

Templefields North East Local Development Order

Consultation Summary Report

August 2013



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SECTION 1 - INTRODUCTION

This Consultation Summary Report summarises the consultation process undertaken by Harlow Council in the preparation of the proposed Templefields North East Local Development Order.

The aims of this Report are to:

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

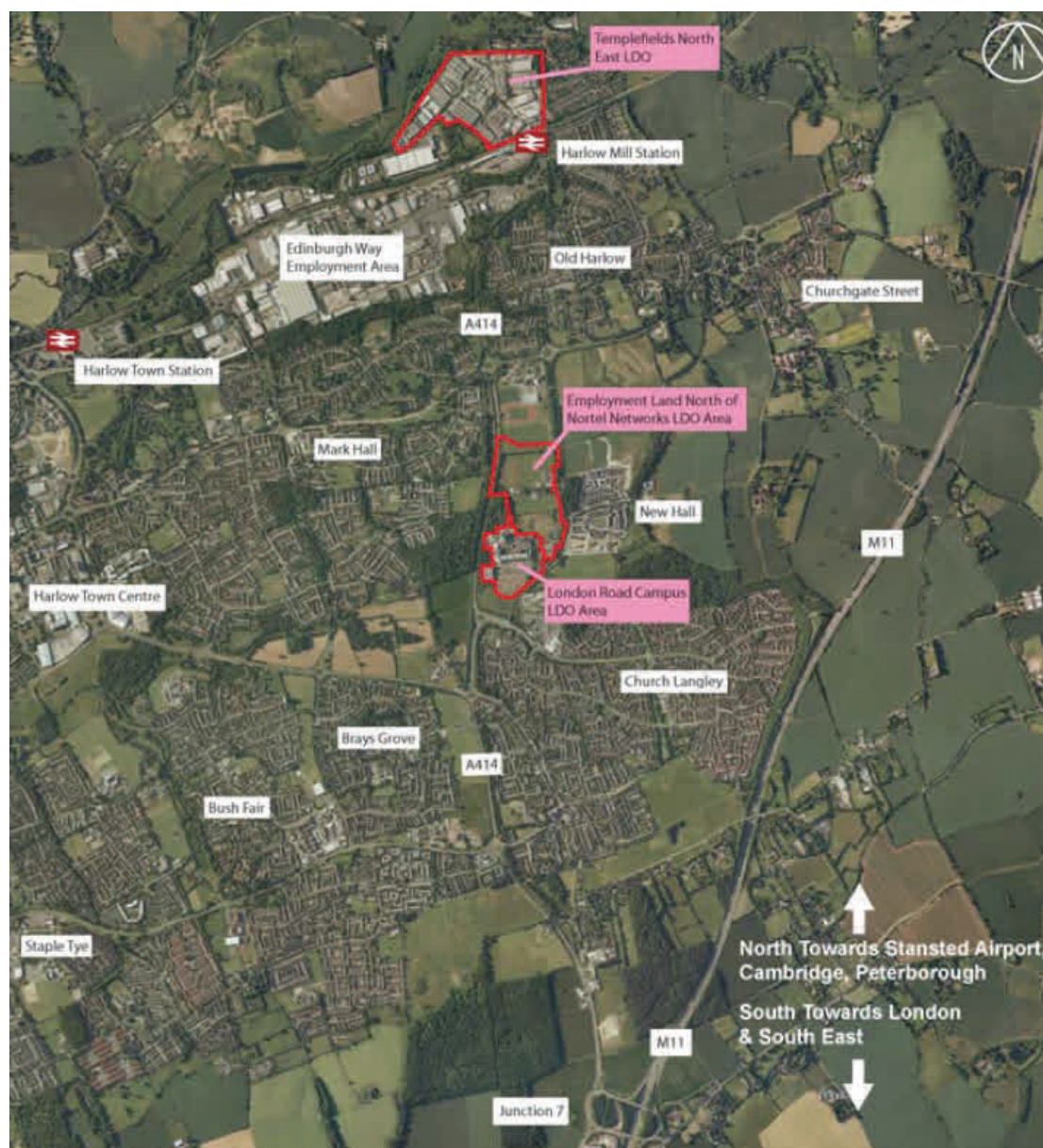
SECTION 2 - BACKGROUND

Harlow Enterprise Zone

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

Harlow submitted a successful bid for Enterprise Zone status, and the Enterprise Zone formally came in to being on 1 April 2012. Enterprise West Essex @ Harlow is a sector-led Enterprise Zone focused on Harlow and West Essex's strengths in Health and Allied Industries (Medical Technologies), Advanced Manufacturing, and Information Communication Technology (ICT).

The Harlow Enterprise Zone is split across two separate sites (see map below) - Templefields North East, located adjacent to Cambridge Road; and land at London Road (a 9 hectare redevelopment site at the London Road Campus, known as London Road South; and a 15 hectare site to the north, known as London Road North).



Local Development Orders (LDOs)

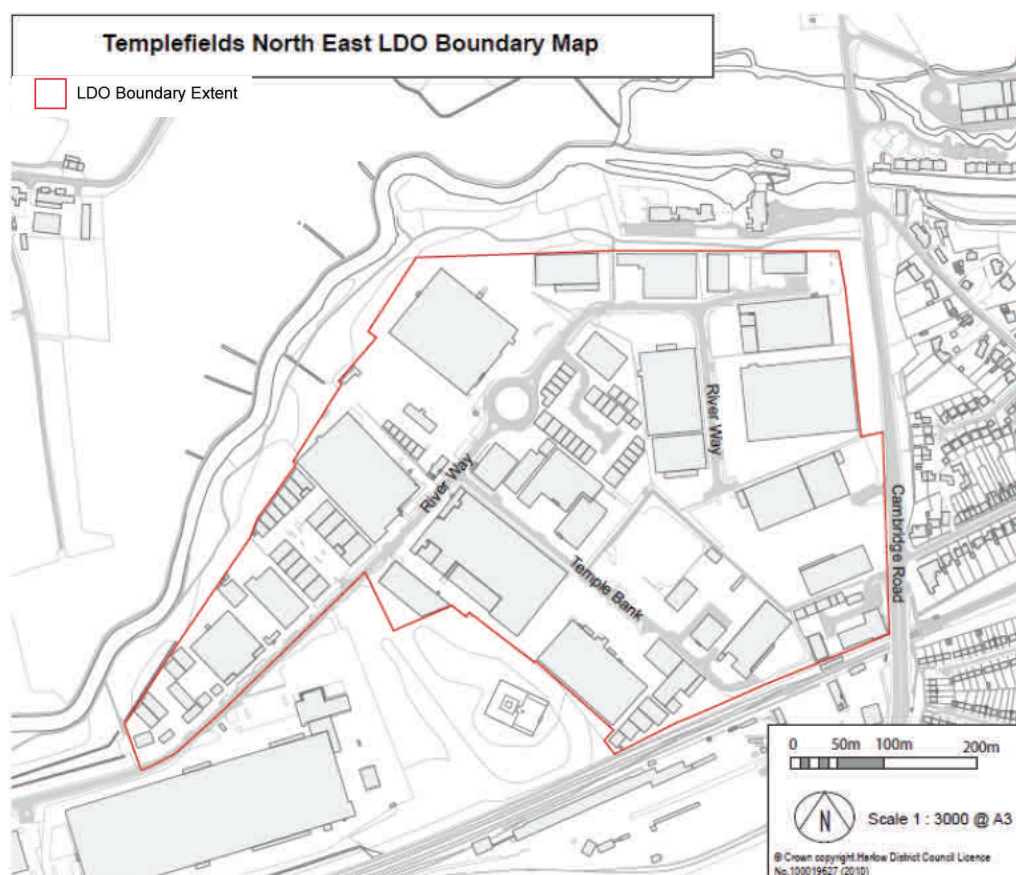
LDOs were introduced through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specified types of development subject to, where appropriate, planning conditions. LDOs grant planning permission for those proposals that are in line with the requirements set out in the Order,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

