

CABINET
Thursday 15 October 2020 at 7.30 pm
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>

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
Councillor Mark Wilkinson, Portfolio Holder for Housing

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 4 - 14)

To approve the minutes of the meeting held on 10 September 2020.
4. Matters Arising

Any matters arising from the minutes of the previous meeting.
5. Written Questions from the Public

To receive any questions from members of the public in accordance with Rule 10 of the Council Procedure Rules.

6. Written Questions from Councillors

To receive any questions from Councillors in accordance with Rule 11 of the Council Procedure Rules.

7. Petitions

To consider any petitions that have been referred to the Cabinet under the Council's Petition Scheme.

8. Forward Plan (Pages 15 - 24)

To note the Forward Plan, which lists all upcoming Cabinet decisions and provides notice of key decisions and those expected to be taken in private session.

9. Recent Relevant Decisions Taken by The Leader, Deputy or Portfolio Holder(s)

There have not been any decisions taken by Portfolio Holders under delegated powers since the last meeting of the Cabinet.

10. Resolution in Principle to use Compulsory Purchase Powers to Advance the Development of the Harlow and Gilston Garden Town
(Pages 25 - 57)

11. 'Planning for the Future': Harlow Council Response to the Government Consultation (Pages 58 - 95)

12. Harlow and Gilston Garden Town Sustainability Checklist
(Pages 96 - 138)

13. Communications from Committees/Working Groups/Parties and Panels

a) Referral from Licensing Committee - Review of Hackney Carriage Tariffs (Pages 139 - 145)

14. Minutes of Panels/Working Groups

To note the following draft minutes of Cabinet appointed bodies. Minutes remain draft until approved by the relevant body.

a) Minutes of meeting held on Wednesday, 23 September 2020 of Covid-19 Recovery Working Group (Pages 146 - 153)

15. 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 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.

Harlow Council Forward Plan

Published on 16 September 2020

This plan contains all decisions that the Council's Cabinet expects to take over the coming year. Where relevant, each decision has been identified as a Key Decision or as involving consideration in private session.

The definition of a Key Decision is given in Article 12 of the Council's Constitution but is also set out here for clarity.

A 'Key Decision' means a Cabinet/Portfolio Holder decision which is likely:

- a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. For this purpose, expenditure or savings are deemed to be significant if they exceed £50,000
- b) to be significant in terms of its effects on communities living in an area comprising two or more wards in Harlow.

Each decision listed in this Forward Plan has been assigned an exemption status as follows:

Open – members of the press and public are expected to be allowed to attend during consideration of this matter.

Confidential – members of the press and public are expected to be excluded during consideration of this matter. The reasons for this exclusion will be stated in column 5, and relate to a lawful power to exclude the press and public when specific classes of information are being discussed, as contained in the [Local Government Act 1972](#).

A Decision Notice for each Key Decision is published within five days of it being made. Decision Notices and documents to be considered by decision makers are open for inspection on the Council's website www.harlow.gov.uk and at the Civic Centre, The Water Gardens, Harlow, CM20 1WG. Representations on an upcoming key decision can be made by writing to the Chief Executive, using the address above.

The current members of the Cabinet are as listed on the Council's website at the following page <http://moderngov.harlow.gov.uk/mgCommitteeDetails.aspx?ID=121>

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 723	Resolution in Principle to use Compulsory Purchase Powers to Advance the Development of the Harlow and Gilston Garden Town	Cabinet	15 Oct 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge
I011 862	'Planning for the Future': Harlow Council Response to the Government Consultation	Cabinet	15 Oct 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge
I011 863	Harlow and Gilston Garden Town Sustainability Checklist	Cabinet	15 Oct 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 864	Referral from Licensing Committee - Review of Hackney Carriage Tariffs	Cabinet	15 Oct 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge
I011 372	Treasury Management Strategy Statement 2020/21: Mid-Year Review	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 373	Joint Finance and Performance Report, Quarter 2 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 374	Housing Revenue Account, Quarter 2 Finance Report 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 375	Capital Programmes, Quarter 2 Finance Report 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 721	Award of Framework Agreement for Legal Services in Support of Special Projects	Cabinet	3 Dec 2020 All Wards	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Governance, Equality and Diversity (Councillor Frances Mason) Simon Hill
I011 376	Debt Write Offs	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 377	Local Council Tax Support Scheme Proposals	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 378	Corporate Plan	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Leader of the Council (Councillor Mark Ingall) Brian Keane

