

MEETING OF HARLOW COUNCIL
7.30pm on Thursday 29 October 2020
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any items on the agenda.

3. Minutes (Pages 5 - 12)

To agree the minutes of the meeting held on 17 September 2020.

4. Communications from the Chair

5. Petitions from the Public

6. Questions from the Public

7. Questions from Councillors

8. Motions from Councillors

a) Local Government Reform

Proposed by Councillor Mark Ingall (seconded by Councillor Eugenie Harvey):

"This Council believes that the anticipated Government white paper on Local Government reorganisation is premature and ill-timed and agrees that:

- i) The current district council system has delivered, and continues to deliver high quality services for local residents;
- ii) Any combined authority or unitary arrangement will

create a democratic deficit with less accountability to Harlow residents; and

- iii) The focus on Covid-19 recovery, and the challenges currently faced by local authorities as a result, means that additional pressures of reorganisation from any Government proposal are ill-timed.

The Council therefore requests that the Leader of the Council writes to the Secretary of State expressing the Council's view in the strongest terms."

b) Sam's Place

Proposed by Councillor Chris Vince (seconded by Councillor Shannon Jezzard):

"Harlow Council opposes the requirement of Essex County Council to impose charges for the use of Sam's place, a cherished facility which provides play and socialising opportunities for disabled children and respite for parents.

This Council requests that the Portfolio Holder for Community and Wellbeing writes to Essex County Council asking them to reconsider their 'people must start to get used to paying for social care' approach and allow Harlow to continue delivering the Sam's place service without charge."

c) Green Flag Awards

Proposed by Councillor Danny Purton (seconded by Councillor Eugenie Harvey):

"This Council welcomes the prestigious Green Flag Awards with Harlow Museum Walled Gardens and Harlow Mill joining Parndon Wood and Harlow Town Park as examples of the UK's very best green spaces. The awards recognise and reward well-managed parks and green spaces, setting the benchmark standard for their management across the United Kingdom and around the world.

Whilst the Town Park is owned by the Council and maintained by Officers, HTS and volunteer teams, and Parndon Wood Nature Reserve is maintained by the Council and local organisation ECCO, Harlow Mill is maintained by the Canal and River Trust.

These awards are a testament to the work that Council Officers, HTS, ECCO and our brilliant volunteers carry out each and every week. The support our local volunteers provide is so valuable and in particular we would like to thank the Museum Garden volunteers, the Green Team volunteers, Parndon Wood's

Wildspace Volunteers, the Harlow Conservation Volunteers, Town Park Volunteers and the Friends of Pets' Corner who put in so much hard work to keep these spaces looking beautiful.

This Council requests that the Covid-19 Recovery Working Group investigates ways and means by which these wonderful spaces could be further utilised by residents and visitors to support the physical and mental health of the community during the Pandemic.”

9. References from Cabinet and Committees

a) Referral from Cabinet - Resolution in Principle to use Compulsory Purchase Powers to Advance the Development of the Harlow and Gilston Garden Town (Pages 13 - 45)

- i) Cabinet recommended to Full Council that, in principle, the Council agrees to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land within the District to support development where in conformity with the Harlow Local Development Plan (subject to its adoption) in order to achieve the planning benefits set out within the Plan. Noting that this in no way predetermines or circumvents the formal planning process.
- ii) Cabinet recommended to Full Council that, in principle, where Harlow District Council is landowner, or through the process of acquisition (including under CPO) would become landowner, the Council agrees to retain ownership but grant licence for infrastructure works on that land provided that:
 - The infrastructure is intended for a public purpose, benefit or public adoption;
 - There are no legal restrictions preventing this from happening;
 - It does not materially undermine another purpose for which the Council requires the land or there are compelling reasons to dispose of a freehold interest ; and
 - Where appropriate, the Council receives appropriate costs/compensation, indemnities and other arrangements considered necessary.
- iii) Subject to East Herts District Council resolving to follow the same course of action, Cabinet recommended to Council that, in principle, it also agrees to use the powers set out in

recommendation i) should that be necessary to compulsorily purchase land in the Burnt Mill and River Way areas of the District, to enable the construction of transport infrastructure to support development in the Harlow and Gilston Garden Town including the delivery of The Gilston Area allocation and The River Stort Crossings in the East Herts District Plan and the achievement of the wider strategic planning benefits referred to in the report including supporting the future Harlow Local Development Plan.

- iv) Cabinet and Council note that officers will prepare for any possible Compulsory Purchase Order(s) (CPO) including any associated Indemnities on behalf of the Council in accordance with the agreements under Recommendations i) and iii); and, where considered necessary to make a CPO, the Head of Governance, in consultation with other Heads of Service of the Council as may be necessary, will bring each matter back to Cabinet seeking authority to do so.

10. Reports from Officers

11. Minutes of Cabinet and Committee Meetings

To note the following Cabinet and Committee minutes:

- a) Minutes of meeting Tuesday, 8 September 2020 of Licensing Committee (Pages 46 - 47)
- b) Minutes of meeting Thursday, 10 September 2020 of Cabinet (Pages 48 - 58)
- c) Minutes of meeting Wednesday, 30 September 2020 of Development Management Committee (Pages 59 - 61)
- d) Minutes of meeting Tuesday, 13 October 2020 of Scrutiny Committee (Pages 62 - 66)
- e) Minutes of meeting Wednesday, 14 October 2020 of Development Management Committee (Pages 67 - 70)
- f) Minutes of meeting Thursday, 15 October 2020 of Cabinet (Pages 71 - 77)

12. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE COUNCIL
HELD ON**

17 September 2020

7.30 - 8.00 pm

PRESENT**COUNCILLORS**

Maggie Hulcoop (Chair)
Bob Davis (Vice-Chair)

David Carter	Eddie Johnson
Simon Carter	Shona Johnson
Joel Charles	Sue Livings
Nick Churchill	Frances Mason
Jean Clark	Stefan Mullard
Mike Danvers	Russell Perrin
Jodi Dunne	Danny Purton
Tony Durcan	Lanie Shears
Tony Edwards	Clive Souter
Michael Garnett	Emma Toal
Eugenie Harvey	Chris Vince
Mark Ingall	Phil Waite
Shannon Jezzard	Nancy Watson
Andrew Johnson	Mark Wilkinson

OFFICERS

Brian Keane, Chief Executive
Hannah Criddle, Governance
Support Officer
Simon Hill, Head of
Governance
Lisa Thornett, Corporate
Governance Support Officer

16. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Michael Hardware and John Strachan.

17. **DECLARATIONS OF INTEREST**

None.

18. **MINUTES**

RESOLVED that the minutes of the meeting held on 16 July 2020 are agreed as a correct record and signed by the Chair.

19. **COMMUNICATIONS FROM THE CHAIR**

The Chair set out the events she had attended since the previous meeting. She invited Councillors to attend the Charity Golf Day at Cannons Brook Golf Club on 23 October, which would be going ahead subject to any changes in Government Guidance on Covid-19.

20. **PETITIONS FROM THE PUBLIC**

None.

21. **QUESTIONS FROM THE PUBLIC**

The questions, together with the answers, are appended to the minutes.

22. **QUESTIONS FROM COUNCILLORS**

None.

23. **MOTIONS FROM COUNCILLORS**

None.

24. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Cabinet - Annual Treasury Management Report 2019/20

Full Council received a referral from Cabinet on the Annual Treasury Management Report for 2019/20.

Proposed by Councillor Mark Ingall (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that that Annual Treasury Management Report for 2019/20, as set out in Appendix A to the report, including that the Council operated within the Treasury Management Strategy Statement during 2019/20 is noted and approved.

- b) Referral from Cabinet - Report of the Covid-19 Recovery Working Group

Full Council received a referral from Cabinet which recommended that a further Corporate Priority of 'Resilience and Recovery' is introduced into an amended Corporate Plan with the associated Action Plan.

Proposed by Councillor Mark Ingall (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that a further Corporate Priority of 'Resilience and Recovery' be introduced into an amended Corporate Plan with the associated Action Plan.

25. **REPORTS FROM OFFICERS**

None.

26. **MINUTES OF CABINET AND COMMITTEE MEETINGS**

- a) Minutes of meeting Tuesday, 7 July 2020 of Licensing Committee
- b) Minutes of meeting Thursday, 9 July 2020 of Cabinet
- c) Minutes of meeting Tuesday, 14 July 2020 of Scrutiny Committee
- d) Minutes of meeting Wednesday, 19 August 2020 of Development Management Committee
- e) Minutes of meeting Thursday, 27 August 2020 of Audit and Standards Committee
- f) Minutes of meeting Tuesday, 1 September 2020 of Scrutiny Committee
- g) Minutes of meeting Wednesday, 2 September 2020 of Development Management Committee

27. **MATTERS OF URGENT BUSINESS**

Having given prior notice to the Chair, Councillor Purton raised a matter of urgent business in relation to the Chequers Public House. He explained that following concerns about activities taking place at the Chequers. The Council had been working with the County Council and Essex Police and following a multi-agency review, the Chequers had been issued a Community Protection Directive. This acted as a final warning before a Closure Order.

Councillor Joel Charles welcomed the issuing of the Directive, and the work between the Police, County Council and the Council. The three Ward Councillors and MP had been working closely on this matter and the Directive sent out a message that licensed premises who ignore the Guidance will have action taken against them.

CHAIR OF THE COUNCIL

Full Council – 17 September 2020

Questions from the Public

1 Steve Dean to Councillor Mark Ingall (Leader of the Council):

I have been advised by Council Officers that there is a general presumption against the disposal of Harlow Council land unless certain criteria are met. Also, Harlow Council's web site states that new applications for purchasing small land parcels are not currently being accepted until the new Local Plan and the updated land sale policy have been approved and this is not expected to be the case until Spring 2021.

I have become aware that subject to Planning Approval the Council has very recently agreed to the sale of a plot of land to enable a resident to build a new house. There was no neighbour consultation carried out prior to this decision being made and the criterion for refusal of sale based on 'loss of an important, or balanced landscape feature' has been ignored.

This land is associated with Planning Application HW/FUL/20/00316 at 108 Greygoose Park, Harlow, that was refused on the basis of the criterion referred to above.

Can you tell me why the loss of landscape criterion was ignored and neighbours not consulted prior to approval of the land sale and can you give me an assurance that, if the applicant of Planning Application HW/FUL/20/00316 appeals against its refusal, the landscape criterion will be upheld and neighbours consulted before final approval for the sale of this land is given?

Reply from Councillor Mark Ingall (Leader of the Council):

In this instance, the application to purchase the land was submitted and agreed (subject to planning) in March 2017, before the Council stopped accepting new applications.

As part of the land sale application process, Officers consulted with the Council's Landscape and Biodiversity officer and the criteria for the "loss of an important or balanced landscape feature" were fully considered. The initial land purchase application included areas marked A,B,C and D on the attached plan. Following consultation with the Council's Landscape and Biodiversity Officer, the Council refused to sell the area A, as this would lead

to loss of an important landscape feature and refused to sell the area B, C on other grounds. The Council decided to sell the area marked D only, an area that was not considered by the Council's Landscape and Biodiversity Officer to constitute an important balanced landscape feature.

In regards to the neighbourhood consultation, it is the land application Case Officer's decision whether to carry out neighbourhood consultation. In this case it wasn't considered necessary.

It should be noted that land sale and planning processes and criteria are different. The decision to sell the land is given before the planning application is submitted, although only provisionally as it is subject to obtaining planning approval. The Council therefore ensures that both land sale criteria and planning policy criteria are met.

If the planning application is granted on appeal, the Council will proceed with the land sale.

2 Nicola Purse to Councillor Danny Purton (Portfolio Holder for Environment):

Following consideration of my petition at Full Council on 11 July last year, the Council approved ten projects totalling £133,400 to improve the landscaping in Church Langley. One year on, can you tell me how many projects have been delivered and how much has been spent?

Reply from Councillor Danny Purton (Portfolio Holder for Environment):

The schemes set out in the report were based on a discussion between Councillor Simon Carter and Officers, appeared reasonable and were given budget estimates by from the Environment Client team.

Councillor Simon Carter was engaged in discussion with Officers about practical implementation of the proposed schemes, which should be given priority, what precise works should be done in practice, land ownership and interaction with other proposed schemes. It was agreed anticipated that practical works could be carried out during 2020/21.

Unfortunately no further progress with any of the schemes has been made since the need to respond to Covid-19 crisis.

However the funding remains available and the Council will continue to pursue these schemes or schemes of a like nature within the approved budget envelope as circumstances permit.

Supplementary Question from Nicola Purse:

Has someone been appointed on a part-time basis to carry out works identified in the report which accompanied the petition?

Supplementary Reply from Councillor Danny Purton, Portfolio Holder for Environment:

I cannot comment as that is a matter for the budget holder. My initial reply was based on the activities carried out by the department I am responsible for. The schemes are complicated by land ownership, as well as areas the County Council are responsible for.

3 Eleanor Kent to Councillor Mark Ingall (Leader of the Council):

In the last few days residents living in Rushes Mead and Bushey Croft have been dismayed to learn the Council have had to take legal action to change the status of the land between these two estates in order that it can build homes on it. The relevant legislation, section 122 of the Local Government Act of 1972 and section 232 of The Town and Country Planning Act of 1990 requires the authority to carry out public consultation. Only now have residents become aware that the Council published an Open Space Notice on 9 January 2020; no wonder the Council received no response from residents.

