No other modification be made.

PARAGRAPH 13.3.11

Para. 13.3.11 be modified in accordance with FPC028, but no other modification be made.

POLICY CP14 (RENUMBERED CP13)

Policy CP14 (renumbered CP13) be replaced in accordance with PC398, and replacement policy CP14 (CP13) be modified in accordance with FPC029.

POLICY CP15 (RENUMBERED CP14)

Policy CP15 (renumbered CP14) be deleted, and its contents moved to supporting text.

PARAGRAPH 13.3.15

Para. 13.3.15 in the SDD be deleted in accordance with FPC030.

POLICY CP16 (RENUMBERED CP15)

Policy CP16 (renumbered CP15) be re-written to state: -

Planning permission will only be granted for development involving the use or storage of hazardous substances where there is no unacceptable risk to residential or other sensitive areas, or to public health and safety.

Planning permission will not be granted for development within a Hazardous Substances Consultation Zone if it would result in an unacceptable risk to public health and safety.

**CHAPTER 14 : IMPLEMENTATION, MONITORING AND REVIEW.
APPENDICES AND PROPOSALS MAP****APPENDICES****APPENDIX 2 : ESSEX VEHICLE PARKING STANDARDS**

The Plan be modified by the inclusion of the Essex Vehicle Parking Standards as Appendix 2.

PROPOSALS MAP

LAND SOUTH OF MULBERRY GREEN / NORTH OF GILDEN WAY

No modification be made.

LINK ROAD BETWEEN THE A414 AND OLD LONDON ROAD

The Proposals Map be modified in accordance with PC429.

QUEENSGATE CENTRE, EDINBURGH WAY

The Proposals Map be modified in accordance with PC547.

EMPLOYMENT LAND DELETIONS

The Proposals Map be modified by the allocation of land north of Nortel Networks and the Magistrates Court for employment development.

COUNTER PROPOSALS

LAND EAST OF CHURCHGATE STREET

No modification be made.

LAND AT EASTEND

No modification be made.

LAND SOUTH OF COMMONSIDE ROAD

No modification be made.

LAND AT RAM GORSE (HARLOW RUGBY UNION FOOTBALL CLUB)

Paragraphs 9.9.1 and 9.13.1 be amalgamated to state: -

9.9 Rugby Club Ground

9.9.1 Harlow Rugby Union Football Club has outgrown their existing site a Ram Gorse and has been seeking relocation for some time. The Club requires additional pitches to cater for more juniors, mini rugby, women's rugby, training, tag rugby, increased car parking, fencing of the first team pitch, and a new clubhouse.

9.9.2 Green Wedges are recognised for their valued character and amenity. However, formal sports uses have always been integrated as part of Harlow's

sports, leisure and recreation provision. Latton Farm is an area of farmland in a Green Wedge in the centre of the built-up area of Harlow. It is anticipated that, at some point, it will no longer be viable as a working farm, and that an alternative use will have to be found. Reflecting its location, the future use would need to retain the open nature of the land and enable it to be opened up for public access. It is thus considered to be a suitable alternative site for the Harlow Rugby Union Football Club to meet the growing needs of the Club. Some 11ha of land at Latton Farm are thus allocated for playing field use. It is recognised that the use of this site by the Rugby Club would, in addition to the provision of a range of playing fields, necessitate the provision of a clubhouse / pavillion, floodlights, car parking and other associated facilities, the scale and location of which will need to have regard to their Green Wedge location. In the event of the Rugby Club failing to secure the use of the playing fields for their own use, their use by an alternative club or association would be acceptable.

Policy L8 be modified to state:

Eleven hectares of land at Latton Farm are allocated for use as playing fields.

Section 9.13, policy L12 (renumbered L10) and supporting text be deleted.

Policy NE3/3 be deleted, and supporting text be modified as necessary.

Policy H4 be modified by the allocation of 3.7ha of land at Ram Gorse for residential development at a gross and net density of 30 dph, to provide a total of 110 dwellings.

The Proposals Map be modified as necessary.

LAND SOUTH OF MULBERRY GREEN / NORTH OF GILDEN WAY, OLD HARLOW

No modification be made.

LAND NORTH OF GILDEN WAY

No modification be made.

LAND AT TEMPLEFIELDS EMPLOYMENT AREA (PROSPECT ROYAL SITE) AND ADJOINING GREEN WEDGE

No modification be made.