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 379	Medium Term Financial Strategy 2021/22 - 2023/24	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 380	General Fund Budget 2021/22	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 381	Housing Revenue Account Business Plan 2020-2050	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 382	Housing Revenue Account Budget 2021/22	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman
I011 383	Capital and Treasury Report 2021	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 384	Capital Programmes 2020/21 - 2022/23	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 777	Implementation of an Article 4 Direction relating to Houses of Multiple Occupation	Cabinet	25 Mar 2021 All Wards	Key decision: Yes Likely exemption status: Open	Officer's report	Councillor Mark Wilkinson, Councillor Danny Purton Andrew Bramidge
I011 385	Joint Finance and Performance Report, Quarter 3 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 386	Housing Revenue Account, Quarter 3 Finance Report 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 387	Capital Programmes, Quarter 3 Finance Report 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman
I011 388	Debt Write Offs	Cabinet	25 Mar 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I009 925	Regeneration Strategy	Cabinet	To be confirmed Subject to OWG approval	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Growth and Prosperity (Councillor Tony Durcan) Jane Greer

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
1009 572	Stewardship Arrangements	Cabinet	To be confirmed	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge

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

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REPORT TO: CABINET

DATE: 15 OCTOBER 2020

TITLE: 'PLANNING FOR THE FUTURE': HARLOW COUNCIL RESPONSE TO THE GOVERNMENT CONSULTATION

PORTFOLIO HOLDER: COUNCILLOR DANNY PURTON, PORTFOLIO HOLDER FOR ENVIRONMENT

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

CONTRIBUTING OFFICER: PAUL MACBRIDE, FORWARD PLANNING MANAGER (01279) 446258

**This is not a Key Decision
It is on the Forward Plan as Decision number I010207
Call-in Procedures may apply
This decision will affect no ward specifically.**

RECOMMENDED that Cabinet:

- A** Agrees the responses to the consultation on the Planning for the Future White Paper as set out in Appendix A.
- B** Grants 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.

REASON FOR DECISION

- A** To enable the Council to respond to the consultation and to have input into planning reforms.

BACKGROUND

1. In March 2020 the Government signalled its intention to undertake fundamental reform of the planning system, the detail being set out in the Planning for the Future White Paper. This has been prompted by a need to reflect on matters that have been brought into focus by the Covid-19 pandemic, including the issues associated with working at home especially for those living in small, substandard homes and who do not have access to shops and parks, those struggling to pay rent as well as those without homes. The aim of the reform is to

develop a simpler, faster and more predictable planning system that will work to address these and other issues. The Government has made it clear that it sees this as the most radical reform of the planning system since the Second World War.

2. Overall the objectives underpinning the Government's proposals are to:
 - a) Streamline and modernise the planning system;
 - b) Improve outcomes on design and sustainability;
 - c) Reform the developer contributions regime; and
 - d) Ensure more land is available for development where it is needed.
3. The White Paper was published for public consultation on 6 August 2020 and the consultation closes on 29 October 2020.
4. The White Paper identifies a number of perceived issues with the current planning including that:
 - a) Plan making takes too long (an average of 7 years to prepare and adopt new Local Plans);
 - b) Assessments of housing need, viability and environmental impacts are too long and complex. Planning decisions are discretionary, rather than rules-based, giving rise to a consistency issue;
 - c) Perceived lack of public trust;
 - d) The process for negotiating developer contributions from affordable housing to infrastructure is complex, protracted and unclear;
 - e) Not enough focus on design, and little incentive for high quality new homes and places; and
 - f) Not enough homes are being built, especially in those places where the need is highest.