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

Harlow LDOs

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

The Council undertook public consultation on the Templefields North East LDO from 28 May 2013 to 1 July 2013, which is detailed in this report. Public consultation on the London Road North LDO was undertaken in August and September 2012, and public consultation on the London Road South LDO was undertaken in November and December 2012. The area covered by the Templefields North East LDO is shown on the map below.



SECTION 3 - LEGISLATIVE REQUIREMENTS

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

LDO preparation

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

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

Consultees

Article 34(3) states that:

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

Article 34(4) states that:

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

Consultation Methods

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

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

Other

Article 34(15) states that:

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

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

1. where the LDO would grant planning permission for specified development, the LPA shall also give notice of their proposal to make the order by displaying in at least one place on or near the site to which the order relates a site notice (such as the one set out in Schedule 7 of the regulations or in a form substantially to the like effect), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed;
2. the notice must specify a date by which representations on the draft order must be received, which shall not be less than 28 days from the date on which the notice was displayed or served. If a notice is, without fault or intention of the LPA, removed, obscured or defaced during the period it is being displayed, the LPA shall be treated as having complied with the requirements if they have taken reasonable steps for the protection of the notice, and if necessary, its replacement.

After the consultation

Article 34(9) states that:

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

Secretary of State notification and involvement

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

1. Once the LPA has complied with the requirements of Article 34(9), the LPA shall send a copy of the draft order and the statement of reasons – including any modifications made to the order or the statement – to the Secretary of State.
2. An LPA shall not take any further step in connection with the adoption of a LDO until either:
 - the Secretary of State has notified the LPA that they do not intend to make an intervention; or
 - a period of 21 days has elapsed from the date on which the draft was sent to the Secretary of State, and they have not identified the LPA that they intend to make an intervention or require more time to reach a decision.
3. If the Secretary of State notifies the LPA that they need more time to reach a decision, the LPA shall not take any further step in connection with the adoption of the order, unless the Secretary of State notifies the LPA that they do not intend to make an intervention.

SECTION 4 - CONSULTATION METHODS USED

The consultation period for the Proposed Templefields North East Local Development Order ran for 35 days from 28 May 2013 to 1 July 2013.

Responding to the Consultation

Interested parties were able to respond to the consultation:

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

Interaction with Consultees

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

The letters contained background information on LDOs, specific information on the Proposed Templefields North East LDO, information on how to respond to the consultation, and information regarding how to view supporting technical documents on the Council website and in Harlow libraries. For an example of a letter sent to a consultee, see Appendix B.

A notice (see Appendix C) was served on land owners and tenants of the site affected by the proposed LDO.

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

Public Exhibition

A Harlow Enterprise Zone exhibition was held in Harlow in late May 2013. At the exhibition, people could find out more information about the Enterprise Zones and the proposed Templefields North East LDO, and ask Forward Planning Officers and Regeneration Officers any questions they had. See Appendix D for a photo of the exhibition.

Site Notices

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

Press Notice

In accordance with the Regulations, a press notice for the proposed LDO was published in the 30 May 2013 edition of the local newspaper *Harlow Star* (see Appendix E). This provided

notice of the proposed LDO and the Statement of Reasons, and gave information regarding where and when to view hard and electronic copies of the documents, and information regarding the consultation (including how to comment and the dates of the consultation period).

Availability of Documents

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

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

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

Public Consultation Responses and Modifications to the LDO

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

APPENDIX A - Consultees

Sent letters:

- Anglian Water
- All adjoining properties and all residential properties within 100m of the boundary of the site affected by the proposed LDO (230)
- British Gas
- BT Openreach
- Co-Operative Gateway East of England
- Department of Transport
- East Herts District Council
- EEIDB Business Link East
- Employ-Ability
- English Heritage
- Entec
- Environment Agency
- Epping Forest District Council
- Equal Opportunities Commission
- Essex County Council
- Essex County Fire & Rescue West Area Command
- Essex Ecological Services Limited
- Essex Police Headquarters
- Essex Wildlife Trust
- Federation of Small Businesses Essex
- Greater Anglia
- Harlow 2020 Local Strategic Partnership
- Selected Harlow Council Officers (7)
- Harlow Council Councillors (32)
- Harlow and District Access Group
- Harlow and District Chamber of Commerce
- Harlow MENCAP
- Harlow MIND
- Harlow PCT
- Hertfordshire County Council
- Herts & Middlesex Wildlife Trust
- Highways Agency
- Landowners and tenants of site affected by proposed LDO (83)
- Lee Valley Water PLC
- Matching Parish Council
- Mobile Operators Association
- National Grid
- Natural England
- NHS West Essex
- North Weald Bassett Parish Council
- NWES
- Princess Alexandra Hospital NHS Trust
- Sawbridgeworth Town Council
- Sheering Parish Council
- Sport England
- Thames Water
- Transco
- UK Power Networks
- Veolia Water Central

Note: The list of consultees differs slightly from the list of consultees for the proposed London Road North LDO and London Road South LDO. This is because certain consultees who were previously consulted requested that they are not consulted further on proposed LDOs.

APPENDIX B - Example of letter sent to a consultee

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

Contact	Paul MacBride
Telephone	(01279) 446 258
Fax	(01279) 446 639
E-mail	paul.macbride@harlow.gov.uk
Date	24 May 2013

Dear

Proposed Templefields North East Enterprise Zone Local Development Order (LDO)

I am writing to you to advise you that Harlow Council is proposing a Local Development Order¹ which would grant planning permission for specified types of development subject to planning conditions.

The primary purpose of the LDO is to simplify the planning process, reduce delay and provide certainty, which will help lower the costs for potential developers and businesses. The aim is to stimulate future investment and create new job opportunities to help assist the regeneration of Harlow. The LDO would grant planning permission for certain forms of development, including health and allied industries (medical technologies), advanced manufacturing and information communication technology (ICT). This would support the implementation of the Templefields North East Enterprise Zone site, where proposals are in line with the requirements set out in the Order, Schedule and accompanying Design Code.