CHAPTER 6 : ANNEX A

POLICY H4 : HOUSING ALLOCATIONS

The following sites of 10 or more dwellings net are identified to meet the housing requirement between 1st April 2003 and 31st March 2011.

Reference	Site	Area (ha)	Indicative Site Capacity (Gross)	Indicative Site Capacity (Net)	Indicative Density (dph)
H1	Harlow Sport Centre	11.4	500	500	44
H2	Harlow Swimming Pool	1.3	60	60	45
H3	Old Harlow Area of Opportunity	1.0	25	25	25
H4	Faircroft Little Bays	0.6	27	20	45
H5	Northbrooks Regeneration Area	10.5	420	53	40
H6	Sherards House	0.4	18	10	40
H7	Rye Croft Garage Site	0.4	16	14	35
H8	Marshgate Farm Depot	0.5	10	10	20
H9	New Hall	18.0	750	750	40
H10	Ram Gorse	3.7	110	110	30
			SUB-TOTAL	1552	
	UCS Windfall		400	400	
			TOTAL	1952	

APPENDIX B : APPEARANCES AT THE INQUIRY

DAY 1 : 15 JUNE 2004

HOUSING ROUND TABLE SESSION

For the Objectors

Nick Groves, Boyer Planning, representing David Wilson Homes, Taylor Woodrow Developments and Westbury Homes

John Boyd, J B Associates, representing Countryside Residential (North Thames) Ltd

Neil Osborn, DLP Consultants, representing Harlow Rugby Union Football Club

Alasdair Jones, Stoneleigh Planning, representing New Hall Projects Ltd

For the Council

Dianne Cooper, Forward Planning Manager

Colin Endean, Planning Officer, Forward Planning

Nicholas Freer, Director, David Lock Associates

DAY 2 : 16 JUNE 2004

RYE CROFT GARAGES SITE

For the Objectors

Mr N Elliott, on behalf of Mr I Ball

Mr D and Mrs J Hall

Anne Llewellyn-Knott

For the Council

Colin Endean, Planning Officer, Forward Planning

Dianne Cooper, Forward Planning Manager

MARSHGATE FARM DEPOT

For the Objectors

Brian Miller, representing Harlow Civic Society

For the Council

Colin Endean, Planning Officer, Forward Planning

HARLOW CIVIC SOCIETY

For the Objector

Tony Evans, representing Harlow Civic Society

For the Council

Dianne Cooper, Forward Planning Manager

Colin Endean, Planning Officer, Forward Planning

Patrick Akindude, Planning Officer, Forward Planning

Johan Els, Planning Officer, Forward Planning

DAY 3 : 22 JUNE 2004

HARLOW SPORTS CENTRE

For the Objectors

Richard Harenburg

Mr P Long

J E Allen

Rex Amor

For the Council

Dianne Cooper, Forward Planning Manager

Colin Endean, Planning Officer, Forward Planning

HARLOW SWIMMING POOL

For the Objectors

Richard Harenburg

Mr P Long

J E Allen

Rex Amor

For the Council

Dianne Cooper, Forward Planning Manager

Colin Endean, Planning Officer, Forward Planning

DAYS 4 & 5 : 24 & 25 JUNE 2004

LAND NORTH OF GILDEN WAY

For the Objectors

Adrian Trevelyan-Thomas of Counsel, on behalf of the David Wilson Homes/Taylor Woodrow Developments/Westbury Homes Consortium, who called: -

David Lander, Managing Director of Boyer Planning

Colin Goodrum, Partner of Landscape Design Associates

James Michael Hutchins, Director of WSP Development, Maidstone

For the Council

Richard Humphreys of Counsel, who called: -

Dianne Cooper, Forward Planning Manager

Mrs E M Wiltshire

Miss Jane Whitehead

DAY 6 : 13 JULY & PM 15 JULY 2004

RAM GORSE PLAYING FIELDS

For the Objectors

Tom Hill of Counsel, representing Harlow Rugby Union Football Club, who called: -

Neil Osborn, DLP Consultants Ltd

Chris Locke, Chairman, Harlow Rugby Union Football Club

P Eynon

David Sharp

Michael Ryland

John Richard Guyton

For the Council

Richard Humphreys of Counsel, who called: -

Clive Crake, District Planning Officer

DAY 7 : 14 JULY 2004

LAND AT EAST END

For the Objectors

Paul Brown of Counsel, representing Countryside Residential (North Thames) Ltd, who called: -