ISSUES/PROPOSALS

5. In response to this, the White Paper sets out a number of proposals to reform the planning system and these are set out in paragraphs 6 to 11 below.
6. Streamlining the planning process with more democracy taking place more effectively at the plan making stage, and replacing all existing plan-making law in England to achieve this alongside a new National Planning Policy Framework:

- a) Simplifying the role of Local Plans, to focus on identifying land under three categories:
 - i) Growth areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan;
 - ii) Renewal areas suitable for some development, such as gentle densification; and
 - iii) Protected areas where development is restricted.
- b) Local Plans would set clear rules rather than general policies for development. This would mean general development management policies would be prepared nationally, with a more focused role for Local Plans in identifying site and area-specific requirements, alongside locally-produced design codes. Plans would also be significantly shorter in length with just a core set of standards and requirements for development;
- c) Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities as they consult on Local Plans. The reforms would aim to democratise the planning process by putting a new emphasis on engagement at the plan-making stage. But at the same time, the opportunity for consultation at the planning application stage would be streamlined, because the Government considers this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes;
- d) Local Plans would be subject to a single statutory “sustainable development” test, and ‘unnecessary’ assessments and requirements that cause delay and challenge in the current system would be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate;
- e) Local Plans would be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template. Plans should be significantly shorter in length, and limited to no more than setting out site or area specific parameters and opportunities;
- f) Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, and there will be sanctions for those who fail to do so;

- g) Decision-making would be faster and more certain, within firm deadlines, and should make greater use of data and digital technology; and
 - h) It is proposed to strengthen enforcement powers and sanctions so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.
7. Second, it is proposed to take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data:
- a) Supporting local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making, making it easier for people to understand and engage with the planning process;
 - b) Local plans would be standardised, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector; and
 - c) This means engaging with the UK PropTech sector through an Innovation Council to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.
8. Third, to bring a new focus on design and sustainability, by:
- a) Ensuring the planning system supports efforts to combat climate change and maximises environmental benefits, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements;
 - b) Facilitating ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050;
 - c) 'Beauty' will be sought for places being created, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm', with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework;
 - d) Making it easier for those who want to build 'beautifully' through the introduction of a 'fast-track for beauty' through changes to national

policy and legislation, to automatically permit proposals for high quality developments where they reflect local character and preferences;

- e) Introducing a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing England's unique ecosystems;
 - f) Expecting design guidance and codes to be prepared locally and to be based on genuine community involvement so that local residents have a genuine say in the design of new development, and ensure that codes have real 'bite' by making them more binding on planning decisions;
 - g) Establishing a new body to support the delivery of design codes in every part of the country, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton;
 - h) Ensuring that each local planning authority has a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development; and
 - i) Continuing to protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century.
9. Fourth, it is proposed to improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions. It is therefore proposed that:
- a) The Community Infrastructure Levy, and the current system of planning obligations through Section 106 Agreements, will be reformed as a nationally-set value-based flat rate charge ('the Infrastructure Levy'). A single rate or varied rates could be set. The Government aims for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much, if not more, on-site affordable housing as at present. This captures a greater share of the uplift in land value that comes with development;
 - b) Affordable housing provided through planning gain will be more ambitious, and it is claimed that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision;
 - c) Local authorities will be given greater powers to determine how developer contributions are used, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. Affordable housing provision supported through developer contributions will be kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities.

Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities; and

- d) Extending the scope of the consolidated Infrastructure Levy and the removal of exemptions from it to capture changes of use through permitted development rights are proposed, so that additional homes delivered through this route bring with them support for new infrastructure.

10. Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, it is proposed:

- a) That there will be a new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. It is proposed that this would factor in land constraints, including the Green Belt, and would be consistent with the Government's aspirations of creating a housing market that is capable of delivering 300,000 homes annually and one million homes over this Parliament;
- b) To speed up construction where development has been permitted, it is proposed to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together;
- c) To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, options will be consulted on to improve the data held on contractual arrangements used to control land; and
- d) To ensure publicly-owned land and public investment in development supports thriving places, the Government will ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres and explore how publicly-owned land disposal can support the SME and self-build sectors.

11. The White Paper expands on these reforms further under three themes of 'Planning for development', 'Planning for beautiful and sustainable places' and 'Planning for infrastructure and connected places'. Comments on the proposals are sought via 26 specific questions. It is clear that some of these are directed at the wider community and businesses and not just local planning authorities. Suggested responses to these are set out separately in Appendix A.

12. The proposals set out in the White Paper are far ranging and are likely to have considerable implications for the discharge of the statutory planning responsibilities of all local authorities. They represent a fundamental overhaul of the current planning system in England and will have implications for Harlow Council and other local planning authorities across the country. They follow on from significant changes that have already been made over the last decade to the planning system and represent an attempt to address some of the issues that have arisen from these changes, including the complexity of the process, the timescales and delay involved and the resultant uncertainty. Whilst the consultation has been directed at all sections of the community in terms canvassing views on perceptions of the existing planning system, there are matters that could have implications for the Council and these are outlined below.
13. It is widely recognised that the existing planning system has been hindered by a series of changes that have impacted on the delivery of an effective and consistent plan making framework across England, that on occasion, have ignored the synergies between socio-economic and environmental considerations at the national, regional and local levels. This has been compounded by the challenges associated with the introduction of alternatives to the previous plan making regimes such as the Duty to Cooperate and the difficulties of reaching accord with a range of different planning authorities and other organisations, including Government agencies. This is perceived to have led to a fragmented, complex and time consuming approach that has delayed the plan making process. It is not clear how this would be resolved in the proposed reforms, especially having regard to small districts with tight administrative boundaries such as Harlow and which lies on the boundaries between two County Councils.
14. However, given the time taken to assemble this evidence, especially where there are clear cross boundary matters that need to be considered, and which necessitates political agreement on outcomes through the Duty to Cooperate, the opportunity to review the nature of the plan making process could be supported. This is predicated on the need to ensure that any review has regard to the need to take into local circumstances, that enables local nuances to be taken into consideration and addressed through appropriate policies.
15. At present the Council is awaiting the Inspectors final report into his Examination of the Harlow Local Development Plan (HLDP) which means that it is anticipated Harlow will have an adopted Local Plan in place before the end of the year. This means that this is likely to be in a transition period before the new reforms come in to place. Although given that the Government intends to replace the raft of existing planning legislation in place it is considered this make take some time. Nevertheless it is understood the Council will have around three plus years to develop a new style Local Plan. This would accord with the need to commence a review of the HLDP to take into account the new Standard Housing Methodology.
16. In terms of the structure of local plans many of the notations shown on the Policies Map of the HLDP generally reflect the three planning zones (Growth,

Renewal and Protected) that are being proposed. However, there will be need for locally relevant notations to be retained such as those relating to Green Wedges and Neighbourhood Centres.