Public consultation

The Council is carrying out a public consultation on the proposed LDO between 9am on 28 May 2013 and 5pm on 1 July 2013. If you wish to make any comments as part of this consultation, you should write to the Council at LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG. Alternatively, you can email your comments to harlowLDO@harlow.gov.uk

All comments must be received by 5pm on 1 July 2013.

Availability of documents

From 28 May 2013, the LDO and its associated technical documents will be available on the Council's website at <http://www.harlow.gov.uk/harlowLDO> and available for inspection at the Harlow Council Civic Centre and in Harlow libraries during normal opening hours. If you wish to receive hard copies or a CD of any of the documents, please contact us.

Yours sincerely,



APPENDIX C - Notice



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

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

Proposed development at the Templefields North East Enterprise Zone site

Notice is given that Harlow Council is proposing a Local Development Order which would grant planning permission for specified types of development subject to planning conditions.

The primary purpose of the LDO is to simplify the planning process, reduce delay and provide certainty, which will help lower the costs for potential developers and businesses. The aim is to stimulate future investment and create new job opportunities to help assist the regeneration of Harlow.

The LDO would grant planning permission for certain forms of development relating to health and allied industries (medical technologies), advanced manufacturing and information communication technology (ICT), to support the implementation of the Templefields North East Enterprise Zone site, where proposals are in line with the requirements set out in the Order, Schedule and accompanying Design Code.

The Council is carrying out a public consultation on the proposed LDO between 9am on 28 May 2013 and 5pm on 1 July 2013. If you wish to make any comments as part of this consultation, you should write to the Council at LDO Consultation, Forward Planning, Harlow Council Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG. Alternatively, you can email your comments to harlowLDO@harlow.gov.uk

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

Signed: 
Dianne Cooper
Planning and Building Control Manager
On behalf of Harlow Council
Date: 28 May 2013

**APPENDIX D—Photos of a. the Site Notices displayed around the site; and
b. the Public Exhibition**



APPENDIX E - Press Notice

68 | May 30, 2013 | www.harlowstar.co.uk | Harlow Star

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Public Notices

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

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All comments must be received by 5pm on 1 July 2013.

From 28 May 2013, the LDO and its associated technical documents will be available on the Council's website at <http://www.harlow.gov.uk/harlowLDO> and available for inspection at the following places:

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- Harlow Central Library, The High, Harlow (Monday, Tuesday, Thursday and Friday - 9am to 7pm; Saturday - 9am to 5pm)
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- Tye Green Library, Tilegate Road, Bush Fair, Harlow (Tuesday, Thursday, Friday and Saturday - 10am to 4pm)
- Old Harlow Library, 30 High Street, Old Harlow (Monday, Friday and Saturday - 10am to 4pm; Wednesday - 12pm to 6pm)
- Mark Hall Library, The Stow, Harlow (Tuesday and Thursday - 1pm to 5pm; Wednesday and Saturday - 9am to 1pm)

Public Notices

INSOLVENCY ACT 1986

IN BANKRUPTCY
HERTFORD COUNTY COURT



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

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

Modifications made to the Templefields North East Local Development Order		
Ref	Modification	Reason
1	Additional explanation provided within the reason for condition PDH1 stating: <i>To ensure that M11 Junction 7, A414 Interchange, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, and DFT Circular 02/07 'Planning and the Strategic Road Network'</i>	Following recommendation by the Highways Agency.
2	Additional italic wording added to paragraph 2.1, c) of Schedule D to state: Storage facilities erected under Class 1 of Schedule D shall not be located within 10 metres of any public highway <i>or within 25 metres of the boundary of any residential property, hotel, listed building or scheduled ancient monument.</i>	In order to ensure the setting of the adjacent scheduled ancient monument and listed building are safeguarded, in addition to residential dwellings and hotel land uses.
3	An additional condition has been added to Schedule B development (extensions and alternations) to require archaeological conditions A1 to A4 to be followed where building extensions would comprise a net additional floor space of over 500 square metres and would be on any land with low or medium archaeological potential and where, following the adoption of the LDO on any archaeological works have not been carried out or reported (ie. through any Schedule A development).	Following advice provided by English Heritage (see response number 38).
4	The following UK Standards of Industrial Classification (SIC) activities have been added to Appendix B under: specialised design activities; other professional, design and scientific activities n.e.c; office	To widen the scope of business, engineering, manufacturing and design activities which can take advantage of the provisions of the LDO. Following internal advice received from regeneration officers who have examined the

	and administrative support activities; the manufacture of rubber and plastic products and the manufacture of chemicals and chemical products.	existing scope of appendix B and considered that further activities should be added, following desk based research on business activities within the target sectors.
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Modifications made to the Templefields North East Statement of Reasons

Ref	Modification	Reason
1	Paragraphs 1.16 and 1.17 edited to reflect the fact that public consultation has now been undertaken.	Update.

Modifications made to the Templefields North East North Design Code

Ref	Modification	Reason
1	A footnote has been added to Table A on chapter 3 of the design code confirming that maximum heights will be measured from proposed ground levels. This states that 'maximum building heights will be measured from the proposed ground levels as shown on submitted plans showing proposed elevations for development which must be submitted to the Council in order to obtain LDO Confirmation of Compliance.'	Following representations made by English Heritage on this issue which suggested that it is necessary to define how maximum building heights will be calculated. Proposed ground levels have been chosen rather than existing ground levels as this allows maximum building heights to be assessed expediently from submitted elevational drawings. Due to flood risk, there may be need to raise existing ground levels in some areas within the LDO boundary and this has been taken into account in determining maximum building heights for development adjacent to heritage assets.
2	First page outlining consultation updated.	Update to reflect document progress.
3	Chapter 9 (parking standards) pages 33 and 34 of draft design code deleted.	Repetition of pages 32 so deemed unnecessary.
4	Design code compliance checklist	To assist in use and implementation of code by users.
5	Definitions provided in chapter 4 (building set back) to define terms 'set back', 'minimum set back' and 'frontage building'.	To ensure clarity and assist implementation.
6	Minor edit to Table C of chapter 6. Section worded 'adjacent to any	For clarity and to avoid ambiguity.

	highway used by vehicle traffic' reworded to 'adjacent to any public highway'.	
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Templefields North East Local Development Order

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

Total respondents: 6

Total individual representations: 39

Response Number	1
Respondent	Rachel Keen
Role	Sustainable Places Specialist (Major Projects)
Organisation	Environment Agency
Date	17 June 2013 16:53
Type	Email
Comment	We are pleased that the LDO considers the potential impacts of redevelopment in relation to flood risk, contaminated land and the water environment. The approach to flood risk should help to ensure that development in the future is more resilient to flooding, and that overall risk within the site will be reduced from both fluvial and surface water sources.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	2
Respondent	Rachel Keen
Role	Sustainable Places Specialist (Major Projects)
Organisation	Environment Agency
Date	17 June 2013 16:53
Type	Email
Comment	We are happy that the drainage condition will help to secure appropriate drainage and pollution prevention measures from future developments. Diffuse pollution is a significant problem for water quality in the River Stort. In addition the requirement for remediation of contaminated land will have a positive benefit for groundwater.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	3
Respondent	Rachel Keen
Role	Sustainable Places Specialist (Major Projects)