Knowing that the Planning Application was opposed by more than 180 residents, can you explain:

- a) Why the change in use was only applied for after Planning Permission was granted?
- b) Where the Open Space Notice was published and how long was given for comments to be made?
- c) Why residents living nearby were not written to advising them of the consultation?

Reply from Councillor Mark Ingall (Leader of the Council):

- a) Appropriation is a legal remedy for ensuring the Council's accounts (HRA & General Fund) are correct. In relation to Bushey Croft, the change of use to that of Housing is to accommodate the proposed new use of the land as housing land. This involves transferring the management of the land to the Council's Housing Revenue Account.

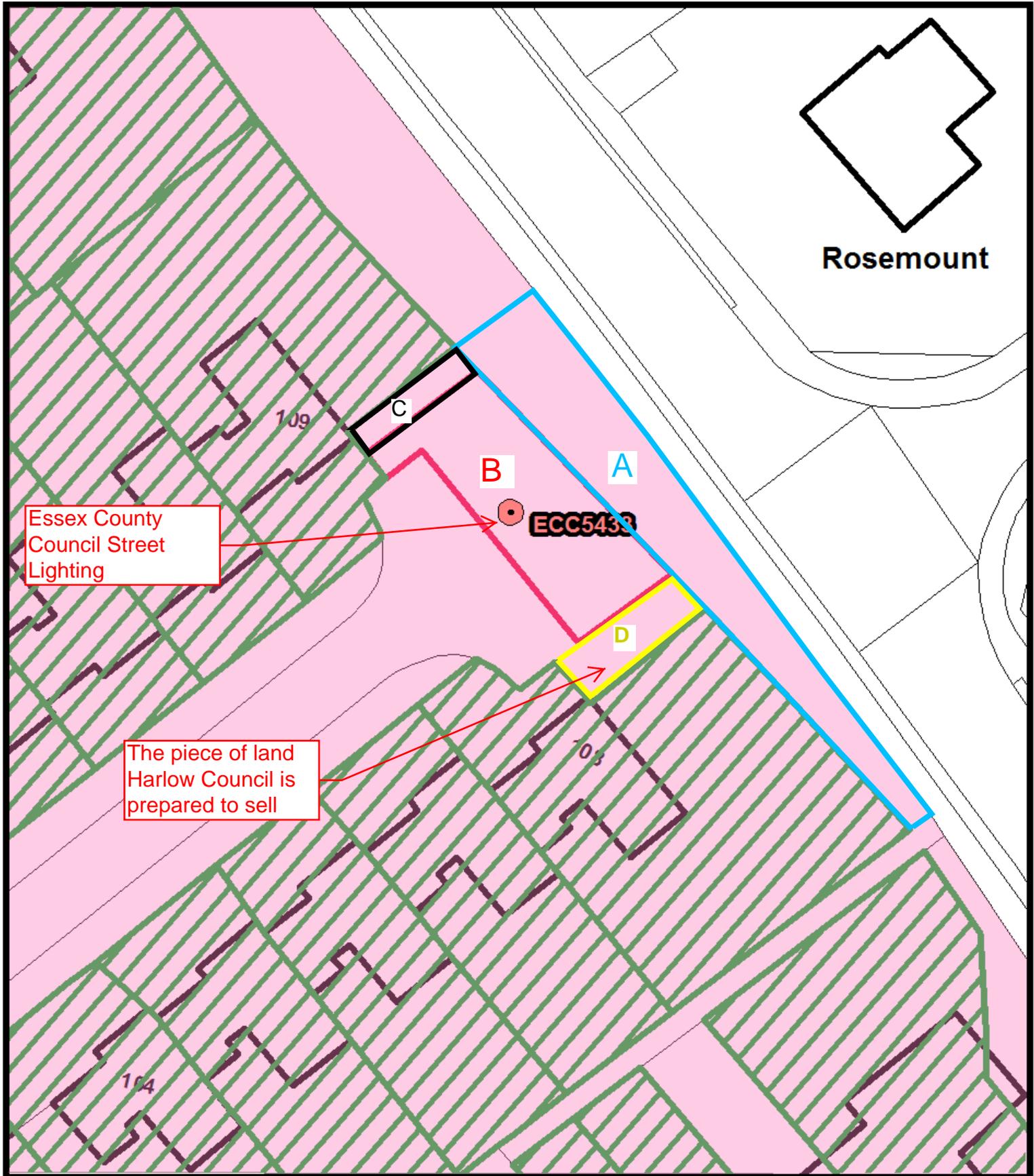
The reason that the appropriation process was pursued after the grant of the Planning Permission is that appropriation for the purposes of the new

development could only be safely pursued once the Planning Permission for that development had been granted.

- b) On 9 January 2020 an Open Space Notice was displayed for 2 consecutive weeks in a local newspaper (Epping Forest Guardian), on the Council's website, and was physically displayed in the reception area of the Civic Centre. The purpose of the Open Space Notice was to appropriate the site for housing purposes.

The closing date for comments was 7 February 2020. No objections were received to this Open Space Notice. Harlow Allotment Society did respond to request further information which was supplied to them.

- c) The Council undertook all the legally required consultations in relation to the appropriation.



Harlow
Council

Working together for Harlow

Property and Facilities Management

Civic Centre
The Water Gardens
Harlow

Essex CM20 1WG

Tel. 01279446540 Fax. 01279446639

**Comments on land sale at
108 Greygoose Park
Harlow
Essex**

SCALE:
1:350 at A4

DATE:
27th February 2017

DRAWN BY:
OS

Drawing No.

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REPORT TO: CABINET

DATE: 15 OCTOBER 2020

TITLE: RESOLUTION IN PRINCIPLE TO USE
COMPULSORY PURCHASE POWERS AND
HARLOW COUNCIL LAND TO ADVANCE THE
DEVELOPMENT OF THE HARLOW AND GILSTON
GARDEN TOWN

PORTFOLIO HOLDER: COUNCILLOR DANNY PURTON, PORTFOLIO
HOLDER FOR ENVIRONMENT

LEAD OFFICER: ANDREW BRAMIDGE, HEAD OF ENVIRONMENT
AND PLANNING (01279) 446410

CONTRIBUTING OFFICER: ADAM HALFORD, GARDEN TOWN LEAD
OFFICER FOR HARLOW COUNCIL
(01279) 446565

This is a Key Decision

It is on the Forward Plan as Decision Number I011723

Call-in Procedures may apply

**This decision will affect Little Parndon & Hare Street, Netteswell and Mark Hall
Wards specifically and All Wards in principle.**

RECOMMENDED that:

- A** Cabinet recommends to Full Council that, in principle, the Council agrees to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land within the District to support development where in conformity with the Harlow Local Development Plan (subject to its adoption) in order to achieve the planning benefits set out within the Plan. Noting that this in no way predetermines or circumvents the formal planning process.
- B** Cabinet recommends to Full Council that, in principle, where Harlow District Council is landowner, or through the process of acquisition (including under CPO) would become landowner, the Council agrees to retain ownership but grant licence for infrastructure works on that land provided that:
- i) The infrastructure is intended for a public purpose, benefit or public adoption;
 - ii) there are no legal restrictions preventing this from happening;

iii) it does not materially undermine another purpose for which the Council requires the land or there are compelling reasons to dispose of a freehold interest ; and

iv) Where appropriate, the Council receives appropriate costs/compensation, indemnities and other arrangements considered necessary.

- C** Subject to East Herts District Council resolving to follow the same course of action, Cabinet recommend to Council that, in principle, it also agrees to use the powers set out in recommendation A should that be necessary to compulsorily purchase land in the Burnt Mill and River Way areas of the District, to enable the construction of transport infrastructure to support development in the Harlow and Gilston Garden Town including the delivery of The Gilston Area allocation and The River Stort Crossings in the East Herts District Plan and the achievement of the wider strategic planning benefits referred to in the report including supporting the future Harlow Local Development Plan.
- D** Cabinet and Council note that officers will prepare for any possible Compulsory Purchase Order(s) (CPO) including any associated Indemnities on behalf of the Council in accordance with the agreements under Recommendations A and C; and, where considered necessary to make a CPO, the Head of Governance, in consultation with other Heads of Service of the Council as may be necessary, will bring each matter back to Cabinet seeking authority to do so.
- E** Cabinet delegate authority to the Head of Finance and Property and Deputy to the Chief Executive, in consultation with other Heads of Service as may be necessary, to negotiate and agree and legally complete lease or licence or other arrangements for the delivery of infrastructure works on its land on a case by case basis on behalf of the Council in accordance with the agreement under Recommendation B.

REASON FOR DECISION

- A** To enable the Council to take necessary actions in respect to its land and assembly of third party land where deemed necessary and appropriate in order to implement the Harlow Local Development Plan (subject to its adoption) and support the wider Harlow and Gilston Garden Town growth, through implementation of proposals in adopted Plans of its neighbouring authorities of East Herts and Epping Forest District Councils and infrastructure works proposed to be undertaken by Essex County Council.

BACKGROUND

1. Harlow Council, working with East Herts and Epping Forest District Councils and Essex and Hertfordshire County Councils (the HGGT Authority partners) has committed to the principle of growth in and around Harlow through the Harlow and Gilston Garden Town (HGGT). This growth is set out within the

Development Plans of Harlow Council (The Harlow Local Development Plan Pre-Submission Publication (May 2018 as amended and subject to its adoption)), East Herts District Council (The East Herts District Plan (as adopted October 2018)) and Epping Forest District Council (The Epping Forest District Local Plan (Submission version 2017 as amended and subject to its adoption)). Development Plans establish the principle of development of land for a variety of purposes including that of the delivery of infrastructure.

2. The draft Harlow Local Development Plan (HLDP) establishes allocations within the Harlow District area as well as policies supporting the development and delivery of Garden Town Communities in the HGGT (policy HGT1) including: South of Harlow (Latton Priory); West of Harlow (Water Lane Area); East of Harlow; and the Gilston Area, and for the delivery of strategic infrastructure to support development in the HGGT (policy SIR1).
3. The principle of development of land to accommodate 10,000 homes in the Gilston Area has been established by the East Herts District Plan (EHDP). Development in this location will form part of the HGGT. As part of the allocation of the land, the EHDP identified the need for significant supporting infrastructure (policies GA1 and GA2).
4. One key item of infrastructure identified in the draft HLDP and the adopted EHDP is works to widen the existing Fifth Avenue River Stort and railway crossing to provide new capacity for active (walking and cycling) and sustainable (public transport). It is included in the draft HLDP under policy SIR 1, ref. SIR1-1 (under-lining for emphasis):
 - a) “North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout”. It is included in the EHDP under policy GA2: “A widening of the existing A414 crossing to enable a dualling of the northbound and southbound carriageways and provision of a new footway/cycleway, which will form part of a north-south sustainable transport corridor through Harlow”.
5. A second key item of infrastructure identified in the draft HLDP and the adopted EHDP is works to deliver a second River Stort crossing. It is included in the draft HLDP under policy SIR1, ref. SIR1-3:
 - a) “Second River Stort Crossing at River Way”. It is included in the EHDP under policy GA2: “A new vehicular, cycle and pedestrian crossing either to the east of the existing crossing (connecting the A414 to the River Way), or to the west of the existing crossing (connecting the A4141 to Elizabeth Way)”.
6. A third key item of infrastructure identified in the draft HLDP is works to deliver sustainable transport corridors (STC) across the HGGT. This is included in the HLDP under policy SIR1, ref. SIR1-1 (under-lining for emphasis):

- a) “North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout”; and ref. SIR1-2: “East West Sustainable Transport Corridor”.
7. Hertfordshire County Council (HCC) led a bid for government funding under the Housing Infrastructure Funding (HIF) programme. The bid was successful, albeit under the separate Housing Investment Grant (HIG) scheme. The successful outcome, subject to contract, will lead to the availability of funding, to a value of approximately £172 million, for the forward of transport infrastructure referred to above in this report including the Fifth Avenue River Stort and railway crossing, the second River Stort crossing and North to town centre part of the STC.
8. HCC are in negotiation with central government, through Homes England, working closely with the other HGGT Authority partners to finalise the contractual arrangements relating to the use of the HIG funding. An important element of that for all involved, is the programme of delivery. HIG funding has been awarded on the basis that it will support the delivery of housing in HGGT.
9. The owner of the majority of the land which comprises the Gilston Area Allocation, Places for People (the Applicant) has submitted three related planning applications (the Applications) to East Herts District Council for parts of the Gilston Area Allocation, as follows:
 - a) Outline planning application for a residential-led mixed use development of 8,500 homes across six distinct villages directly north of the A414 and Eastwick Road, with all matters reserved except for three ‘Strategic Accesses’ into the Gilston Park Estate (Village Development) (ref 3/19/1045/OUT);
 - b) Full planning application for enhancements and widening of the existing vehicular crossing over the River Stort (the 5th Avenue River Stort and railway crossing) (ref 3/19/1046/FUL); and
 - c) Full planning application for a new crossing over the River Stort (the second River Stort crossing) (ref 3/19/1049/FUL).
10. The two full planning applications (the River Crossings) have also been submitted to Harlow Council as the application sites straddle the boundary between East Herts and Harlow Council areas (the two Local Planning Authorities). The Harlow Council planning application references are HW/CRB/19/00220 and HW/CRB/19/00221 respectively.
11. Councillors should be aware at this stage that the determination of these planning applications (and any future planning applications for the Gilston Area Allocation) is a separate and distinct matter for the Local Planning Authorities to consider in due course. Any decision made on the use of CPO powers or the use of Council land at this stage cannot influence any decision to be made on the planning applications, which will be determined on their planning merits.