John Boyd, J B Planning Associates Ltd,

For the Council

Richard Humphreys of Counsel, who called:

Colin Endean, Planning Officer, Forward Planning

DAY 8 : 15 JULY 2004

LAND NORTH OF NORTEL NETWORKS

For the Objectors

Alasdair Jones, Stoneleigh Planning Partnership; representing New Hall Projects Ltd

Peter Leaver, King Sturge, representing New Hall Projects Ltd

Robert E Reynolds, Planning & Development Partnership, representing Powerrapid Ltd

For the Council

Dianne Cooper, Forward Planning Manager

Johan Els, Planning Officer, Forward Planning

DAY 9 : 20 JULY 2004

PLAYING FIELDS

For the Objectors

Mary Wiltshire

For the Council

Patrick Akindude, Planning Officer, Forward Planning

DAY 10 : 12 AUGUST 2004

INQUIRY CLOSED

APPENDIX C : CORE DOCUMENTS

Copies of the following Core Documents are available for inspection at the offices of the Planning Department, Harlow District Council, Civic Centre, The Water Garden, Harlow.

- CD1** Replacement Harlow Local Plan; 2nd Deposit Draft January 2004, Written Statement & Proposals Map
- CD2** Employment Land Availability Study 2003
- CD3** Residential Land Availability Study 2003
- CD4** Sustainability Appraisal 2nd Deposit
- CD5** Publicity Statement for 2nd Deposit
- CD6** Retail Frontages 2003
- CD7** Monitoring Report 2003
- CD8** Replacement Harlow Local Plan; 1st Deposit Draft November 2002, Written Statement & Proposals Map
- CD9** Employment Land Availability Study 2002
- CD10** Residential Land Availability Study 2002
- CD11** Sustainability Appraisal 1st Deposit
- CD12** Publicity Statement for 1st Deposit
- CD13** Retail Frontages 2002
- CD14** Monitoring Report 2002
- CD15** Housing Needs Survey Executive Summary
- CD16** Town Centre Strategy
- CD17** Harlow Area Transportation Study
- CD18** Playing Fields Assessment 2001 – 2011
- CD19** Urban Capacity Study
- CD20** Wildlife Sites
- CD21** Second Issues Report; Responses to Consultation
- CD22** Second Issues Report; Strategy & Key Locations for Development, July 2001
- CD23** Harlow Local Plan Review; Responses to the Issues Report, December 1998
- CD24** Green Wedges Topic Paper, April 2004

- CD25** Essex & Southend-on-Sea Replacement Structure Plan. Adopted April 2001
- CD26** Planning Policy Guidance 1: General Policy and Principles
- CD27** Planning Policy Guidance 2: Green Belts
- CD28** Planning Policy Guidance 3: Housing
- CD29** Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms
- CD30** Planning Policy Guidance 6: Town Centres and Retail Development
- CD31** Planning Policy Guidance 7: Countryside
- CD32** Planning Policy Guidance 8: Telecommunications
- CD33** Planning Policy Guidance 9: Nature Conservation
- CD34** Planning Policy Guidance 12: Development Plans
- CD35** Planning Policy Guidance 13: Transport
- CD36** Planning Policy Guidance 15: Planning and the Historic Environment
- CD37** Planning Policy Guidance 16: Archaeology and Planning
- CD38** Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
- CD38A** Assessing Needs and Opportunities: PPG17 Companion Guide
- CD39** Planning Policy Guidance 22: Renewable Energy
- CD40** Planning Policy Guidance 23: Planning and Pollution Control
- CD41** Planning Policy Guidance 24: Planning and Noise
- CD42** Planning Policy Guidance 25: Development and Flood Risk
- CD43** Regional Planning Guidance for the South East, March 2001
- CD44** The Essex Design Guide for Residential and Mixed Use Areas
- CD45** Lifetime Homes Standards
- CD46** Making Renewable Energy A Reality : Setting a Challenging Target for the Eastern Region. Report to the East of England Sustainable Development Round Table
- CD47** Environment Committee Report on the new Open Space SPG
- CD48** Harlow Local Plan. Adopted 1995
- CD49** Planning to Deliver : The Managed Release of Housing Sites
- CD50** Inspector's Notes of Pre-Inquiry Meeting.