Organisation	Environment Agency
Date	17 June 2013 16:53
Type	Email
Comment	It is a shame that the design code does not seek set back from the River Stort boundary or the adjoining ordinary watercourse.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted. The setting back of development from the northern boundary of the site with the Stort landscaping area was considered following earlier engagement with the Environment Agency regarding the LDO. However, putting this requirement in the LDO was not considered viable given the narrow nature of the majority of the development plots north of River Way; recent planning approvals in the location (see application ref. HW 06 00070); and the location and extent of existing building footprints along the northern boundary. What is more, placing the rear of buildings adjacent to the Stort landscape area could provide ecological and amenity benefits by using buildings to buffer this sensitive habitat area from noise, air and light pollution which is commonly associated with industrial units.
Amendment	None
Response Number	4
Respondent	Rachel Keen
Role	Sustainable Places Specialist (Major Projects)
Organisation	Environment Agency
Date	17 June 2013 16:53
Type	Email
Comment	Future applicants should be aware that they may need consent from Essex County Council for any works in the immediate vicinity of the ordinary watercourse that runs along the north west boundary of the site. However by protecting flood zone 3b from future developments, a small area around this watercourse may be protected.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None
Response Number	5
Respondent	Rachel Keen
Role	Sustainable Places Specialist (Major Projects)
Organisation	Environment Agency
Date	17 June 2013 16:53
Type	Email

Comment	The other requirements within the LDO for planting and urban greening should secure a much better overall environment for wildlife than is currently on offer at Templefields.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	6
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	<p>Harlow is beyond the area the HMWT usually covers for planning work, however the proximity of the site to the Hertfordshire boundary and location adjacent to the River Stort gives us an interest in ensuring that development of the site has positive impacts on wildlife and surrounding habitats.</p> <p>The site is immediately adjacent to the River Stort, a tributary of the River Lee and important habitat corridor. HMWT recognises the Stort Valley as a <i>Living Landscape</i> area, having great potential for habitat management and restoration to enhance, expand and reconnect existing wildlife-rich sites and to make a resilient ecological network through which wildlife can move.</p>
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	7
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	The LDO supporting documents include an Extended Phase 1 Habitat survey (Tim Moya Associates, July 2012). HMWT is satisfied with the approach and methodologies followed, and the conclusions made by the consultant.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.

Response Number	8
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	The report draws attention to two Local Wildlife Sites adjacent to the application site – Stort Woodland and Roman Temple. Harlow Marsh LNR is a short distance (0.5 km) to the west and downstream of the application site. The site is already developed, bordered by significant areas of well-connected and ecologically sensitive habitat, including riparian habitats and the River Stort. This adjacent habitat, habitat connectivity, and the presence of small areas of different habitat within the proposed LDO area means there is potential for construction work to impact upon protected and priority species, including: badgers, bats, nesting birds, great crested newts, protected invertebrate species and reptiles. Redevelopment could also adversely impact adjacent and connected habitats, either directly through habitat loss or damage, or indirectly through pollution, increased flooding, light pollution, etc.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted.
Amendment	None.
Response Number	9
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	The ecologist's report makes a number of recommendations in section 7, which are fully supported by HMWT, and which we would expect to see incorporated into conditions to any granted LDO. This includes protected species surveys (where suitable habitat will be affected) with precautionary and mitigation measures to avoid and minimise adverse impacts on these species; pollution prevention measures; flood risk reduction and sustainable drainage; habitat protection and enhancement. The ecologist outlines 'Preliminary Design Considerations' in Table 3, which should be borne in mind from the outset of planning any developments on the site.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported. The findings and recommendations made in the Extended Phase 1 Habitat Survey

	<p>have informed the delineation of the LDO boundary and the wording of specific planning conditions. The LDO boundary (Appendix A) establishes the area in which permitted development rights apply. This excludes sensitive habitat areas which the Habitat Survey highlights as having the potential to contain protected species.</p> <p>To ensure development within the LDO boundary does not impact these sensitive habitat areas, conditions ED1 and ED2 have been included in the LDO. These conditions ensure these habitats and landscaping areas are protected during the development process. Condition ED2 specifically requires bat sensitive lighting schemes which aim to ensure appropriate lighting is adopted in order to avoid and mitigate impacts on roosting and foraging bats.</p> <p>Design codes within chapter 7 of the design code also require additional landscaping along the boundary of the Roman Temple, which will enhance this important habitat area and provide an additional landscape buffer for any species located there.</p> <p>It should also be noted that the provisions of conditions ED1 and ED2 cover demolition works. This is because the meaning of “development” for the purposes of the LDO is defined in paragraph 1.1, k). This states that “development” has the same meaning as defined in Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore would include the demolition of buildings.</p>
Amendment	None
Response Number	10
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	We agree that the redevelopment could provide positive gains for local wildlife and strengthen the ecological network locally if it includes habitat creation, enhancement and positive management, throughout the site as well as around the edges. The biodiversity improvements could be achieved through provision of high quality multifunctional green infrastructure within the development, also bringing benefits in terms of flood risk management, water quality and visual amenity.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported. The enhancement of the site through the provision of additional landscaping and habitat areas is supported and is a key aspect of the vision for Templefields. This will be implemented through conditions E1 (Detailed landscaping scheme) and DF1 (Drainage). The design code also requires front boundary landscaping of sites and tree planting to screen blank industrial facades (chapter 5).
Amendment	None

Response Number	11
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	<p>I note the draft order includes a number of conditions pertinent to wildlife conservation and environmental protection, including:</p> <ul style="list-style-type: none"> DF1 – Drainage (including SUDs and pollution prevention measures) ED1 – (including protection of edge habitat and boundary landscaping during works) ED2 – Bat sensitive lighting E1 – Detailed Landscaping scheme E2 – Tree replanting (in event of failures to establish) E3 – External lighting scheme E4 – Sustainability (at least BREEAM ‘very good’) <p>And the following Informatives:</p> <ul style="list-style-type: none"> SUDs Approval European Protected Species Licences Breeding and Nesting birds <p>These conditions are welcome and should help reduce negative impacts on boundary and surrounding habitats including the River Stort.</p>
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	12
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	<p>However, we would wish to see a requirement for any permitted development to include measures that will increase opportunities for wildlife and contribute towards improving ecological connectivity throughout the site. This could be incorporated into the Landscaping</p>