12. The Applicant controls the land required to implement the Village Development (if planning consent is granted). However, the Applicant does not have control of all of the land which is required in order to be able to deliver the River Crossings (again if planning consent is granted). The Applicant is in negotiation with the owners of the required land. In addition to land located in the East Herts District area, implementing the River Crossings also requires land in the Harlow District area.
13. Confidential Appendix B identifies the broad areas of land in the Burnt Mill and River Way areas that may be required to deliver the River Crossings, this includes land in the ownership of the Council and other parties.
14. Section 226(1)(a) of the Town and Country Planning Act 1990 enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.
15. The Ministry of Housing, Communities & Local Government Guidance on the compulsory purchase process and the Crichel Down Rules includes the following guidance on the use of this power:
 - a) “This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate”.
16. The Guidance confirms that compulsory purchase is intended as a last resort measure to secure the assembly of all the land needed for the implementation of projects and acquiring authorities will be required to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the CPO by agreement. Whilst this is the case, it is typical for a CPO to be pursued in parallel with negotiation with landowners such that the option is progressed in case it is required.
17. The Guidance also includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO, Councillors must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate,

and that the public benefits associated with the proposals will clearly outweigh the interference with the rights of those affected.

18. Appendix A includes the 6 October 2020 East Herts Council Report to Executive for Use of Compulsory Purchase Powers (CPO) in the Gilston Area. The recommendations in the East Herts report are:
 - a) That the Executive recommend to Council that, in principle, (and subject to Harlow District Council resolving to follow the same course of action) the Council be prepared to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land in the Gilston area, as generally shown on the plans at Appendix 1, to enable the construction of transport infrastructure to support the delivery of the Gilston Area allocation in the East Herts District Plan (The Gilston Area Allocation) and the achievement of the wider strategic planning benefits referred to in the report.
 - b) That the Executive delegate authority to the Head of Legal and Democratic Services, in consultation with the Head of Planning, to enter into a Compulsory Purchase Order Indemnity Agreement (CPO IA) in relation to this matter, on behalf of the Council.
 - c) That the Executive and Council note that Officers will undertake the work needed to prepare for a possible Compulsory Purchase Order (CPO) together with the associated documentation and, if necessary, will bring a further report back to the Executive and Council seeking authority to make a CPO.
19. As indicated in paragraph 12, in order to deliver the River Crossings, land is required to be assembled in both the East Herts and Harlow District areas. In order for an authority to progress a CPO there must be an appropriate level of confidence that the project can be delivered. This being the case, it is considered necessary for both East Herts and Harlow Councils to reach the same decision when it comes to the, in principle use of CPO powers.. It is also important to establish, in principle, agreement for the use of land already controlled by Harlow Council to demonstrate that this is available otherwise this could also undermine the Council's own attempts to acquire additional land through CPO.

ISSUES/PROPOSALS

20. This report seeks authority, in principle, and where negotiation to acquire land by agreement is not successful, for the use of CPO powers and authority for an approach which involves the granting of necessary rights by the Council to another party to undertake works for the delivery of infrastructure on land in the ownership of or acquired by the Council. This report also seek delegated authority in order to allow officers of the Council to progress actions related to these matters on behalf of the Council. In the context of the background set out

above the issues and proposals of the five recommendations are set out in turn below.

Recommendation A

21. Recommendation A of this report seeks authority, in principle, for the use of CPO within the District. As set out in paragraph 15 of this report, the Council must be satisfied that the use of CPO powers will contribute to the well-being of the area.
22. In the case of this recommendation the agreement sought is limited to the possible CPO actions necessary to allow the Council to implement the Harlow Local Development Plan (subject to its adoption). The facilitation of the implementation of the Plan forms the justification for consideration of the use of the powers which is in accordance with the MHCLG Guidance set out in paragraph 16.
23. There are risks associated with undertaking CPO action, these are largely mitigated with a just cause and proper observation of process. If there are objections to the CPO these will almost inevitably give rise to a public inquiry and ultimately the Secretary of State may decide not to confirm the Order. Decisions are also subject to legal challenge. However, given the requirement to deliver the growth of the Local Development Plan and support the delivery of homes, jobs, community facilities and infrastructure such risks are considered to be outweighed by the need to ensure that growth and the public benefits associated takes place and are realised. It should be noted that it would still be necessary to satisfy the tests referenced in paragraph 17 and 18 prior to making an individual CPO therefore agreement is only sought in principle. The final decision to make a CPO would require further Member approval which is addressed under Recommendation D.

Recommendation B

24. Recommendation B of this report relates to situations where Harlow Council is a landowner or would become, through negotiation or the use of CPO, a landowner and seeks endorsement of the principle of retaining land ownership and granting necessary rights for infrastructure works on that land where the works will fulfil a public purpose, benefit or public adoption. Provided there are no legal restrictions preventing this from happening, and it will not materially undermine another purpose for which the Council requires the land or there are compelling reasons to dispose of the freehold interest.
25. In order to deliver new infrastructure necessary to support the HGGT growth, works will be required on land including that in the ownership of the Council, to ensure infrastructure is delivered in a timely fashion supporting the needs of residents, businesses and visitors. This will also need to be achieved within the timeframes stipulated in legal agreements, for example where forward funded by government grant or through Section 106 by new development. In order to do so it will be necessary to demonstrate that land is available.

26. Furthermore, where such works are to be used for the delivery of infrastructure for the public benefit it is considered preferable to retain that land thereafter in public ownership, regardless of whether it is also to be adopted as public highway. This will help the ability to adapt infrastructure in the future.
27. Councillors should note that the Council holds land across the District for different legal purposes some of which restrict the use of that land. For example, land held under the Allotment Acts. Therefore the agreement is subject to the condition that the works are not contrary to the legal purpose for which the land is held. The report also notes that where appropriate the Council may seek costs/compensation and indemnities and other arrangements considered necessary which would be negotiated on a case by case basis under delegated authority sought under Recommendation E which is covered below.

Recommendation C

28. Recommendation C of this report seeks authority, in principle, for the use of CPO specifically in relation to the Burnt Mill and River Way areas within Harlow District as necessary to deliver the River Crossings (see paragraphs 4, 5, 9 & 10 above for a description of this infrastructure) with the potential land affected identified in broad terms within confidential Appendix B.
29. For reasons of confidentiality the details of the land ownerships are not referred to in this report. However, in summary, in respect of the Fifth Avenue River Stort and railway crossing potential land identified in the Harlow area includes land within 7 titles under public ownership (including land within 5 titles held by Harlow Council) and land within 1 title held under private ownership. In respect to the second River Stort crossing potential land identified in the Harlow area includes land within 5 titles under public ownership (including land within 4 titles held by Harlow Council) and land within 8 titles under private ownership. Councillors should note from Appendix B that in the majority of cases the publicly held land already contain adopted public highway and the third party land is adjacent to that same public highway.
30. The reason for seeking this authority specifically is that it relates not just to the implementation of the Harlow Development Plan, in which this infrastructure is referenced (see paragraph 4 and 5), but also for the implementation of proposals in a neighbouring authority's Plan, the East Herts District Plan which was adopted in October 2018. The provision of the infrastructure will also give rise to wider planning benefits.
31. Furthermore, the infrastructure works are currently included in planning applications that are anticipated to be determined shortly by the councils and the works are the subject of forward funding through the HIG (as set out in paragraphs 7 and 8 above). As set out above the recommendations in this report are separate to the determination of these planning applications (set out in paragraph 11). Nevertheless, it is necessary for the councils to indicate whether it is prepared to support the delivery of the works in principle if approved including through using its powers for the assembly of land. Such actions including in relation to land assembly may precede the adoption of the HLDP

and therefore may not be covered under the agreement sought through Recommendation A. Agreement under Recommendation C would apply whether or not the HLDP is adopted.

32. The agreement to the in principle use of CPO powers is conditional on East Herts District Council resolving to agree the same. Neither Council is able to exercise the CPO powers available to it in relation to land that is located outside of its administrative area. Should either East Herts Council or Harlow Council not agree to the use of their CPO powers this may impact upon the deliverability of the named infrastructure and therefore restrict the ability of the other Council to set out a statement of case for its own CPO. As a result, if acquisition by use of compulsory powers is required in relation to land in both Council areas, then both Councils will need to exercise their CPO powers.
33. The East Herts Council report contained in Appendix A sets out the justification for the consideration of use of CPO in response to the requirements in legislation as repeated in paragraph 14 of this report, that the Council must again be satisfied that the use of CPO powers will contribute to the well-being of the area.
34. As set out, the justification must be on the basis of the area for which the acquiring authority has administrative responsibility, as such, it is necessary for Harlow Council to base its decision on its own consideration of the impact to the Harlow District.
35. Turning to the public benefits of the two projects that are likely to be achieved in respect to the promotion or improvement of the economic, social or environmental well-being of the area these are necessarily initially focussed upon the benefits of delivering growth at, and achieving an appropriate relationship with, the Gilston Area allocation in the East Herts District Plan, these can be considered through the following.
36. Firstly, Harlow Council has committed to the HGGT including approval of the HGGT Vision on 6 December 2018 and the process of working together with the other HGGT Authority partners “to ensure plans for the Garden Town support sustainable living and a healthy economy; provide a good quality of life for existing and future residents; and respond to local landscape and character”. The HGGT Vision contains reference to: “transformative investment in transport and community infrastructure”, “new villages to the north” of Harlow, identifies within the Vision diagram the New / improved River Crossings, and commits to improvements to the strategic road network including “a new road link across the River Stort” and “improvements to the Central Stort Crossing”.
37. Secondly, within the Pre-submission version of the HLDP Harlow Council has set out its Vision and Strategic Objectives for the District and key policies that support delivery of the HGGT. Whilst not yet adopted (the decision to do so awaits the final report of the inspector on the soundness of the Plan), nevertheless, the Plan considers and articulates the Council’s position towards the development of the Gilston Area and the River Crossings. As a result of urban expansion of Harlow the HLDP Vision considers that “residents will see

the benefits of growth through better infrastructure”; and that “major investment will be underway to address a number of specific transport capacity issues which are currently restricting growth and investment”.

38. The HLDP Spatial Development Strategy indicates that “to support the district’s wider growth strategy and sustain the district as a sub-regional centre for retail, employment and other wider community facilities, new Garden Communities are to be provided in the Harlow and Gilston Garden Town. The Communities are located around the periphery of Harlow, mostly outside the district boundary” including “Gilston Area, within East Hertfordshire District”. The Plan draws links between the Local Plan Strategic Objectives and the Harlow Council Corporate Priorities including to “Ensure that development is fully supported by providing the necessary infrastructure...”, to “Reduce the need to travel by vehicle by ensuring new development is sustainably located or accessible by sustainable modes of transport”, and to “Improve transport links, particularly for sustainable modes of transport...”.
39. HLDP Policy HGT1, Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town, references the Gilston Area delivering 10,000 dwellings and supports the “timely delivery of on-site and off-site infrastructure required to address the impact of the new communities” ... “ahead of or in tandem with the proposed development to mitigate any impacts of the new Garden Town Communities, to meet the needs of existing and future residents and visitors and to establish sustainable travel patterns”. It also states support to “Create a step change in modal shift by contributing to the delivery of the Sustainable Transport Corridors and establishing an integrated, accessible and safe transport system which maximises the use of the sustainable high quality transport modes of walking, cycling and the use of public and community transport to promote healthy lifestyles and provide linkages to and from Harlow and the new Garden Town Communities”.
40. HLDP Policy SIR1, Infrastructure Requirements, states “The Council will work with infrastructure and service providers, other statutory bodies and neighbouring local authorities to deliver the timely provision of infrastructure necessary to support development in the Harlow and Gilston Garden Town.” And the Policy and HLDP Pre-Submission version Proposals Map reference the two River Crossings and STC (as stated in paragraphs 4, 5 and 6 above).
41. Thirdly, the HIG programme arrangements remain to be resolved. The broad elements of the programme see a construction timescale of not less than two years. It is not possible to commence construction until all the land required to implement it is under the control of either the Applicant or the council(s) (with a grant of licence agreed for those works). Should CPO powers be necessary, the HGGT authorities’ consultants advise that a period of not less than two years should be also be allowed for this. This gives a combined programme timescale of four years, with the requirements of the HIG funding that the funded projects be complete within less than five years. As a condition of the HIG funding the councils have committed to recover the forward-funding back from development into a ‘rolling infrastructure fund’ that in turn will be used to forward-fund other infrastructure in support of the HGGT. This fund would allow early delivery of

infrastructure to support growth and regeneration to deliver the Vision for HGGT. Being at the centre of HGGT this has a particular advantage to Harlow. Given the objectives and timescales of the HIG it is therefore appropriate to prepare for CPO action, if required, without delay.