17. The Council already utilises a range of IT tools and web based technology and a move to a more digitised approach to plan making and consultation would be supported, however, this is predicated on financial resources being available and the acquisition of additional skill sets that might be needed. Some of the proposals could simplify Local Plan production could reduce existing costs but more detail will be needed in this respect. It should also be recognised that not all members of the community have access to IT resources and may not feel comfortable using it. The needs of all the community should, therefore, be taken into consideration in this respect.
18. In addition some of the other measures proposed imply reduced public consultation that could limit opportunities for local people and stakeholders to influence the plan/proposals and could result in unnecessary opposition to emerging plans. The proposals seek to shift public engagement to the Plan making stage rather than the planning application stage. In theory, this gives local residents more opportunity to shape the nature of their area. However, it could be argued that in practice people are more likely to engage on a planning application that impacts upon their area rather than the broader strategies of Local Plans or the details of Design Codes. This may result in people feeling even less engaged with the planning process.
19. The Council, through existing strategies and the policies in the HDLP, as well as those measures being promoted across the Harlow and Gilston Garden Town, is already working towards addressing and militating against the effects of climate change. The future review of the Local Plan, as part of the existing plan, monitor and manage approach, will consider the effectiveness of these and develop further initiatives and measures as necessary. The Governments approach in this respect is supported, although it may be questioned as to whether the White Paper is bold enough on the issues of sustainability and climate change.
20. In addition the Council through its existing planning policies, those in the new HLDP and the Harlow Design Guide SPD and those initiatives being promoted through the Harlow and Gilston Garden Town has sought to secure good design in new development throughout the District. This reflects the masterplan approach that shaped Harlow New Town under the design principles established through Sir Fredrick Gibberd. The Council will continue to promote exemplary design in the town and would support the Governments proposals in this respect especially if supported by Government Planning Inspectors. However, to promote the notion of “beauty” could give rise to inconsistencies in design given the levels of subjectivity involved, especially if over seen by a panel of experts that do not reflect local expectations.
21. A strong focus on design and more ability to influence this at the local level is to be welcomed. It has often been an area of frustration for Members that under the current planning system there is often limited ability to refuse applications on design grounds alone. More detail on the proposals will need to be seen to

examine how this will work in practice, but the ability for local planning authorities to have more influence on the design of what gets built in their areas would be a positive step.

22. A further area of complexity and delay in the plan making process relates to the funding and provision of essential infrastructure to facilitate development. Opportunities to simplify this process could be supported subject to further details being provided by Government. Of particular note is the proposal to give local authorities greater powers to determine how developer contributions are used by expanding the scope of the Levy to cover affordable housing provision. This will allow local planning authorities to drive up the provision of affordable homes and they will have the flexibility to use funding to support both existing communities as well as new communities. Again, however, the White Paper is short on detail and we will need to see more on how this will work in practice.
23. There is a strong focus in the White Paper on the provision of affordable housing and the claim that local authorities will be able to secure more contributions for this. It should be noted however, that much of the focus on this is on the provision of First Homes, which the Government has trailed for some time. Essentially this initiative, when introduced, will provide a 30 per cent discount on market value to first time buyers, subsidised by the developers. Whilst this could provide a boost to many, particularly young people, seeking to get on the housing ladder there will be a concern that if this is the priority for developer contributions whether there will then be much left in the pot for affordable rent and social rent products. A clear priority for the Council has been the provision of affordable housing and in particular social rented housing and the proposals may make it more difficult to achieve this.
24. It is also noted that it is proposed to examine exemptions from the levy so that it captures changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure. This is of particular relevance to Harlow and would be something that this Council would support.
25. The proposals in the White Paper to simplify the process of assessing environmental impacts in the preparation of Local Plans could reduce costs and speed up the process but it needs to be explained how unforeseen adverse impacts can be considered and properly taken into account. The costs of environmental assessments are undoubtedly very high under the current system, but we will want to be satisfied that there are appropriate safeguards for our environmental heritage.
26. It is recognised that there may be some development management matters that clearly have a national dimension, and indeed some of this is already reflected in the NPPF, that could warrant a national approach e.g. the protection of heritage and wildlife assets, space standards etc. However, there will also be a need to reflect unique local characteristics or needs that may prevail. Consequently any national template of development management policies should also facilitate the provision of evidentially based local policies where this is appropriate and can be justified. The White Paper indicates that there will be some scope for local

policies to be agreed, but it is not clear as to the extent of these or the process for them being agreed.