	Details condition – landscaping schemes should seek where possible to improve habitat opportunities for wildlife and provide habitat links through the site.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	<p>Comments noted. The suggestion to incorporate a requirement for development to increase opportunities for wildlife and contribute to improving ecological connectivity throughout the site within condition E1 has been examined and considered. This is not deemed to be a legally robust condition given that conditions must be precise and enforceable and the guidance provided in planning circular 11/95: Use of conditions in planning permission.</p> <p>However, such enhancements would be encouraged and are likely to result from conditions E1 (Detailed landscaping scheme) and DF1 (Drainage). It is also worth noting that the design code requires mandatory minimum provision of front boundary landscaping which aims to create a linear green corridor along River Way and Temple Bank.</p>
Amendment	None
Response Number	13
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	Although informatives have already been provided relating nesting birds and European Protected Species, a condition is recommended requiring submission of habitat and protected species survey reports where the development will impact any habitat identified in the existing phase 1 as having protected species potential, including where necessary mitigation that will be implemented to avoid and reduce risks of adverse effects.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	<p>Comments noted.</p> <p>The Local Planning Authority has examined the provisions of the Local Development Order with respect to European Protected Species as set out in Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12(1) of the Habitats Directive.</p> <p>A limitation set out in paragraph 18 of the Order makes it clear that the planning permissions granted by the LDO is limited to the extent that development is not permitted under the LDO where it would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where</p>

	<p>the specific provisions of such a license have not been complied with.</p> <p>The LDO boundary has been drawn so as to not include habitat areas which may contain any European Protected Species. Due to the absence of habitat areas which could contain European Protected Species within the LDO red line boundary, it was not considered appropriate to require detailed habitat and protected species survey reports for these areas through conditions. This is because the area of developable land with the LDO boundary contains extensive areas of hard landscaping and large footprint industrial buildings.</p> <p>The presence of important ecological habitat areas adjacent to sites is noted. Conditions ED1 and ED2 relate specifically to these edge habitats and ensure that these areas will be effectively preserved and protected during any on-site demolition or construction works and during the operation of LDO development (in terms of light spillage). These conditions help to target mitigation measures on this important edge habitat, rather than require each site to undertake a lengthy survey of their whole site area.</p>
Amendment	None
Response Number	14
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	The Conditions G5 and G6 relating to Construction Method Statement and Demolition Method Statement could also be expanded to require provision of details of any precautionary measures that will be implemented to avoid adverse impacts on protected species (if suitable habitat areas will be affected).
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	<p>Comments noted. As set out in response number 9, the requirements of conditions ED1 and ED2 do apply to construction and demolition works and schemes should be submitted prior to demolition works.</p> <p>This is because the meaning of “development” for the purposes of the LDO is defined in paragraph 1.1, k). This states that “development” has the same meaning as defined in Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore would include the demolition of buildings.</p>
Amendment	None.
Response Number	15
Respondent	Odette Carter
Role	Planning and Policy Officer

Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	<p>It is understood that any development coming forward on the site is required to comply with the Design Code. We are pleased therefore to see within the Development Vision and Aims section:</p> <ul style="list-style-type: none"> • Objective 5) <i>Respecting surrounding heritage and landscape assets and residential areas</i> – including no visual intrusion/impact on the Stort and woodland to the north • Objective 7) <i>Sustainable urban drainage and reducing flood risk</i> – listing a range of potential SUDs components • Objective 8) <i>Environmental quality, pollution prevention and ecology</i> – referring to measures and use of conditions in the LDO and Design Code to enhance environmental quality, reduce potential for pollution of adjacent habitats, protect edge habitats and ecosystems and avoid disturbance of bats.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	16
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	<p>The Design code includes requirements for building set backs and landscape planting, ostensibly to improve visual amenity within the developed area. HMWT strongly urges the council to consider how landscaping and planting/sowing of boundaries and verges could contribute to a wider range of objectives, including providing habitat and linkages for wildlife; climate change adaptation (urban cooling, creation of shade); air quality improvement; sustainable drainage, flood risk reduction and water quality improvement. Landscaping of the site should seek to contribute to a coherent green infrastructure network for the site, linking into surrounding habitats and designed specifically to bring multiple benefits to the site and future occupants. This can be achieved through, for example, appropriate species selection (native species, of local provenance where possible, including food and forage sources), creating diversity in habitat structure, creating linear habitat features and stepping stones, and wildlife-friendly management and maintenance of landscaped areas.</p>
Acknowledgement	Sent by email, 1 July 2013 09:13

Officer Response	<p>Comments noted. These aims are all strongly supported by the Council and will be implemented through the design code requirements in chapter 5, in addition to the implementation of conditions E1 (Detailed landscaping scheme) and DF1 (Drainage). Such works will need to be undertaken on a site by site basis through conditions E1, DF1 and G2 (design code).</p> <p>It is certainly desirable to create a coherent green infrastructure network throughout the site. Due to the number of sites in different land ownership areas across the LDO boundary this will need to be secured through a case by case and to a certain extent piecemeal approach.</p> <p>The design code requirements for front boundary landscaping comprising greenery, hedges, SUDs measures and tree planting. This aims to create a coherent linear landscaped route along River Way and Temple Bank. This is illustrated conceptually in chapter 2 of the design code.</p> <p>These enhancements will be supported by a range of landscaping and SUDs measures within sites which will be achieved through the implementation of E1 (Detailed landscaping scheme) and DF1 (Drainage).</p> <p>The aim is for this framework to connect and integrate with retained and enhanced edge habitats and the wider landscape and habitat context along the Stort valley and within east Harlow.</p>
Amendment	None.
Response Number	17
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	The requirement for development to use sustainable drainage techniques is welcome, particularly given its location adjacent to the River Stort and sensitivity of riparian habitats and downstream nature conservation sites.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	18
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email

Comment	The council should ensure that sustainable drainage schemes within the site aim to deliver maximum overall benefit, for instance improving visual amenity, enhancing biodiversity and ecological connectivity, removing sediment and pollutants from surface water runoff, as well as slowing runoff rates etc.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported.
Amendment	None.
Response Number	19
Respondent	Odette Carter
Role	Planning and Policy Officer
Organisation	Herts & Middlesex Wildlife Trust
Date	17 June 2013 17:46
Type	Email
Comment	We would recommend amendments to the Design Code to help ensure that development effectively and efficiently achieves the objectives of ecological enhancement and environmental protection. Including requirements within the Design Code would help to ensure that developments fit into a coherent green infrastructure and landscaping vision/framework for the site.
Acknowledgement	Sent by email, 1 July 2013 09:13
Officer Response	Comments noted and supported. The design code requirements for front landscape boundaries aim to create a coherent linear landscaped route along River Way and Temple Bank. This will be supported by a range of landscaping and SUDs measures within sites and is illustrated conceptually in chapter 2 of the design code. The aim is for this framework to connect and integrate with retained and enhanced edge habitats and the wider landscape and habitat context along the Stort valley and within east Harlow.
Amendment	None.
Response Number	20
Respondent	Mark Norman
Role	
Organisation	Highways Agency (Network Delivery & Management)
Date	19 June 2013
Type	Letter
Comment	We have been engaged with the council on transport assessment works and are content with the way this has been carried out the conclusions and proposed way of addressing the developments adverse impact upon M11 J7.
Acknowledgement	Sent by email, 1 July 2013 09:15