42. Councillors should note that the information provided by the Applicant indicates that attempts to acquire the necessary land by agreement have been undertaken and are on-going. Given the timescales referred to above in relation to the HIG funding, pursuing voluntary negotiations is considered to represent a significant risk to the delivery of the infrastructure. CPO is, and would remain a position of last resort, if and where it proves unable to acquire the land through agreement.
43. If Councillors agree to the approach set out in this report, negotiation to seek to acquire by agreement will continue during the course of any CPO action. The option of ruling out the use of CPO powers at this stage is not considered realistic however.
44. As explained the recommendation is separate to the planning process for determination of the current applications. Nevertheless, in considering whether to provide support in principle for the use of CPO the Council must agree that the purpose of the land assembly to deliver these two crossings will in principle contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area.
45. As demonstrated above, the Council has publically considered and stated support in principle for the growth in the Gilston Area as positive in supporting the districts wider growth strategy and to sustain the district as a sub-regional centre, the delivery of the River Crossings directly supports delivery of the Gilston Area. Furthermore, the Council has indicated clear support for the delivery of infrastructure, in particular in respect to transport, both generally and with specific reference to the River Crossings and STC, for providing links to and from Harlow and the new Garden Communities, to mitigate the impacts of development and support sustainable travel. It is the delivery of these River Crossings for which agreement in principle for use of CPO is specifically sought. The Council has also stated clear support for the timely provision of such infrastructure, the desire to work with infrastructure providers to facilitate this and it is demonstrated that the district would benefit from the rolling infrastructure fund that would be created through HIG. The agreement in principle sought is necessary at this time to ensure actions by the Council to achieve timely delivery and agree HIG forward funding are possible.
46. Within the East Herts Report to Executive, included in Appendix A, a summary of considered benefits in respect to the HGGT Vision and the EHDP are also identified, many of which may also be considerations for Harlow Council, these are therefore recreated for Councillor's awareness below:
 - a) Supporting and accelerating the delivery of a significant quantum (10,000) of the new homes required to be delivered in the District in the period up to 2033. The new homes to be delivered will include a mix of

house sizes and types to cater for all including those most in need and the next generation of residents who want the opportunity to stay and work in the area;

- b) Significant housing and employment growth in the immediate area around Harlow and the wider UK Innovation Corridor;
- c) New transport routes that will provide genuine alternatives to car travel within the Garden Town and help to tackle congestion, air quality impacts and support healthy lifestyles for current and future residents;
- d) Enable the transport priorities and aspirations of the Garden Town partners to be achieved, prioritising healthy and active travel over other modes and seeking to achieve targets of 60 per cent of all journeys undertaken by those residing in the Gilston area development and 50 per cent of all journeys of those residing in the wider Garden Town by healthy and active modes;
- e) Provide new and improved crossings across the River Stort to link new communities to existing communities and provide better access to the Stort Valley;
- f) Enable the delivery of new homes and neighbourhoods built around self-sufficient local centres;
- g) Enable the delivery of appropriate levels of new social infrastructure and public services including schools and health services;
- h) Enable the creation of a network of green open spaces to include walking and cycling links across the Garden Town and connecting out to the wider countryside and Stort Valley;
- i) Enable the creation of new green 'wedges' between communities to help ensure individual identities for new and existing communities and villages.

47. On the basis of the above it is considered that the Council has sufficient justification to agree in principle to be prepared to use CPO to support land assembly for the delivery of the River Crossings.
48. In respect of the Gilston Area and its infrastructure requirements, the strategy of the HGGT Authority partners is, in the first instance, to allow the Gilston Area landowners/ developers to negotiate with third party landowners, as necessary, to acquire by agreement any additional land which is required in order for the Transport Infrastructure to be delivered. This role has been taken up by the Applicant as they are the majority landowner in the area and have submitted the associated planning applications.
49. If the outcome of those negotiations are unsuccessful, the strategy is then to revert to the use of powers available under the Town and Country Planning Act

1990 to compulsorily purchase the land required. The Guidance makes it clear that it is sensible to progress preparatory work on CPO action in parallel with negotiations with landowners so that valuable time is not lost.

50. There are risks associated with undertaking CPO action, these are largely mitigated through a just cause and proper observation of process. If there are objections to the CPO these will almost inevitably give rise to a public inquiry and ultimately the Secretary of State may decide not to confirm the Order. Decisions are subject to legal challenge. However, given the requirement to acquire the necessary land to deliver the River Crossings Infrastructure, such risks are considered to be outweighed by the need to support the delivery of the development in order to ensure the public benefits associated takes place and are realised. It should be noted that it would still be necessary to satisfy the tests referenced in paragraph 17 and 18 prior to making an individual CPO therefore agreement is only sought in principle. The final decision to make a CPO would require further Councillor approval which is addressed under Recommendation D.

Recommendation D

51. Recommendation D of this report asks the Cabinet and Council to note that in accordance with the agreements under recommendations A and C, Officers shall prepare any CPO including any associated indemnities on behalf of the Council.
52. Undertaking CPO action, or preparing to do so, has the potential to result in budget implications for the Council. These implications range from the modest, such as Officer time involved in preparing reports and other background work, through to the more substantial, such as if the powers are utilised successfully and compensatory payments are required to be made for land acquired. As a result, and where appropriate, the Council may seek an Indemnity Agreement (the CPO IA) with an applicant, such that it (the Applicant) will cover all costs incurred by the Council. Where a CPO IA is sought, subject to the decisions of the Head of Governance in consultation with other Heads of Service as may be necessary, Officers will typically limit the scale and nature of work until the Agreement is concluded in order to ensure the costs incurred by the Council are indemnified. The CPO IA would apply whether or not it proves necessary to ultimately use the powers.
53. In respect to Recommendation C, for the potential CPO of land at Burnt Mill and River Way, a CPO IA is currently in preparation. Subject to it being judged satisfactory the Head of Governance shall enter into this CPO IA in order to indemnify the Council from the associated costs of preparing a potential CPO.
54. Cabinet and Council are asked to note that, as Members must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, the Head of Governance would bring back any specific case to Cabinet in order to seek final authority to do so.

Recommendation E

55. Recommendation E of this report seeks delegation of authority to the Head of Finance and Property and Deputy to the Chief Executive, in consultation with other Heads of Service, to negotiate and agree to grant rights for the delivery of infrastructure on Council owned land including to negotiate any premium or licence fee representing market value and appropriate costs/compensation, indemnities and other arrangements deemed appropriate in accordance with the agreement in principle under Recommendation B.
56. It is anticipated that any agreements would be negotiated on a case by case basis based upon the judgement of the Head of Finance and Deputy to the Chief Executive, in consultation with other Heads of Service. For example, such arrangements may seek to protect the Council against any dedication of infrastructure as highway prior to agreement of its formal adoption by the highway authority in order to indemnify the Council in relation to future costs of maintenance, repair or replacement. Agreements would only be brought back to the Cabinet and Council for approval where the Head of Finance and Deputy to the Chief Executive feels it necessary to do so.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

Where it is Landowner, the Council will work with the applicant/developers to allow them to acquire by agreement (and in keeping with the requirements placed upon the Council under legislation to acquire best value in its disposal of assets) any additional land which is required in order for the Transport Infrastructure to be delivered.

The report sets out that an Indemnity Agreement (the CPO IA) is being sought with the Applicant, such that it (the Applicant) will cover all costs incurred by the Council and it is therefore anticipated that any budgetary impacts will be mitigated by the action of securing such agreement.

Author: Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive

Housing

As contained in the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As set out in the report.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The exercise of CPO powers requires strict adherence to statutory requirements.

In order for a CPO to be implemented, the Council will need to justify it to the Secretary of State in the terms set out in this Report. The use of CPO powers is a measure of last resort after all reasonable and proper attempts to acquire the land have been made during the course of negotiations and have resulted in no agreement.

Before any submission of the CPO to the Secretary of State, all relevant notice requirements required by statute must be complied with in order for the CPO to be confirmed.

All parties with an interest or rights in the land will be entitled under statute to submit to the Council a claim for adequate compensation based on the market value of the land. Other heads of compensation for loss of possession of the land may also be claimed.

To cover the compensation referred to above and associated costs, the Council should seek a sufficient financial indemnity from the developer.

If, in due course, the Council decides to exercise CPO powers, it will need to make a formal resolution to use them.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – East Herts Council Report to Executive for Use of Compulsory Purchase Powers (CPO) in the Gilston Area, 6 Oct 2020

Appendix B – Plans of land ownership in respect to the Burnt Mill and River Way areas (confidential appendix. The information contained in Appendix B is exempt from publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 in that it provides details of the owners of the land to which this report relates)

Background Papers

Harlow Local Development Plan Pre-Submission Publication (May 2018) –

<https://www.harlow.gov.uk/sites/default/files/documents/Pre-Submission%20Publication%20-%20document.pdf>

Harlow Local Development Plan Pre-Submission Publication Policies Map (May 2018) –

<https://www.harlow.gov.uk/sites/default/files/documents/Pre-Submission%20Publication%20-%20policies%20map.pdf>

Consultation on Modifications to the Pre-Submission version of the Harlow Local Development Plan – <https://www.harlow.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-plan-consultation/main>

East Herts District Plan (October 2018) – https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/District_Plan_Publish_web_view.pdf

Glossary of terms/abbreviations used

CPO – Compulsory Purchase Order
CPO IA – Compulsory Purchase Indemnity Agreement
EHDP – East Herts District Plan
HCC – Hertfordshire County Council
HGGT – Harlow and Gilston Garden Town
HIF – Housing Infrastructure Fund
HIG – Housing Investment Grant
HLDP – Harlow Local Development Plan

East Herts Council Report

Executive

Date of Meeting: 6 Oct 2020

Report by: Councillor Linda Haysey, Leader of the Council

Report title: Use of Compulsory Purchase Powers (CPO) in the Gilston Area

Ward(s) affected: Hunsdon

Summary

RECOMMENDATION FOR EXECUTIVE:

- (a) That the Executive recommend to Council that, in principle, (and subject to Harlow District Council resolving to follow the same course of action) the Council be prepared to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land in the Gilston area, as generally shown on the plans at Appendix 1, to enable the construction of transport infrastructure to support the delivery of the Gilston Area allocation in the East Herts District Plan (The Gilston Area Allocation) and the achievement of the wider strategic planning benefits referred to in the report.**
- (b) That the Executive delegate authority to the Head of Legal and Democratic Services, in consultation with the Head of Planning, to enter into a Compulsory Purchase Order Indemnity Agreement (CPO IA) in relation to this matter, on behalf of the Council.**
- (c) That the Executive and Council note that Officers will undertake the work needed to prepare for a possible Compulsory Purchase Order (CPO) together with the**

associated documentation and, if necessary, will bring a further report back to the Executive and Council seeking authority to make a CPO.

1.0 Proposal(s)

- 1.1 It is proposed that the Council determine, in principle, that it will make use of the compulsory land purchase powers available to it, under section 226(1)(a) of the Town and Country Planning Act 1990, in order to secure land to deliver transport infrastructure in the Gilston area, to support the delivery of the Gilston Area Allocation and the achievement of the wider strategic planning benefits referred to in this report. If agreed, this is a decision for Council (rather than a decision that can be taken by a meeting of the Executive).

2.0 Background

- 2.1 The principle of development of land in the Gilston Area has been established by the East Herts District Plan. Development in this location will form part of the Harlow and Gilston Garden Town (HGGT).
- 2.2 As part of the allocation of the land, the District Plan identified the need for significant supporting infrastructure (policies GA1 and GA2). Two key elements of this are
- the expansion of the existing A414 road crossing over the River Stort between the Gilston area and Harlow to provide dedicated sustainable transport capacity, and
 - the creation of a new crossing over the River Stort (either to the east or west of the existing).
- In this report these two elements of infrastructure are referred to as 'the Transport Infrastructure'.
- 2.3 The owner of the majority of the land which comprises the Gilston Area Allocation, Places for People (PfP) (the Applicant) has submitted three related planning

applications (the Applications) to the Council for parts of the Gilston Area Allocation, as follows:

- Outline planning application for a residential-led mixed use development of 8,500 homes across six distinct villages directly north of the A414 and Eastwick Road, with all matters reserved except for three 'Strategic Accesses' into the Gilston Park Estate (Village Development) (ref 3/19/1045/OUT)
- Full planning application for enhancements and widening of the existing vehicular crossing over the River Stort (Central Stort Crossing) (ref 3/19/1046/FUL); and
- Full planning application for a new crossing over the River Stort (Eastern Stort Crossing) (ref 3/19/1049/FUL).

The last two include the Transport Infrastructure element.