- CD51** Common Guidelines for the Alteration and Extension of Domestic Property
- CD52** By Design : Urban design in the Planning System: Towards Better Practice
- CD53** Harlow 2020 Vision : Harlow's Action Plan for the Year 2020
- CD54** State of Play : Future of Sport in Harlow
- CD55** Infinite Possibilities : A Cultural Strategy for Harlow
- CD56** Harlow New Town : Master Plan, Second Edition, August 1952
- CD57** Harlow Local Plan First and Second Alterations : Report on the Objections 19 February 1998
- CD58** Harlow Local Plan First and Second Alteration Inspector's Report Request for Clarification, 16 April 1998
- CD59** Harlow New Town : Master Plan. August 1947
- CD60** Extract from Harlow Local Plan Deposit Copy, October 1990
- CD61** Letter 15 May 1992 from Planning Inspectorate enclosing Inspector's Report
- CD62** Letter 11 October 2002, confirming conformity of Replacement Harlow Local Plan 1st Deposit Draft with the Approved Essex and Southend-on-Sea Replacement Structure Plan
- CD63** Letter 8 January 2004 confirming non-conformity of Replacement Harlow Local Plan 2nd Deposit Draft with the Approved Essex and Southend-on-Sea Replacement Structure Plan
- CD64** Council's Opening Statement, Tuesday 15 June 2004
- CD65** Notes of the Housing Round Table Discussion, Tuesday 15 June 2004
- CD66** Schedule of Further Proposed Changes to the 2nd Deposit Draft of the Replacement Harlow Local Plan

APPENDIX D : DOCUMENTS SUBMITTED AT THE INQUIRY

DAY 3

- 3/1 Creating Sustainable Communities, Land Use Change in England No 14
- 3/2 Statement from Rex Amor
- 3/3 Results of a census from Morley Grove Residents Association

DAY 4

- 4/1 Missing page from Appendix 7 of David Lander's proof
- 4/2 Missing pages of Appendix 11 (Ecotec report) of David Lander's proof
- 4/3 Preface to Appendix 12 (Harlow Options Study) of David Lander's proof
- 4/4 Appendix 14 of David Lander's proof, letter dated 4 March 2004 to DPM from CE
- 4/5 Creating Sustainable Communities : Making it Happen : Thames Gateway and the Growth Areas
- 4/6 Sustainable communities in the East of England : Building for the Future

DAY 5

- 5/1 Extract from May 2004 edition of The Essex Protector
- 5/2 Letter dated 20 August 1997 to Harlow District Council from Harlow Museum
- 5/3 Letter dated 16 September 1997 to Harlow Council from English Heritage
- 5/4 Extract from 1993 Planning Appeal report
- 5/5 Statement from Miss M J Whitehead
- 5/6 Hidden Harlow, A Series of Walks exploring Harlow New Town

DAY 6

- 6/1 Letter dated 17 June 2004 from R Whittle, Hon Secretary, Essex County Schools Rugby Football Union
- 6/2 Harlow Rugby Union Football Club Rules
- 6/3 Letter dated 12 July 2004 from English Partnerships to Whiskers Solicitors
- 6/4 Property and Charges Register for Land to the North of Elizabeth Way dated 27 April 1995
- 6/7 Latton Farm : Plans
- 6/8 Latton Farm : Elevations/Sections
- 6/9 Primary Schools Data
- 6/10 Regional Planning Panel Report on RPG/RSS14 progress
- 6/11 Ram Gorse Site : Landscape Proposals

DAY 7

- 7/1 Opening Statement for Countryside Residential
- 7/2 Email from Essex CC to Harlow DC on Quaker Burial Site at Eastend, Harlow
- 7/3 Primary Schools Data
- 7/4 Archaeological Assessment for Countryside Properties (N Thames) Ltd on Bali Hai

- 7/5 Extract from Appendices to Boyer Planning Proof for Land North of Gildea Way
- 7/6 Extract from HDC Committee report showing response to Countryside Properties representations
- 7/7 Appeal decision letter for land at the rear of Skins Farm, Skins Lane, dated 19 March 1997

DAY 8

- 8/1 Enquiry Schedule for Spire Green Centre, Flex Meadow, 6 May 2004
- 8/2 Note on Lottery Potential, the National Lottery and Sport England
- 8/3 Letter dated 15 July 2004 from Kier Land to DLP Consultants Ltd
- 8/4 Letter from Essex County Rugby Football Union to Harlow Rugby Union Football Club

DAY 9

- 9/1 Statement from Mary Wiltshire
- 9/2 Friends of Rivers Nursery Orchard leaflet