Officer Response	Comments noted and supported.
Amendment	None.
Response Number	21
Respondent	Mark Norman
Role	
Organisation	Highways Agency (Network Delivery & Management)
Date	19 June 2013
Type	Letter
Comment	<p>I do feel it may be better to reword the reason for condition PDH1 Junction 7A phasing In order to make it clear that the reason for the condition is to ensure that the junction continues to function in a safe and efficient manner. A suggested wording is:</p> <p><i>To ensure that M11 Junction 7, A414 Interchange, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, and DFT Circular 02/07 'Planning and the Strategic Road Network'</i></p>
Acknowledgement	Sent by email, 1 July 2013 09:15
Officer Response	Comments noted and supported.
Amendment	Suggested rewording has been incorporated into reasons for condition PDH1 in the LDO.
Response Number	22
Respondent	Piotr Behnke
Role	Adviser – Land Use Operations
Organisation	Natural England
Date	28 June 2013 17:43
Type	Email
Comment	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not consider that this Proposed Templefields North East Enterprise Zone Local Development Order poses any likely or significant risk to those features of the natural environment* for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.</p> <p>*Cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and thereby affect a significant quantity of habitat across the country</p>
Acknowledgement	Sent by email, 1 July 2013 09:16

Officer Response	Comments noted and supported.
Amendment	None.
Response Number	23
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	<p>The County Council welcomes the opportunity to provide comments, and I attach officer comments for your information. The County Council welcomes open dialogue with Harlow Council to resolve any outstanding matters that are raised in the attached response. We look forward to hearing from Harlow Council in due course.</p> <p>This report provides a further comment regarding the draft Local Development Order and associated documents for the Templefields Enterprise Zone area in Harlow. We have focussed on significant issues namely waste. The following comments are made in the context of recently published Government Guidance which includes advice on how authorities may comply with the European Union Waste Framework Directive (see Annex 1).</p>
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted and supported.
Amendment	None
Response Number	24
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	<p>As previously stated the County Council welcomes the inclusion of Appendix D within the Local Development Order, as it safeguards the County Council's Civic Amenity site. However it is considered that Appendix C which highlights Zone A and Zone B of the Templefield Enterprise Zone may be misleading as it fails to include the safeguarded Civic Amenity site. It is recommended that the Local Development Order clearly outlines that the land is safeguarded for waste purposes to ensure clarity is maintained throughout the LDO.</p>
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	<p>Comments noted. Appendix C and D fulfil different purposes and are linked to specific conditions of the LDO.</p> <p>Appendix C is linked specifically to condition G4 and is intended to</p>

	<p>set out the area in which wholly B1a (office) development is permitted under the LDO (Zone B), rather than be ancillary (as in Zone A).</p> <p>Appendix D is linked to condition G8 of the LDO and specifically relates to safeguarded strategic infrastructure.</p> <p>The suggestion to make further amendments to Appendix C has been considered. However, given that this map is solely intended to instruct users as to where office uses need to be ancillary to other B class employment uses, inserting additional information on this map may lead to confusion with respect to the implementation of condition G4.</p> <p>Provisions set out in condition G8 and Appendix D are considered to provide an appropriately clear and robust framework for safeguarding the civic recycling centre.</p>
Amendment	None.
Response Number	25
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	Within the Templefields site and adjacent to the site there are waste uses, and also outstanding planning permissions that allow for the development of waste facilities within the area. It is recommended that these are explicitly referred to within the LDO.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	<p>Comments noted. The LDO itself is limited to provide specific information on what is permitted through the LDO, eg. the development of buildings for B1 and B2 employment uses, subject to specific conditions.</p> <p>Given the focused nature of the LDO, it is not considered relevant to highlight existing waste uses or sites with particular planning permissions.</p> <p>The civic waste site has been specifically highlighted within Appendix D because the permitted development rights set out in the LDO are subject to condition G8 which safeguards this facility as an item of strategic infrastructure.</p> <p>The freight transfer facility at Harlow Mill is highlighted on the map on page 15 of the design code.</p>
Amendment	None.
Response Number	26
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration

Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	The LDO and Design Code demonstrate the expectations for 'amenity'. It is considered that given there are current and potential future waste facilities the expectations for the site should be realistic and reasonable reflecting the type of industry and development anticipated in the area.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	<p>Comments noted. The design code does not mention amenity but does provide a vision and a planning and design framework which aims to enhance the environmental quality and image of the area, the quality of the public realm and the investment potential of the area. This is with a view to incentivising the range of industrial uses set out in Appendix B of the LDO to locate in Templefields. It builds on the aspirations outlined in the Council's bid for enterprise zone status to the Government – Enterprise West Essex @ Harlow. This was submitted by the South East Local Enterprise Partnership (SELEP) and was endorsed by the County Council and West Essex Alliance.</p> <p>The economic and design vision for Templefields is considered a reasonable and realistic given the sector focus of the Enterprise West Essex @ Harlow Bid and the age of a number of buildings within the site which are in need of renewal or replacement in order to meet the demands of modern industrial tenants.</p> <p>The provision of front boundary landscaping and the screening of dead frontages and fencing where they are immediately adjacent to areas of the public realm are considered to be reasonable and realistic requirements for the industrial activities expected at Templefields. This design code requirement reflects expectations the local planning authority would have for all new development or planning applications at this location, given the requirements of local planning policies and the Harlow Design Guide.</p> <p>Recent developments and planning approvals in the location for industrial development demonstrate that front boundary landscaping is viable and achievable and helps to create a more attractive business environment (see application ref. HW 06 00070).</p> <p>As set out in the preface to the LDO, the LDO does not apply to existing uses, nor does it apply to uses which are not contained within the provisions of the LDO. Such proposals will need to submit a planning application and would be assessed against adopted planning policy and guidance such as the Adopted Replacement Harlow Local Plan 2006 and the Harlow Design Guide.</p>
Amendment	None.
Response Number	27
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration

Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	<p>Further consideration should be given by Harlow Council regarding how future and existing waste uses may be facilitated in the Templefields area. It is important to note the following sites within and adjacent to the Templefields site –</p> <ol style="list-style-type: none"> 1) Unit 7, Maple River Industrial Estate, River Way, Harlow, (ESS/52/11/HLW) was granted on appeal 30 October 2012 for “Use of the site as a recycling centre for inert and non-hazardous household, commercial and industrial waste and end of life vehicles; proposed associated development to include the erection of a workshop, modular building, weighbridge and 6m high boundary fencing”. 2) Site to south of civic amenity site, identified as a waste/recycling facility is Ready-mix concrete.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	<p>Comments noted and supported. The local planning authority is aware of these uses. For the reasons set out in response number 25, it is not considered relevant to the LDO for these uses to be highlighted.</p> <p>As set out in the preface to the LDO, “it is recognised that a range of business, industrial and waste recycling activities are located in Templefields which are outside of the sector focus of the enterprise zone. These activities will not be affected by the LDO and will not be able to benefit from the planning permissions granted in the order. It is important to note that the LDO is a permissive planning tool which aims to provide incentives to specific sectors of the economy. The LDO provides a further layer of planning in addition to normal permitted development rights enshrined in planning law and the formal planning application process. Economic activities which fall outside the scope of the LDO are not in any way prejudiced by the LDO or enterprise zone status and will need to follow normal planning regulations and planning policies.”</p>
Amendment	None.
Response Number	28
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	Furthermore Harlow Council should ensure that the LDO and associated documents remain consistent with the emerging Minerals Local Plan (MLP) and Waste Local Plan.

Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted and supported. The LDO provides a further layer of planning in addition to normal permitted development rights enshrined in planning law and the formal planning application process. Economic activities which fall outside the scope of the LDO are not in any way prejudiced by the LDO or enterprise zone status and will need to follow normal planning regulations and planning policies. Moreover, HDC is unaware of any specific proposals for waste or minerals management in the Templefields area that would give rise to conflicts between the LDO and the Minerals and Waste Local Plans. Consequently, there is not considered to be any conflict with the Local Waste Plan.
Amendment	None.
Response Number	29
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	It is therefore important to note that Harlow Mill is safeguarded by the emerging MLP (material consideration) both as a transshipment site and as an asphalt plant.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted and supported. This is recognised in the Adopted Replacement Harlow Local Plan Proposals Map 2006. The freight transfer facility at Harlow Mill is also highlighted on the map on page 15 of the design code.
Amendment	None.
Response Number	30
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	As part of the 250m 'mineral consultation area' around the site ECC will want to be consulted for any 'change of use' (appendix 9 of MLP).
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted. The LDO provides planning permission for B1 and B2 uses which are already established uses in the area and are encouraged by existing policies in the Adopted Replacement Harlow

	<p>Local Plan 2006.</p> <p>Schedule C of the LDO permits change of use to B1 and B2 uses, where activities would fall within the schedule of uses contained in Appendix B.</p> <p>There is no provision within the LDO conditions for the County Council to be consulted in the event that a premise within the LDO boundary changes use within the permitted development rights set out in Schedule C of the LDO. This is because planning permission for particular uses is granted at the time the LDO is adopted.</p> <p>It is considered that sufficient engagement has been undertaken with the County Council to meet the stated consultation requirements.</p> <p>What is more, a range of existing B1a (office), B1c (light industrial) and B2 (industrial) uses already adjoin the Harlow Mill facility. The LDO is not considered to fundamentally change the land uses in the location.</p> <p>Conditions requiring further consultation with the County Council prior to the grant of planning permission would not be considered reasonable or precise given planning circular 11/95: Use of conditions in planning permission.</p>
Amendment	None.
Response Number	31
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	The County Council is seeking Strategic Aggregate Recycling sites in the Harlow area and the following estates are considered suitable Templefields, Pinnacles and Roydonbury Industrial Estates. The County Council recommends that the LDO clearly outlines existing waste sites and sites with planning permission within the LDO.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted. See response number 27 which relates to this issue.
Amendment	None.
Response Number	32
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email

Comment	Alternatively if Harlow Council considers that Templefields is no longer deemed to be appropriate for future waste facilities those other appropriate locations for waste facilities are submitted to the County Council to assist in delivering the Waste Local Plan. Our Waste officers are happy to meet to discuss this further.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted. The LDO does not express a view on the suitability of other forms of development in this location, including any minerals and waste uses. The relevant adopted local plan policies (and other material considerations) will still be relevant when assessing any future proposals for development that are not expressly set out in the LDO.
Amendment	None.
Response Number	33
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	Furthermore, the County Council would like to highlight that Part 16 of the Order which states 'Nothing in this Order provides planning permission for any development proposal which are 'County Matters' as defined in Schedule 1 of the Town and Country Planning Act 1990' is over restrictive and should be deleted. The reasoning for this is that Waste developments do not benefit from permitted development (PD) rights and therefore, this restriction is negative as implies that no County Matters would be afford planning permission which is not the case. The purpose of the Order is to highlight what would be permitted and therefore, waste development could still lawfully apply for planning permission and would be assessed on its merits at the time of an application being made.
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	<p>Comments noted. It should be noted that the purpose of the Order is to define the scope and remit of the LDO. Hence, it details what area the permitted development rights apply to and explains that the provisions do not affect other existing planning permissions or regulations. In this context, paragraph 17 states that nothing in the LDO provides planning permission for matters that are deemed to be 'County matters' as defined in Schedule 1 of the Town and Country Planning Act 1990. This seeks to separate statutory provisions and avoid confusion and does is not considered overly restrictive.</p> <p>Paragraphs 8 and 9 of the same Order should be noted:</p> <p>"8. This Local Development Order provides a further layer of planning permissions in addition to planning permissions provided by The Town and Country Planning (General Permitted</p>

	<p>Development) Order 1995 (as amended), the Town and Country Planning (Use Classes) Order 1987 (as amended) and planning permissions granted through the normal planning application process.”</p> <p>“9. Nothing in this Order prevents the implementation of any planning permission granted by the Town and Country Planning General Permitted Development Order (GPDO) 1995 (as amended)”</p> <p>What is more, informative INF10 – Planning Applications – states:</p> <p>“A normal planning application may be submitted under the Town and Country Planning Act 1990 (as amended) for development proposals within the LDO area which are outside the scope of the classes of permitted development set out in the LDO. The relevant form for making such an application is available on the Council’s website.”</p> <p>It is therefore considered that the Order as a whole is explicit that the provisions of the LDO do not affect other planning regulations, statutory planning powers and the normal planning application and appeal process.</p>
Amendment	None
Response Number	34
Respondent	Zhanine Oates
Role	Principal Planner, Spatial Planning and Regeneration
Organisation	Essex County Council
Date	1 July 2013, 15:36
Type	Email
Comment	<p><u>Annex 1</u></p> <p>International and national Minerals and Waste Planning Legislation and Guidance</p> <p>The Government published its long-awaited guidance note entitled Guidance for Local Planning Authorities on Implementing Planning Requirements of European Union Waste Framework Directive (2008/98/EC). The obligations are set out both in legislation, through the Waste (England and Wales) Regulations 2011 (SI 2011 No 988), and in Government’s planning policy for waste management, currently set out in Planning Policy Statement 10 Planning for Sustainable Waste Management. In summary the guidance highlights that for those local planning authorities which do not deal directly with waste planning applications, they are expected to contribute to delivering the waste hierarchy. This includes:</p> <p>Working constructively with waste planning authorities to identify and protect those sites needed for waste management facilities. It is important that, when discharging their planning responsibilities, local planning authorities consider the need for waste management alongside other spatial planning</p>