- 2.4 The two full planning applications have also been submitted to Harlow District Council (HDC) as the application sites straddle the boundary between East Herts and Harlow Council areas (the two Local Planning Authorities).
- 2.5 Members should be aware at this stage that the determination of the three planning applications (and any future planning applications for the Gilston Area Allocation) is a separate and distinct matter for the Local Planning Authorities to consider in due course. Any decision made on the use of CPO powers at this stage cannot influence any decision to be made on the planning applications, which will be determined on their planning merits.
- 2.6 The Applicant controls the land required to implement the Village Development (if planning consent is granted) However, the Applicant is not in control of all of the land which is required in order to be able to deliver the Transport Infrastructure (again if planning consent is

granted) . The Applicant is seeking to conduct ongoing negotiations with the owners of land outside its control to seek to acquire the land required for that by agreement. In addition to land located in the East Herts district, implementing the Transport Infrastructure may also require for land in the Harlow District area to be acquired compulsorily. If that is necessary, the same powers would be utilised by Harlow District Council.

- 2.7 This report is submitted to set out the current position and to seek authority, in principle and where negotiation to acquire land by agreement is not successful, for the use of CPO powers available to the Council.
- 2.8 The Council first considered the possible use of CPO powers in the lead up to the adoption of the District Plan in 2018. Through engagement with landowners at that stage, it became aware of potential land ownership constraints which may impact on the delivery of the Transport Infrastructure. A report in relation to the matter was presented to the 21 Sept 2017 meeting of the District Plan Executive Panel. The report sought agreement 'in principle' to the use of Planning Act CPO powers. The recommendation in this respect was agreed and was subsequently endorsed by the Executive at its meeting of 16 October 2017 and Council of 18 October 2017.
- 2.9 It is appropriate for the Council to consider this matter again now as, in the course of the last three years, development proposals for the first elements of the Gilston Area Allocation have been crystallised in the three planning applications and there is now clarity over the land take required to accommodate the Transport Infrastructure.
- 2.10 Turning to the issue of CPO powers, Section 226(1)(a) of the Town and Country Planning Act 1990 enables acquiring authorities with planning powers to exercise

their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.

- 2.11 The latest version of the MHCLG Guidance on the compulsory purchase process (The Guidance) includes the following guidance on the use of this power: -
- “This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate”*
- 2.12 The Guidance confirms that compulsory purchase is intended as a last resort measure to secure the assembly of all the land needed for the implementation of projects and acquiring authorities will be required to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the CPO by agreement.
- 2.13 The Guidance also includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO, members must be satisfied

that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposals will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to the Executive and Council to seek authority for a CPO to be made.

- 2.14 Taking into account this guidance and following on from the October 2017 'in principal' resolution, it is considered that the use of Planning Act powers would be appropriate as a last resort measure to assemble land to implement proposals in the Local Plan, secure the delivery of the Transport Infrastructure and facilitate the delivery of the Gilston Area Allocation and the achievement of the wider strategic planning benefits referred to below.
- 2.15 Turning to the public benefits associated with the delivery of the Transport Infrastructure, these include the following benefits referred to in the East Herts District Plan and in the HGGT Vision:
- Supporting and accelerating the delivery of a significant quantum (10,000) of the new homes required to be delivered in the District in the period up to 2033. The new homes to be delivered will include a mix of house sizes and types to cater for all including those most in need and the next generation of residents who want the opportunity to stay and work in the area.
 - Significant housing and employment growth in the immediate area around Harlow and the wider London-Stansted-Cambridge Innovation Corridor.
 - New transport routes that will provide genuine alternatives to car travel within the Garden Town and help to tackle congestion, air quality impacts and support healthy lifestyles for current and future

residents.

- Enable the transport priorities and aspirations of the Garden Town partners to be achieved, prioritising healthy and active travel over other modes and seeking to achieve targets of 60% of all journeys undertaken by those residing in the Gilston area development and 50% of all journeys of those residing in the wider Garden Town by healthy and active modes.
- Provide new and improved crossings across the River Stort to link new communities to existing communities and provide better access to the Stort Valley.
- Enable the delivery of new homes and neighbourhoods built around self-sufficient local centres.
- Enable the delivery of appropriate levels of new social infrastructure and public services including schools and health services.
- Enable the creation of a network of green open spaces to include walking and cycling links across the Garden Town and connecting out to the wider countryside and Stort Valley.
- Enable the creation of new green 'wedges' between communities to help ensure individual identities for new and existing communities and villages.

3.0 Reason(s)

- 3.1 As set out above, this report relates to the potential requirement for the use of CPO powers to acquire land in the Gilston area necessary for the implementation of transport infrastructure to support the Gilston Area Allocation and to deliver wider strategic planning benefits referred to in this report.
- 3.2 The planning applications referred to above, if permitted, will comprise the majority of the development anticipated in the Gilston area through the allocation of

the site in the East Herts District Plan. The outline application proposes the development of 8,500 new homes across 6 distinct villages. Each of these villages will be provided with and supported by relevant transport, social and other necessary infrastructure.

- 3.3 A further outline planning application, also under consideration, has been submitted by a separate landowner (Briggens Estate no 1/CPP). It proposes a further 1,500 new homes and further supporting infrastructure. The two proposals together comprise the total 10,000 new homes to be delivered as part of the Gilston Area allocation. The separate proposals submitted by CPP also require delivery of the Transport Infrastructure to enable them to be implemented.
- 3.4 The two full applications comprise, as indicated, the Transport Infrastructure. In relation to the existing (or Central) A414 river Stort crossing, the proposal is to expand the current road carriageway by an additional lane in each direction. The additional capacity will be provided for sustainable transport modes only, buses and any future innovative transport provision which may be implemented, between the Gilston area and Harlow. Dedicated provision will also be made for walking and cycling.
- 3.5 The application proposals also include for the development of a new bridge over the current Eastwick Road to enable walking and cycling provision to connect directly with the new development in the village to be implemented closest to Harlow (village 1). Changes are also proposed to the existing Eastwick junction roundabout, to enable a direct, sustainable transport modes only junction to be created to access the new development. A separate all vehicle access to the new development will also be created to the east of this junction.
- 3.6 The application for the additional river Stort road

crossing (the eastern crossing) proposes a single carriageway road way which will leave the current alignment of Eastwick Road to the east of the Eastwick roundabout and pass through the current gap between development at Terlings Park and Pye Corner. The road will be routed south eastwards to a new junction with a new northward leg (see below), then curve south over the river to join up at a new junction with River Way in Harlow. River Way allows an onward connection to be made to Edinburgh Way, the east-west route of the A414 in Harlow.

- 3.7 The additional northward leg, referred to above, will make a connection back to Eastwick Road at a point north east of Pye Corner, effectively forming a by-pass to this existing area of development.
- 3.8 Should planning permission be secured, the development in the area will comprise part of the Harlow and Gilston Garden Town (HGGT). The Garden Town partners¹ (Partner Councils) have been working together to support the successful implementation of development to deliver the combined Vision for the Garden Town. As part of the combined work and as a result of land constraints identified at various sites across the Garden Town, the Partner Councils commissioned consultants (Cushman and Wakefield) to draw up a land acquisition strategy.
- 3.9 In respect of the Gilston Area and its infrastructure requirements, the strategy of the Partner Councils is, in the first instance, to allow the Gilston area landowners/ developers to negotiate with third party landowners, as necessary, to acquire by agreement any additional land which is required in order for the Transport Infrastructure to be delivered. This role has been taken up by the Applicant as they are the majority landowner in the area and have submitted the associated planning

¹ East Herts DC, Epping Forest DC, Harlow DC, Essex CC and Herts CC

applications.

- 3.10 If the outcome of those negotiations are unsuccessful, the strategy is then to revert to the use of powers available under the Town and Country Planning Act 1990 to compulsorily purchase the land required. The Guidance makes it clear that it is sensible to progress preparatory work on CPO action in parallel with negotiations with landowners so that valuable time is not lost.
- 3.11 The land which is likely to be required for the development of the Transport Infrastructure is shown on the plans attached as **Appendix 1**. Together with the associated ownership schedules, these plans set out which organisations or private individuals are currently in control of land required to enable the delivery of the Transport Infrastructure.
- 3.12 Members will note that the land required is located both within the East Herts District Council area and the Harlow District Council area. Neither Council is able to exercise the CPO powers available to it in relation to land that is located outside of its administrative area. As a result, if acquisition by use of compulsory powers is required in relation to land in both Council areas, then both Councils will need to exercise their CPO powers. In this respect a parallel report on this matter is being submitted to the Cabinet and Council at Harlow Council. Members will note that the recommendation to this report is provisional on Harlow District Council also resolving to proceed with the use of powers available to it.
- 3.13 In relation to the Transport Infrastructure referred to here, and wider transport infrastructure across the Garden Town, Herts CC led a bid for government funding under the Housing Infrastructure Funding (HIF) programme. The bid was successful, albeit under the separate Housing Investment Grant (HIG) scheme. The successful outcome has led to the availability of funding,

to a value of £172m, for the implementation of wider transport infrastructure. This delivery programme for the use of that funding includes the transport infrastructure referred to in this report.

- 3.14 HCC are now in negotiation with central government, through Homes England, to resolve the contractual arrangements relating to the use of the HIG funding. An important element of that for all involved, is the programme of delivery. HIG funding has been awarded on the basis that it will accelerate the delivery of housing in the Gilston and wider Garden Town area.
- 3.15 HIG programme arrangements remain to be resolved. The broad elements of the programme see a construction timescale of not less than 2 years. It is not possible to commence construction until all the land required to implement it is under the control of either the Applicant or the Council(s). In that respect, if the use of CPO powers is necessary, the Partner Councils consultants advise that a period of not less than 2 years should be also be allowed for this. This gives a combined programme timescale of 4 years. Given the objective of the HIG funding is to accelerate delivery timescales, it is therefore appropriate to commence CPO action, if required, without delay.
- 3.16 This report is submitted to set out the current circumstances in relation to this matter. It seeks authority, in principle, for the use of CPO powers available to the Council. The Applicant will continue to negotiate with third party landowners to seek to acquire land, as required, by agreement. If that process is unsuccessful, then a further report will be submitted to the Executive and Council to seek authority to commence CPO processes.
- 3.17 Undertaking CPO action has the potential to result in budget implications for the Council. These implications range from the modest, eg officer time involved in

preparing reports and other background work, through to the more substantial, eg if the powers are utilised successfully and compensatory payments are required to be made for land acquired.

- 3.18 As a result, the Council has sought an Indemnity Agreement (the CPO IA) with the Applicant, such that it (the Applicant) will cover all costs incurred by the Council. The Agreement is currently in preparation. Authority is also sought through this report to finalise the terms of the CPO IA and, once satisfactory, to enter into it. No further work in relation to this matter will be undertaken until the Agreement is concluded and all further costs incurred by the Council are indemnified.

4.0 Options

- 4.1 The alternative options to the use of CPO powers are either to continue to seek to acquire the necessary land for the Transport Infrastructure by negotiation (with no potential for subsequent CPO activity) or to pursue alternative infrastructure delivery arrangements.
- 4.2 In relation to the first of these (continue to seek to acquire by negotiation with no potential for subsequent CPO activity), the information provided by the Applicant indicates that action to seek to acquire the necessary land by agreement has been undertaken. Given the timescales referred to above in relation to the HIG funding, pursuing this option, with no quantifiable prospect of certainty of outcome, is considered to represent a significant risk to the delivery of the infrastructure.
- 4.3 If Members agree to the approach set out in this report, negotiation to seek to acquire by agreement will continue during the course of any CPO action. The option of ruling out the use of CPO powers at this stage is not considered realistic however.
- 4.4 The second option referred to above relates to the

possibility of identifying other options for the delivery of transport infrastructure which would only require land already in the control of either the applicants, the Council or another party that would allow it to be acquired by agreement.

- 4.5 Policy GA2 of the East Herts District Plan requires the delivery of an additional River Stort crossing either to the east or west of the existing crossing. The route to the east has been preferred by ECC because it better mitigates the impact of the Gilston development in relation to traffic flows within Harlow.
- 4.6 No detailed proposals are before the Council in relation to any alternative additional crossing. In the absence of any alternative proposals and given delivery timescales it is considered that there is no reasonable prospect of any alternative option coming forward, which does not have its own land ownership constraints, in an acceptable timescale.
- 4.7 In addition, this would not resolve any land acquisition requirements which may be necessary in relation to the enhancement of the existing A414 river crossing. Because this is an enhancement of the existing facility, it is not possible to avoid land acquisition issues which may be related to this as the infrastructure cannot be located anywhere else.

5.0 Risks

- 5.1 There are risks associated with undertaking CPO action. Any such action is subject to scrutiny through public inquiry and decisions are subject to legal challenge. However, given the requirement to acquire the necessary land to deliver the Transport Infrastructure to support the delivery of homes, such risks are considered to be outweighed by the need to ensure that housing development takes place and the public benefits associated with the delivery of the Transport Infrastructure are realised.

- 5.2 Budgetary risks are considered to be mitigated subject to the completion of the necessary indemnity Agreement as referred to above.

6.0 Implications/Consultations

- 6.1 Owners of land of which acquisition has been sought will be aware of the circumstances set out in this report because of the negotiations between themselves and the Applicant. No separate consultation arrangements are required.

Community Safety

No implications

Data Protection

No specific implications. All information required and utilised in undertaking any CPO activity will be used and safeguarded in accordance with normal data protection protocols.

Equalities

All public sector acquiring authorities are bound by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and those who don't
- foster or encourage good relations between people who share a protected characteristic and those who don't

Having 'due regard' means public authorities must consciously consider or think about the need to do the three things set out in the PSED.

In exercising their compulsory purchase and related powers (e.g. powers of entry) acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.

To date, equality implications have been considered through the undertaking of an Equalities Impact Assessment.

In progressing the Orders and carrying out any further consultations the Council will take into account the needs of persons with protected characteristics and the requirements of the PSED.

Environmental Sustainability

The transport infrastructure being enabled by the acquisition of land is that considered necessary to support the Partner Councils Garden Town Vision. A key element of this Vision is to achieve a target of 60% of journeys undertaken by residents in the new garden communities by active, healthy and sustainable modes. Delivery of the infrastructure has significant implications in relation to the transport sustainability of the new development.

Financial

As set out above, it is anticipated that any budgetary impacts will be mitigated by the action of securing an Indemnity Agreement

Health and Safety

None

Human Resources

None

Human Rights

Whilst this report only seeks an 'in principle' decision from the Council that it is prepared to authorise the use of CPO powers, officers would provide the following guidance at this stage on the human rights implications of pursuing CPO action. The Guidance confirms that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European

Convention on Human Rights (ECHR) (right to the peaceful enjoyment of property) and, in the case of a dwelling, Article 8 of the ECHR (right to respect for private and family life, home and correspondence. Before deciding whether to authorise a CPO, the Council will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to enable the scheme to proceed, brings benefits to the area, which could not be achieved without the use of compulsory purchase powers.

Legal

All actions will be taken within and ensuring that full legal requirements are met.

Specific Wards

Yes - Hunsdon

7.0 Background papers, appendices and other relevant material

7.1 Appendix 1 – plans and associated details of ownership

The information set out in Appendix 1 is exempt from publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 in that it provides details of the owners of land to which this report relates.

Contact Member

Cllr Linda Haysey, Leader of the Council

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Report Author

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**MINUTES OF THE LICENSING COMMITTEE
HELD ON**

8 September 2020

7.30 - 8.02 pm

PRESENT

Committee Members

Councillor Shannon Jezzard (Chair)
Councillor Nancy Watson (Vice-Chair)
Councillor Nick Churchill
Councillor Michael Garnett
Councillor Maggie Hulcoop
Councillor Andrew Johnson

Officers

Chris Bennett, Principal Environmental Health Officer
Emma Crouch, Corporate Support Officer
Hannah Criddle, Governance Support Officer
Michael Pitt, Environment and Licensing Manager
Denise Westwood, Assistant FCilex

11. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Lanie Shears.

12. **DECLARATIONS OF INTEREST**

None.

13. **MINUTES**

RESOLVED that the minutes of the meeting held on 7 July 2020 are agreed as a correct record and signed by the Chair.

14. **MATTERS ARISING**

None.

15. **WRITTEN QUESTIONS AND PETITIONS**

The question, together with the answer, is appended to the minutes.

16. **COMMITTEE WORK PLAN**

RESOLVED that the Work Plan was noted.

17. **HARLOW COUNCIL HEALTH AND SAFETY SERVICE PLAN 2020-2022**

The Committee received the Health and Safety Service Plan 2020-22.

RESOLVED that the Committee noted and approved the Health and Safety Enforcement Service Plan attached as Appendix A to the report.

18. **FEES AND CHARGES REVIEW**

The Committee received a report on the review of Hackney Carriage tariffs.

RESOLVED that the Licensing Committee recommend to Cabinet that the Hackney Carriage tariff schedule, attached as Appendix A to the report, be adopted.

19. **REFERENCES FROM OTHER COMMITTEES**

None.

20. **MATTERS OF URGENT BUSINESS**

Councillor Churchill noted that concerns had been raised that The Chequers pub had been ignoring Covid-19 guidance. Councillor Churchill sought reassurance that the Council and Essex Police were taking the situation seriously. Michael Pitt, Licensing and Environment Manager, confirmed the Council was aware of concerns that had been raised and had been investigating in liaison with Essex Police. Michael Pitt advised that actions within the Council's existing remit might arise dependent on any evidence obtained. However, the Committee was advised that Essex County Council was ultimately the responsible authority for the recently announced Public Health powers specifically related to the risk of transmission of Covid-19.

CHAIR OF THE COMMITTEE

**MINUTES OF THE CABINET
HELD ON**

10 September 2020

7.30 - 9.30 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council

Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Resilience and Recovery

Councillor Mike Danvers, Portfolio Holder for Resources

Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

Councillor Frances Mason, Portfolio Holder for Governance, Equality and Diversity

Councillor Danny Purton, Portfolio Holder for Environment

Councillor Chris Vince, Portfolio Holder for Community and Wellbeing

Other Councillors

Councillor Simon Carter

Councillor Joel Charles

Councillor Tony Edwards

Councillor Michael Hardware

Councillor Andrew Johnson

Officers

Brian Keane, Chief Executive

Andrew Bramidge, Head of Environment and Planning

Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive

Jane Greer, Head of Community Wellbeing

Simon Hill, Head of Governance

Andrew Murray, Head of Housing

Adam Rees, Governance Support Officer

Lisa Thornett, Corporate Governance Support Officer

20. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mark Wilkinson.

21. **DECLARATIONS OF INTEREST**

None.

22. **MINUTES**

RESOLVED that the minutes of the meeting held on 9 July 2020 are agreed as a correct record and signed by the Leader.

23. **MATTERS ARISING**

None.

24. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions, together with the answers, are appended to the minutes.

25. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

26. **PETITIONS**

- a) **Rejection of Proposal to Amend Waste Collection at Mercers**

RESOLVED that the petition was rejected with the proviso that Councillors Danny Purton and David Carter would meet with Officers and residents at Mercers to discuss other potential solutions.

27. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

28. **RECENT RELEVANT DECISIONS TAKEN BY THE LEADER, DEPUTY, PORTFOLIO HOLDER(S), OR CHIEF EXECUTIVE**

RESOLVED that the following decisions are noted.

- a) **Chief Executive - 9 April 2020**
- b) **Chief Executive - 9 April 2020**
- c) **Chief Executive - 15 April 2020**
- d) **Chief Executive - 15 April 2020**
- e) **Chief Executive - 15 April 2020**
- f) **Chief Executive - 24 April 2020**
- g) **Chief Executive - 6 May 2020**
- h) **Chief Executive - 14 May 2020**
- i) **Chief Executive - 8 June 2020**
- j) **Chief Executive - 12 June 2020**

k) Chief Executive - 16 June 2020

l) Chief Executive - 29 June 2020

29. **YEAR END 2019/20 FINANCE REPORT**

Cabinet received a report which summarised the Council's financial year end performance for 2019/20, proposed carryovers into 2020/21 and contributions to reserves.

Councillor Mike Danvers proposed the following additional wording at the end recommendation C of the report "the acquisition of properties up to the value of £12.6 million for inclusion in the Housing Revenue account to ensure that retained receipts are utilised for the provision of social housing." The amendment was accepted by the proposer, Councillor Mark Ingall, and became part of the substantive motion.

Proposed by Councillor Mark Ingall (seconded by Councillor Mike Danvers) it was:

RESOLVED that:

- A** Acknowledged the outturn position set out in within the report in respect of General Fund, Housing Revenue Account (HRA) and Capital Programmes for the year ending 31 March 2020.
- B** Noted working balances at 31 March 2020 of £15,751,000 in respect of the HRA and nil in respect of the Major Repairs Reserve (MRR).
- C** Approved:
 - i) The carrying forward of £162,720 of budgets from 2019/20 to 2020/21 in respect of the General Fund as set out in Appendix B to the report.
 - ii) The transfer to reserves of £1,104,000 as set out in Appendix C to the report.
 - iii) The contribution of £150,000 into a Covid-19 Earmarked Reserve as set out in Paragraph 17 of the report.
 - iv) The carrying forward of £180,172 of budgets from 2019/20 to 2020/21 in respect of the Housing Revenue Account as set out in Appendix E to the report.
 - v) The carrying forward of £1,739,197 of budgets from 2019/20 to 2020/21 in respect of the Non Housing Capital Programme as set out in Appendix I to the report.

- vi) The carrying forward of £6,894,672 of budgets from 2019/20 to 2020/21 in respect of the Housing Capital Programme as set out in Appendix J to the report.
- vii) the acquisition of properties up to the value of £12.6 million for inclusion in the Housing Revenue account to ensure that retained receipts are utilised for the provision of social housing.

30. **JOINT FINANCE AND PERFORMANCE REPORT, QUARTER 1 2020/21**

Cabinet received a report which set out its financial performance, along with its performance against its own performance indicators, for the first quarter of 2020/21.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

A Cabinet acknowledged the outturn position for the first quarter (April – June) of 2020/21 as follows:

- i) Financial – The forecast as currently predicted is for an in year pressure of £513k driven as a result of the Covid crisis and the impact it has had mainly on the Councils income streams but also as a result of additional costs incurred as a result of the crisis. This will be managed through the year and further updates provided to Cabinet in the normal way.
- ii) Risk -The report highlights the key corporate risks facing the Council at the current time and inevitably this includes the Covid 19 Crisis and the ongoing impacts it has and continues to have on the Council and the wider town.
- iii) The impact of the Covid-19 pandemic on the completion of the Council business and operational performance planning for 2020/21.

31. **HOUSING REVENUE ACCOUNT, QUARTER 1 FINANCE REPORT 2020/21**

Cabinet received a report which provided an update on the Housing Revenue Account (HRA) for the first quarter of 2020/21 and asked that Cabinet noted variances in the HRA budget and the forecast of the HRA and Major Repairs Reserve.

Proposed by Councillor Mark Ingall (seconded by Councillor Mike Danvers) it was:

RESOLVED that Cabinet noted:

- A** The HRA Quarter 1 Budget Monitoring Report 2020/21 (attached as Appendix A to the report).
- B** That the forecast HRA general working balance as at 31 March 2021 will be reduced to £11.873 million following the decision to finance part of the capital programme from revenue contributions.

32. **CAPITAL PROGRAMMES, QUARTER 1 FINANCE REPORT 2020/21**

Cabinet received a report which provided an update on the Council's Housing and Non Housing Capital Programmes for the first quarter of 2020/21.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** Cabinet noted the progress in the delivery of the Council's Housing and Non Housing Capital Programmes as at Quarter 1 (30 June 2020) as follows:
 - i) The Housing Capital Programme (HCP) current budget is £34.635 million which includes £6.896 million carried forward from 2019/20. Due to the delay in the start of capital work in 2020/21 it is anticipated that further re-profiling will be required with future reports detailing proposed programme changes into 2021/22 and subsequent years.
 - ii) The Non-Housing Capital Programme (NHCP) current budget is £14.129 million which includes £3.075 million carried forward from 2019/20. Due to the delay in the start of capital work in 2020/21 it is estimated that capital expenditure will be £13.685 million with the balance re-profiled into 2021/22.

33. **ANNUAL TREASURY MANAGEMENT REPORT 2019/20**

Cabinet received a report of the Council's treasury management functions in 2019/20.

Proposed by Councillor Mike Danvers (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that:

- A Cabinet noted the annual Treasury Management Report for 2019/20 (Appendix A to the report), including that the Council operated within the Treasury Management Strategy Statement during 2019/20, and that the report is recommended to Full Council for approval.

34. **CHANGES TO MEMBERSHIP OF THE HIGHWAYS PANEL**

The Leader said that this matter had now been withdrawn from the agenda.

35. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

a) Report of the Covid-19 Recovery Working Group

Cabinet received a referral from the Covid-19 Recovery Working Group which recommended approval of an action plan, which set out the actions the four workstreams would take to facilitate the recovery, recommended approval for the Working Group's terms of reference and the Vision Statement, and sought a recommendation to Full Council to amend the Corporate Plan to include an additional priority.

Proposed by Councillor Eugenie Harvey (seconded by Councillor Mark Ingall) it was:

RESOLVED that Cabinet:

- A Approved the Covid-19 Recovery Working Group's final Terms of Reference (attached as Appendix A to the report).
- B Agreed the Vision Statement and Corporate Themes, and Action Plan (attached as appendices B and C to the report).
- C Recommended to Full Council that a further Corporate Priority of 'Resilience and Recovery' is introduced into an amended Corporate Plan with the associated Action Plan.

36. **MINUTES OF PANELS/WORKING GROUPS**

RESOLVED that the minutes of the following meetings are noted.

- a) Minutes of Meeting Wednesday, 24 June 2020 of Harlow Local Highways Panel
- b) Minutes of meeting Wednesday, 22 July 2020 of Covid-19 Recovery Working Group

- c) Minutes of meeting Wednesday, 5 August 2020 of Covid-19 Recovery Working Group

37. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 10 September 2020

Questions from the Public

1 Mr Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

In February, in response to a question to you about the external repair and painting of council owned houses you said that "the Council had a programme of cyclical painting which is prioritised annually based on resources available, priorities and the condition of dwellings and that a programme of external painting of estates shown on the council's website will be updated in May 2020".

I subsequently made a Freedom of Information request of the Council, who responded by saying that the Council had no record of when houses had been externally repaired and painted before 2016 and that since then less than 250 houses have had such work carried out. As at the time of writing the website has not been updated, indeed it does not look as though it has been updated for over two years.