	<p>objectives. For example, when undertaking Employment Land Reviews, it is important to consider the full range of employment opportunities, including appropriate waste management proposals, before releasing sites for non-employment uses, such as housing. Local planning authorities should also seek to integrate local waste management opportunities in proposed new development;</p> <p>ii) Considering, where relevant, the likely impact of proposed, non-waste related development on existing waste management sites and on sites and areas allocated for waste management. Planning authorities should ensure that any such proposal does not prejudice the implementation of the waste strategy set out in the local waste plan;</p> <p>iii) Promoting sound management of waste from any proposed development, such as encouraging on site management of waste where this is appropriate, or including a planning condition to encourage the developer to set out how he/she plans to deal with the waste arising from the development. In line with the 2011 Regulations the developer as waste holder has responsibility to manage waste up the hierarchy. DEFRA has produced guidance to guide waste holders on the most appropriate form of handling waste.</p> <p>iv) Encouraging sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste.</p> <p>A web link to the guidance note is set out below for information. (link removed)</p>
Acknowledgement	Sent by email, 2 July 2013 09:44
Officer Response	Comments noted.
Amendment	None
Response Number	35
Respondent	Sarah Poppy
Role	Assistant Inspector of Ancient Monuments
Organisation	English Heritage
Date	22 July 2013
Type	Letter
Comment	<p>Thank you for consulting English Heritage on the Local Development Order (LDO) proposal for Templefields, Harlow.</p> <p>English Heritage Advice</p> <p>Setting of Harlow Roman temple</p> <p>The LDO area borders immediately onto scheduled monument NHLE 1002182 – Harlow Roman temple. The significance of the monument is as a nationally important Roman temple site, retaining important archaeological evidence relating to the use of Stanegrove</p>

	<p>Hill over several millennia, and as a publicly accessible monument, located in an area of green space within the Templefields Industrial zone.</p> <p>The government's policy statement, the National Planning Policy Framework (para 131) states that "in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation."</p>
Acknowledgement	Sent by email, 23 July 2013 11:11
Officer Response	Comments noted and supported.
Amendment	None
Response Number	36
Respondent	Sarah Poppy
Role	Assistant Inspector of Ancient Monuments
Organisation	English Heritage
Date	22 July 2013
Type	Letter
Comment	<p>English Heritage welcomes provision within the LDO Design Guide for enhancements to the setting of Harlow Roman temple (scheduled monument NHLE 1002182), as represented by design codes SAM 1-3, limitations on building heights and landscaping conditions ED1-2. The temple site is currently surrounded on the north, west and east by industrial development, which has a negative visual and acoustic impact on the monument's setting and detracts from its significance. Once implemented, the measures in the design code will provide some enhancement to the immediate surroundings of the designated asset. Further opportunities to enhance the entrance to the monument from River Way should be sought where possible.</p>
Acknowledgement	Sent by email, 23 July 2013 11:11
Officer Response	<p>Comments noted and supported. Enhancements to the entrance to the monument from River Way are strongly supported by the Council and this aim is a key element of the Draft Stangrove Hill and Harlow Roman Temple Conservation Management Plan (2011). Whilst there is no scope within the LDO to secure these works as a condition of LDO development, the Council is supportive of achieving this aim through other processes.</p>
Amendment	None
Response Number	37
Respondent	Sarah Poppy
Role	Assistant Inspector of Ancient Monuments
Organisation	English Heritage

Date	22 July 2013
Type	Letter
Comment	Section 3 of the Design Guide discusses the maximum height of buildings in relation to adjacent heritage assets. It would be helpful if the guide could clarify where building heights will be measured from (e.g. existing ground level or proposed ground level, Height AOD) to avoid any potential for confusion or misinterpretation.
Acknowledgement	Sent by email, 23 July 2013 11:11
Officer Response	Comments noted and supported.
Amendment	<p>A footnote has been added to Table A on chapter 3 of the design code confirming that maximum heights will be measured from proposed ground levels. This states that 'maximum building heights will be measured from the proposed ground levels as shown on submitted plans showing proposed elevations for development which must be submitted to the Council in order to obtain LDO Confirmation of Compliance.'</p> <p>Proposed ground levels have been chosen rather than existing ground levels as this allows maximum building heights to be assessed expediently from submitted elevational drawings.</p> <p>Due to flood risk, there may be need to raise existing ground levels in some areas within the LDO boundary and this has been taken into account in determining maximum building heights for development adjacent to heritage assets.</p>
Response Number	38
Respondent	Sarah Poppy
Role	Assistant Inspector of Ancient Monuments
Organisation	English Heritage
Date	22 July 2013
Type	Letter
Comment	<p>Below ground archaeological potential The LDO is located within an area of archaeological interest. Limited rescue excavations undertaken in the 1970s within the western sector of the LDO area identified extensive Roman settlement remains, comprising a major masonry structure, possibly a public building or temple site, quantities of votive objects and other occupation evidence. The degree of modern disturbance to the archaeological deposits is not fully understood, but there is high potential for further remains of archaeological interest to be encountered within the LDO, that will be impacted on by future development.</p> <p>The NPPF (para 128) advises that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their</p>

	<p>significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."</p> <p>The Historic Environment Assessment which accompanies the Templefields LDO proposal provides a description of the designated and undesignated archaeological assets affected by the proposal. Archaeology conditions A1-4 make provision for archaeological investigation to be undertaken in advance of new development as defined under Schedule A in those areas identified as having archaeological sensitivity.</p> <p>It is advised that this investigation should be undertaken at an early stage in the detailed planning of the LDO, to enable the significance of the archaeological remains and impacts on the development programme to be understood. We also advise that the archaeological conditions may also be applicable to schedule B development (extensions and alternations), where the proposed works are of a scale and nature to impact on below-ground archaeological remains. Specific requirements should be agreed in consultation with the Historic Environment Advisors at Essex County Council Place Services.</p>
Acknowledgement	Sent by email, 23 July 2013 11:11
Officer Response	Comments noted and supported.
Amendment	An additional condition has been added to Schedule B development (extensions and alternations) to require archaeological conditions A1 to A4 to be followed where building extensions would comprise a net additional floor space of over 500 square metres and would be on any land with low or medium archaeological potential and where, following the adoption of the LDO on any archaeological works have not been carried out or reported (ie. through any Schedule A development).
Response Number	39
Respondent	Sarah Poppy
Role	Assistant Inspector of Ancient Monuments
Organisation	English Heritage
Date	22 July 2013
Type	Letter
Comment	<p>English Heritage is satisfied with the provision made in the proposed LDO for retaining and, to some degree, enhancing the setting of the Roman Temple. We are broadly satisfied with the measures in the conditions and design code to mitigate the impact of the proposals on the adjacent Harlow Mills Conservation area and listed buildings.</p> <p>We welcome the opportunity for further consultation in the next stages of planning the LDO.</p>

Acknowledgement	Sent by email, 23 July 2013 11:11
Officer Response	Comments noted and supported.
Amendment	None