Without historical information, how has Harlow Council been able to prioritise when houses have and will be externally repaired and painted, when will a list appear on the council's website and bearing in mind how few houses have been completed in the last 4 years, when can every council tenant of a house expect to see their home refurbished and painted externally?

Reply from Councillor Mark Ingall (Leader of the Council):

The Council is using survey information as well as its Asset Management information to target its cyclical maintenance programmes to the housing stock. This is reviewed annually, against priorities when developing the Housing Investment programme. The revised external works programmes commenced in 2018/19 and include programmes of cyclical maintenance to realise economies of scale and efficiencies.

Following a review of the implications of Covid-19, it is expected following this review, that a revised Housing Investment Programme will be published later in the year.

2 Mr Robert Bruce to Councillor Mark Ingall, Leader of the Council

Many residents in Harlow have concerns about the poor state of Harlow's roads (traffic congestion, pot holes, street lights, flickering bollards) that seem to remain unattended.

My question is this. Does Harlow Council have any input to Essex County Council, as what priority is given to repair and maintain roads and street furniture in Harlow? Has the Council expressed any concerns that the residents of Harlow feel that they seem to be given a low priority, when it comes to keeping the Towns roads in good order and free flowing.

Reply from Councillor Mark Ingall (Leader of the Council):

I share your concerns, but I am afraid ECC do not seem to recognise the problems you mention. Indeed a recent report by ECC highways has a rather self-congratulatory tone and at least one of Harlow's Conservative County Councillors has congratulated the County on the lack of potholes in his division.

Harlow Council operates a Highways Rangers scheme on behalf of ECC whereby minor rectification works on ECC owned land within Harlow can be identified and remedial works carried out by Harlow Council to ensure that such matters are dealt with quickly.

Essex County Council (ECC) holds a quarterly Local Highways Panel specifically for Harlow involving Harlow Councillors. The panel has the responsibility for setting priorities and making recommendations for Highways schemes within the town. The meetings focus on schemes to improve congestion and resolve safety issues and these prioritised schemes are then recommended to ECC. But the budget allowed by Essex County Council for schemes recommended by this panel falls a long way short of being adequate to meet Harlow's needs.

Harlow Council Officers maintain active working relationships with Essex Highways teams regarding outstanding defects that have been reported but require completion. I personally work with and support local cycling groups and road users to identify cycle track and highways issues. I communicate these to the ECC highways portal, the ECC Portfolio Holder for highways and the Harlow's County Councillors. Recently as a result of a campaign undertaken by Harlow cycling groups ECC were persuaded to find £200,000 for immediate repairs to our cycle tracks.

Ultimately the problem is not the identification of schemes to improve the highways within Harlow but the inadequate allocation of funding to enable schemes to progress by ECC.

3 Mr Steve Dean to Councillor Mark Ingall, Leader of the Council

In response to my question to you at the July meeting of the Cabinet you responded by saying that the council would be focussing on new HMOs and those where there was a change in HMO ownership. Following this they may start to look at existing HMOs where there may be a breach of covenant. You went on to give examples of

factors that will be used to assess whether or not to agree to a variation to a covenant.

In view of the fact that there are HMOs in blatant breach of a covenant:

How soon can residents expect the council to look at existing HMOs?

It is very likely that the only way that the council would become aware of a breach is if it consults with other residents. In how wide an area in proximity to an HMO will you consult with residents either when giving permission for an HMO, when there is a change of ownership or reviewing an existing HMO?

Reply from Councillor Mark Ingall (Leader of the Council):

The Council's focus remains on the enforcement of new HMOs. Based on legal advice, it is not possible to enforce covenants on long-standing HMOs where there has not been previous enforcement activity. However, the Council will seek to intervene where we believe there to have been a significant change to the operation of a particular property or where a change of ownership triggers a new covenant release.

In terms of the consultation process we use the same criteria for consultation as we use for consultation on a planning application, which is properties in the same row as the applicant property, plus those on the opposite side of the road. This obviously varies from property to property as street layouts vary across the town. The intention is to give those household who are likely to be most affected the opportunity to comment.

4 Mr Andrew Spillane to Councillor Mark Ingall, Leader of the Council

The subject of climate change will I am sure have been discussed in the chamber on a number of occasions in the past and the planting of thousands of trees across the town is a good step in trying to reduce carbon in the air. Back in the 1950's and 1960's the Harlow Development Corporation planted many trees, but seem to have given little if any thought about how they would be maintained as they grew to maturity.

It is clear that Harlow Council have long since had any kind of proactive approach to the maintenance and care of trees, evidenced by the fact that members of The Harlow Alliance Party have spoken to many residents who have expressed concerns about trees close to their homes.

When can residents expect Harlow Council to commence a comprehensive, planned approach to tree maintenance, bearing in mind the thousands of new trees that have now been planted?

Reply from Councillor Mark Ingall, Leader of the Council

As you have pointed out, the Council has an ambitious tree planting programme. We are also aware that we are at the point in the town's life when much of the infrastructure, including green infrastructure, requires maintenance. As such, we are currently in discussions with our property and environment company, HTS, about the establishment of a pro-active tree maintenance programme. We have a significant backlog of tree repairs to respond to from the storms in February and then the reduction in activity during the lockdown period of March to June. We are aiming to clear this backlog by the end of the calendar year.

Alongside this we are working with HTS to put in place from April next year a new approach to tree management that will see a pro-active planned maintenance regime put in place. This will obviously take some time to establish as it will require survey work across the town, but it is the Council's intention to work towards this approach from next year.

5 Mr Roy Court to Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

At the Cabinet meeting on 27 February, the Council was asked about the proposed tenure of a number of homes it intended to build, but failed to provide information about the former Lister House site.

Can you now provide me with this information?

Reply from Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

The Council intends to build 59 new homes on the former Lister House site. It is expected that these will all be affordable homes. At the present time our appraisals have shown that 18 of these homes will be available at social rent and 41 will be available at affordable rent.

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE
HELD ON**

30 September 2020

7.30 - 8.45 pm

PRESENT

Committee Members

Councillor Phil Waite (Chair)

Councillor Jean Clark

Councillor Mike Danvers

Councillor Bob Davis

Councillor Jodi Dunne (as substitute for Councillor Nancy Watson)

Councillor Michael Garnett

Councillor Michael Hardware

Councillor Maggie Hulcoop

Councillor Sue Livings

Councillor Clive Souter

Officers

Andrew Bramidge, Head of Environment and Planning

Alex Chrusciak, Interim Planning and Building Control Manager

Jade Clifton-Brown, Principal Planning Officer

Emma Crouch, Corporate Support Officer

Julie Galvin, Legal Services Manager

Mitch Kitts, Principal Planning Officer

Adam Rees, Governance Support Officer

64. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Nancy Watson.
Councillor Jodi Dunne was in attendance as her substitute.

65. **DECLARATIONS OF INTEREST**

Councillor Michael Hardware declared a non-pecuniary interest in agenda item 8 as a Staple Tye Ward Councillor.

66. **MINUTES**

RESOLVED that the minutes of the meeting held on 2 September 2020 are agreed as a correct record and signed by the Chair.

67. **MATTERS ARISING**

None.

68. **WRITTEN QUESTIONS**

None.

69. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

RESOLVED that the procedure for the conduct of the meeting is noted.

70. **HW/FUL/20/00161 - NORTH OF AYLMER HOUSE, KITSON WAY, HARLOW**

The Committee received a report and application (HW/FUL/20/00161) on the erection of a residential building ranging between 7 and 9 storeys providing 49 flats, associated parking, amenity areas and other associated works on land North of Aylmer House, Kitson Way, Harlow.

Representations were heard from an objector and the applicant's agent.

As Councillor Jean Clark had joined the meeting following the Officer's presentation she did not take part in the vote.

RESOLVED that planning permission is **GRANTED** subject to:

- A** The conditions detailed in the report and the amended condition 16 set out in the supplementary report; and
- B** A section 106 agreement to secure the Head of Terms detailed within the report with the amendments concerning affordable housing set out in the supplementary report.

Should the S106 agreement not be signed by the applicant by 30 December 2020 (3 months from the date of Development Management Committee), powers are delegated to the Head of Planning to refuse the planning application, if appropriate, for the reason set out below:

Suitable provision for affordable housing, public transport improvements and outdoor space improvements has not been secured. The application therefore fails to adequately address the affordable housing, public transport and open space requirements arising as a consequence of the proposed form of development and is contrary to the requirements of the NPPF and adopted and emerging Local Plan Policies.

71. **HW/FUL/18/00064 - ENTERPRISE HOUSE, PERRY ROAD, HARLOW**

The Committee received a report and application (HW/FUL/18/00064) for a change of use from B8 Storage and Distribution to Sui Generis (Use

Class E and Storage and Distribution) at Enterprise House, Perry Road, Harlow.
Representations were heard from an objector, three supporters and the applicant.

RESOLVED that planning permission is **GRANTED** subject to:

A The conditions detailed in the report;

B The amendment to the description of development; and

C The amended condition 1 set out in the supplementary report.

72. **REFERENCES FROM OTHER COMMITTEES**

None.

73. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**MINUTES OF THE SCRUTINY COMMITTEE
HELD ON**

13 October 2020

7.30 - 8.05 pm

PRESENT

Committee Members

Councillor Tony Edwards (Chair)
Councillor David Carter (Vice-Chair)
Councillor Joel Charles
Councillor Bob Davis
Councillor Maggie Hulcoop
Councillor Shannon Jezzard
Councillor Shona Johnson
Councillor Emma Toal
Councillor Nancy Watson

Officers

Simon Hill, Head of Governance
Adam Rees, Governance Support Officer

22. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Simon Carter.

23. **DECLARATIONS OF INTEREST**

None.

24. **MINUTES**

RESOLVED that the minutes of the meeting held on 1 September 2020 are agreed as a correct record and signed by the Chair.

25. **MATTERS ARISING**

a) Minute 14 - Matters Arising

The Committee noted that more information on paddling pools costs had been circulated.

b) Minute 19 - Scrutiny Committee Work Plan 2020/21

Councillor Hulcoop explained that she and Councillor Edwards had met Officers to discuss work carried out on domestic abuse within the Community Impact Officer work stream for Covid-19 recovery. She updated the Committee on the work which was being carried

out and said that she would continue to have discussions on the matter with Officers.

26. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

27. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

28. **RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINY COMMITTEE**

None.

29. **POLICING AND COMMUNITY SAFETY ANNUAL REVIEW**

- a) Topic Submission Form

RESOLVED that the topic submission form be agreed.

- b) Agreement of Scope and Questions

The Committee considered a list of questions for potential submission to the Police for a presentation, and question and answer session at a subsequent meeting.

The Committee agreed that the question on county lines would be amended to look at reinforcement of work going forwards following the recent raids earlier in the month.

It was also agreed the questions on the prevalence of shoplifting, and bicycle use in the town centre, would be added.

RESOLVED that the questions appended to the minutes would be submitted to the Police.

30. **WORK PLAN**

The Committee received a report summarising its work plan for 2020/21. The Committee noted that a quote had been received from a consultant to carry out the Delivery of Council House Building Programme and Housing and Accommodation Requirements for Adults with a Moderate/Severe Learning Disability reviews.

The Committee agreed that for each review, a Councillor from both of the Political Groups would be nominated to engage with the consultant.

RESOLVED that the work plan be noted.

31. **REFERENCES FROM OTHER COMMITTEES**

None.

32. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Police priority	Questions
More local, visible and accessible policing	What progress has been made regarding Policing in the Town Centre and neighbourhood areas?
Cracking down on antisocial behaviour	<p>What preventative methods are you using to combat issues such as anti-social behaviour?</p> <p>In cracking down on ASB, have there been any multi agency case conferences on ASB in Harlow?</p> <p>Is the use of AirBNB or similar an emerging crime in Harlow? What steps have been taken to close down these venues, referring to party 100+ Nicholls Field or similar music event in warehouse areas</p> <p>What additional resources are being used to address issue of unlawful Traveller Encampments in the absence of current injunction?</p> <p>Because of the enforcement ruling now on face masks and no more than 6 meeting. Do the Police have enough numbers to deal with those residents who disobey these rules under COVID situation?</p> <p>Has there been an increase or decrease in shoplifting following the Covid restrictions?</p> <p>Has there been an increase or decrease in cyclists within the town centre following the Covid lockdown?</p>
Breaking the cycle of domestic abuse	
Tackling gangs and serious violence	<p>Modern Slavery questions: Is it an issue in Harlow? Have there been any charges brought over the past three years? What was the nature of the slavery – domestic service/prostitution/massage parlours/nail bars/car washing/agriculture/other? Is it something about which we should be aware? How can we be aware? To whom should we report an suspicions?</p> <p>In tackling gangs and serious violence, how successful has Harlow Divn been and where is there a need for improvement?</p>

	<p>What prevention work is taking place in Harlow Divn to discourage young people from joining gangs?</p> <p>County lines? Following on from the recent raids which saw 19 people arrested on 8 October, what is being done to reinforce this work going forwards?</p>
Disrupting and preventing organised crime	
Protecting children and vulnerable people from harm	With the high number of Permitted Developments in Harlow and families being transferred from London Boroughs, is information being shared around violence & vulnerability and potential victims?
Improving safety on our roads	In improving road crime are there any Community Speedwatch groups in the Harlow area?
Other Questions	
	Overall what are the current issues for your service in Harlow ?
	Are there any ways that you feel we could/ should improve joint working?

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE
HELD ON**

14 October 2020

7.30 - 9.34 pm

PRESENT

Committee Members

Councillor Phil Waite (Chair)
Councillor Nancy Watson (Vice-Chair)
Councillor Simon Carter (as substitute for Councillor Sue Livings)
Councillor Jean Clark
Councillor Mike Danvers
Councillor Bob Davis
Councillor Michael Garnett
Councillor Michael Hardware
Councillor Maggie Hulcoop
Councillor Clive Souter

Officers

Andrew Bramidge, Head of Environment and Planning
Alex Chrusciak, Interim Planning and Building Control Manager
Hannah Criddle, Governance Support Officer
Patricia Coyle, Principal Planning Officer
Nicholas Fu, Senior Planning Officer
Julie Galvin, Legal Services Manager
John Harrison, Senior Development Management Officer
Sangeeta Ratna, Senior Planning Officer
Lisa Thornett, Corporate Governance Support Officer

74. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Sue Livings.
Councillor Simon Carter was in attendance as her substitute.

75. **DECLARATIONS OF INTEREST**

Councillor Simon Carter declared a non-pecuniary interest in agenda item 10 as a Church Langley Ward Councillor. Councillor Simon Carter also declared a non-pecuniary interest in agenda item 9 as, although the application site is not in his ward, the objectors are from the Church Langley ward.

Councillor Jean Clark declared a non-pecuniary interest in agenda item 11 as a Little Parndon and Hare Street Ward Councillor.

Councillor Mike Danvers declared a non-pecuniary interest in agenda item 11 as a Netteswell Ward Councillor.

Councillor Michael Garnett declared a non-pecuniary interest in agenda items 8, 9 and 10 as Old Harlow Ward Councillor and Harlow North County Councillor.

76. **MINUTES**

RESOLVED that the minutes of the meeting held on 30 September 2020 are agreed as a correct record and signed by the Chair.

77. **MATTERS ARISING**

None.

78. **WRITTEN QUESTIONS**

None.

79. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

RESOLVED that the procedure for the conduct of the meeting is noted.

80. **HW/FUL/19/00290 - PART OF TERMINUS STREET CAR PARK AND LAND SOUTH OF THE CAR PARK, VELIZY AVENUE, HARLOW**

The Committee received a report and application (HW/FUL/19/00290) on the partial demolition of the existing car park and redevelopment of the site for a mixed-use development comprising a part 9, part 10 and part 11 storey building, providing 150 residential dwellings, 1,808.7 sqm of commercial floor space in flexible A1/A3/A4/B1/D1 use, a re-configured car parking layout, cycle parking and storage and refuse stores. Plus public realm improvements and the creation of a new landscaped pedestrian and cyclist entrance to the Town Centre.

Representations were heard from the applicant's agent.

RESOLVED that consideration of this planning application is **DEFERRED**.

The Deferment is to allow officers to raise the following points with the Applicant with a view to securing alterations to the proposal:

- i) Explanation of viability and the proposed claw back mechanism
- ii) Consideration of conditions to control working hours and the means to safeguard pedestrians during construction works
- iii) Explanation of the use and management of the podium open space area

- iv) Explanation of the impacts on the access road for to the college and the implications of the scheme for the students coming past the site
- v) Dispersal of affordable housing through the building (pepper potting)

81. **HW/FUL/20/00121 - 7 GARDEN TERRACE ROAD, HARLOW**

The Committee received a report and application (HW/FUL/20/00121) on the change of use to convert redundant launderette into a daycare nursery.

Representations were heard from three supporters and the applicant's agent.

RESOLVED that planning permission is **GRANTED** subject to the conditions detailed in the report.

82. **HW/REMPVAR/20/00358 - PROPOSED JUNCTION OF LONDON ROAD AT LINK ROAD AND ASSOCIATED ROAD WORKS, LONDON ROAD, HARLOW**

The Committee received a report and application (HW/REMPVAR/20/00358) on the variation of condition 5 of planning permission HW/FUL/17/00130 to delay the implementation of the bus gate prior to the occupation of the 767th residential unit to the 917th residential unit.

Presentations were heard from the applicant's agent.

RESOLVED that the Committee **APPROVE** subject to the conditions in the report.

83. **HW/HSE/20/00363 - 12 BRICKCROFT HOPPIT, NEW HALL, HARLOW**

The Committee received a report and application (HW/HSE/20/00363) on the installation of a roof terrace (5m x 5m) and external stairs.

Presentations were heard from the applicant.

RESOLVED that planning permission is **GRANTED** subject to the conditions in the published report, the supplementary agenda and the addition of a reason to Condition 2 as set out in the officer's verbal presentation to the committee.

84. **HW/HSE/20/00360 - 16 KINGSMOOR ROAD, HARLOW**

The Committee received a report and application (HW/HSE/20/00360) on a two storey side and rear extensions.

Presentations were heard from two objectors.

RESOLVED that planning permission is **GRANTED** subject to the conditions in the report.

85. **REFERENCES FROM OTHER COMMITTEES**

None.

86. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**MINUTES OF THE CABINET
HELD ON**

15 October 2020

7.30 - 8.50 pm

PRESENT**Committee Members**

Councillor Mark Ingall, Leader of the Council

Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Resilience and Recovery

Councillor Mike Danvers, Portfolio Holder for Resources

Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

Councillor Danny Purton, Portfolio Holder for Environment

Councillor Chris Vince, Portfolio Holder for Community and Wellbeing

Other Councillors

Councillor David Carter

Councillor Simon Carter

Councillor Tony Edwards

Councillor Michael Hardware

Councillor Andrew Johnson

Councillor Russell Perrin

Officers

Brian Keane, Chief Executive

Andrew Bramidge, Head of Environment and Planning

Emma Crouch, Corporate Support Officer

Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive

Jane Greer, Head of Community Wellbeing

Simon Hill, Head of Governance

Adam Rees, Governance Support Officer

38. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Frances Mason and Mark Wilkinson.

39. **DECLARATIONS OF INTEREST**

Councillor Michael Hardware declared a non-pecuniary interest in items 10 and 12 as an Essex County Council appointee to the Harlow and Gilston Garden Town Board.

40. **MINUTES**

RESOLVED that the minutes of the meeting held on 10 September 2020 are agreed as a correct record and signed by the Leader.

41. **MATTERS ARISING**

None.

42. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions, together with the answers, are appended to the minutes.

43. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

44. **PETITIONS**

None.

45. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

46. **RECENT RELEVANT DECISIONS TAKEN BY THE LEADER, DEPUTY OR PORTFOLIO HOLDER(S)**

Councillor Ingall said that following discussions with the County Council and other leaders in Essex, a request had been made to the Secretary of State for Health and Social Care to raise Essex into the 'High' tier for Covid-19 restrictions, and that this request had been approved.

47. **RESOLUTION IN PRINCIPLE TO USE COMPULSORY PURCHASE POWERS TO ADVANCE THE DEVELOPMENT OF THE HARLOW AND GILSTON GARDEN TOWN**

Cabinet received a report which sought a recommendation to Full Council to agree a resolution in principle to use Compulsory Purchase Orders (CPOs) in order to support development in conformity with the Local Plan.

Proposed by Councillor Danny Purton (seconded by Councillor Mike Danvers) it was:

RESOLVED that:

- A** Cabinet recommended to Full Council that, in principle, the Council agrees to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land within the District to support development where in conformity with the Harlow Local Development Plan (subject to its adoption) in order to achieve the planning benefits set out within the Plan. Noting that this in

no way predetermines or circumvents the formal planning process.

- B** Cabinet recommended to Full Council that, in principle, where Harlow District Council is landowner, or through the process of acquisition (including under CPO) would become landowner, the Council agrees to retain ownership but grant licence for infrastructure works on that land provided that:
- i) The infrastructure is intended for a public purpose, benefit or public adoption;
 - ii) there are no legal restrictions preventing this from happening;
 - iii) it does not materially undermine another purpose for which the Council requires the land or there are compelling reasons to dispose of a freehold interest; and
 - iv) Where appropriate, the Council receives appropriate costs/compensation, indemnities and other arrangements considered necessary.
- C** Subject to East Herts District Council resolving to follow the same course of action, Cabinet recommended to Council that, in principle, it also agrees to use the powers set out in recommendation A should that be necessary to compulsorily purchase land in the Burnt Mill and River Way areas of the District, to enable the construction of transport infrastructure to support development in the Harlow and Gilston Garden Town including the delivery of The Gilston Area allocation and The River Stort Crossings in the East Herts District Plan and the achievement of the wider strategic planning benefits referred to in the report including supporting the future Harlow Local Development Plan.
- D** Cabinet and Council note that officers will prepare for any possible Compulsory Purchase Order(s) (CPO) including any associated Indemnities on behalf of the Council in accordance with the agreements under Recommendations A and C; and, where considered necessary to make a CPO, the Head of Governance, in consultation with other Heads of Service of the Council as may be necessary, will bring each matter back to Cabinet seeking authority to do so.
- E** Cabinet delegate authority to the Head of Finance and Property and Deputy to the Chief Executive, in consultation with other Heads of Service as may be necessary, to negotiate and agree and legally complete lease or licence or other arrangements for

the delivery of infrastructure works on its land on a case by case basis on behalf of the Council in accordance with the agreement under Recommendation B.

48. **'PLANNING FOR THE FUTURE': HARLOW COUNCIL RESPONSE TO THE GOVERNMENT CONSULTATION**

Cabinet considered a report which set out the proposed response to the Government's consultation on reforms to the planning system.

Proposed by Councillor Danny Purton (seconded by Councillor Tony Durcan) it was:

RESOLVED that Cabinet:

- A** Agreed the responses to the consultation on the Planning for the Future White Paper as set out in Appendix A to the report.
- B** Granted delegated authority to the Head of Environment and Planning, in consultation with the Portfolio Holder for Environment, to make any amendments that may be required, following the Cabinet discussion, to the formal response and that this be forwarded to MHCLG.

49. **HARLOW AND GILSTON GARDEN TOWN SUSTAINABILITY CHECKLIST**

Cabinet received a report which recommended that the Harlow and Gilston Garden Town sustainability checklist was approved for the purposes of consultation.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** The draft Harlow and Gilston Garden (HGGT) Town Sustainability Guidance and Checklist (attached as Appendix A to the report) be agreed for a six-week period of public consultation between October and December 2020.
- B** It was noted that, following consultation and any subsequent revisions to the document, it is intended that the final HGGT Sustainability Guidance and Checklist will be endorsed as a material planning consideration for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes.

50. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

a) **Referral from Licensing Committee - Review of Hackney Carriage Tariffs**

Cabinet received a referral from the Licensing Committee on a review of Hackney Carriage Tariffs.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

A The Hackney Carriage tariff schedule, attached as Appendix A to the original report, be adopted.

51. **MINUTES OF PANELS/WORKING GROUPS**

RESOLVED that the minutes of the following meetings are noted.

a) **Minutes of meeting held on Wednesday, 23 September 2020 of Covid-19 Recovery Working Group**

52. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 15 October 2020

Questions from the Public

1 Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

In the 1950's and 1960, many companies relocated to Harlow and part of the incentive to relocate here was that the Harlow Development Corporation would provide rented homes to the company's workforce. In the next five years or so many hundreds if not thousands of people will be expected to re-locate to live in the Harlow area when Public Health England occupy their new premises at The Pinnacles.

Has the Council been approached by Public Health England or indeed given any thought as to how those workers who are secure council tenants will be expected to uproot their families to come to live in Harlow?

Reply from Councillor Mark Ingall (Leader of the Council):

The Council has worked with Public Health England of a number of years regarding the relocation to Harlow.

One of the advantages of the exciting move of Public Health England to Harlow is that many of the jobs will become available for existing Harlow residents, however we are encouraging and expect some employees to make the move to Harlow. Our ambitious Local Plan allows for the building of accommodation that ranges from flats to executive houses and everything in between, which will provide sufficient stock for any employees of Public Health England that do choose to make the move.

The housing requirements of affected staff has been raised with Public Health England, however at the current time they are unable to give an indication of what those requirements might be.

This matter will remain an item for discussion as the requirements of PHE and their staff becomes clear.

2 Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

It is now some two and a half years since residents were invited to see plans for the future of Elm Hatch. Since then, residents have apparently not heard anything.

I note the recent announcement that the council is going to spend some £12 million on purchasing homes on the open market, will this affect the plans for the future of Elm Hatch, indeed when can residents expect work to commence on site?

Reply from Councillor Mark Ingall (Leader of the Council):

The Council is committed to remain in active discussions with those who have an interest in the redevelopment of Elm Hatch. This includes local residents, Place Services of Essex County Council and, due to the development being adjacent to one of Harlow's historic gems, English Heritage.

During these unusual times the discussions and processes that would normally take place have been disrupted and are taking longer than we would have hoped , however we are looking at a number of different designs in order to ensure the requirements of both Places Services and English Heritage are met.

We will contact residents as soon as we have more information to share with them. At this stage it is not possible to say when residents can expect work to commence on site.

The Council purchasing homes on the open market will not affect any proposals for Elm Hatch.