27. In addition to the above, whilst the reforms have a focus on housing related matters and the economy it is not clear how other land use matters, such as minerals and waste planning will be taken into account. Whilst not a significant issue for Harlow the District does have a safeguarded site for the transshipment of minerals that was informed by the existing ECC Minerals and Waste Plan.
28. The ambitious planning reforms, set out in the White Paper, if implemented in their current form, will have a fundamental impact on plan making system and on the implementation of policy through the development management process. There are elements within these reforms that could help improve the responsiveness of the process, reduce complexity and improve transparency and accessibility for the wider public. However, this will require further clarification across a number of areas and will require investment in resources, different skill sets and training to help implement, given the step change involved. It will also need to have regard to how this will be delivered.

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)

As set out in the report.

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)

No implications at this stage.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Proposed Consultation Responses

Background Papers

None.

Glossary of terms/abbreviations used

None.

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Issue/Question	Yes/No	Explanation/Observations
Pillar One – Planning for development		
1. What three words do you associate most with the planning system in England?		<p>It is considered that this is an inappropriately constructed question which trivialises the important role town planning has played in rebuilding England following the end of the Second World War. The continual reforms introduced by various Governments over this time has, however, undermined the ability of local planning authorities to provide certainty to the public, businesses and other organisations in relation to the allocation and protection of land in the public interest. Consequently it could be argued that the existing system has become <u>fragmented, complex, illegible</u>. The consultation does, therefore, represent an opportunity for the authority to highlight the fragmentation and complexity of the current system that has occurred over time to the extent that it's almost impossible to implement a truly plan-led approach. For the public, the end result is illegibility and for developers uncertainty.</p> <p>This has been compounded by a series of incremental legislative and policy changes that have also been undermined by deregulation that hinders the effective delivery of infrastructure provision. For a constrained authority such as Harlow with tight administrative boundaries, the impacts have been very significant and have led to profound social and economic problems.</p>
2. Do you get involved with planning decisions in your local area?		Question for public. Harlow Council is the Local Planning Authority (LPA) for the area.
2(a). If no, why not?		n/a
3. Our proposals will make it much easier to access plans and contribute your views to planning		Question for public, n/a.

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<p>decisions. How would you like to find out about plans and planning proposals in the future?</p>		
<p>4. What are your top three priorities for planning in your local area?</p>		<ol style="list-style-type: none"> 1. The allocation of land to meet demonstrable housing needs in the area, both for the market and affordable housing sector, as well as that required for employment needs that will also contribute to the regeneration of the town. 2. The protection of key environmental and heritage assets in the district, including the network of Green Wedges and Green Fingers that have shaped the growth of Harlow in a sustainable way, as well providing valuable green spaces for the amenity of local residents and for the protection of wildlife. 3. The provision of appropriate levels of infrastructure across the district to meet the needs of existing and future residents, including transport infrastructure which will allow modal shift to be realised. <p>The above all serve to underpin the delivery of the Harlow & Gilston Garden Town Vision and principles across the wider Harlow area, with our strategic partners to deliver resilient, sustainable development. This will have regard to the authority’s commitment to Climate Change mitigation/adaptation and to deliver net zero carbon by 2050.</p> <p>For Harlow we have just added another corporate priority “Resilience and recovery”. The overriding aim is to create fair, healthy and prosperous communities, which is also reflected in the emerging Local Plan and the HGGT documents, especially the Health and Wellbeing Strategy.</p>
<p>Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth</p>		<p>The proposals are silent on Minerals and Waste Planning matter which form part of the “development plan” for the area (S38(6) of 2004 P&CP Act. There also needs to be more clarity on how employment land is treated within the three types of land use proposed.</p> <p>Likewise, the possibility that Neighbourhood Planning groups could be allowed the discretion to use local orders (p 54) needs more thorough evaluation as this could undermine the delivery three types of land growth areas set out in the White Paper and give rise to more uncertainty and duplication.</p>

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<p>areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.</p>		
<p>5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]</p>		<p>The current planning system has been undermined over the years by a series of changes that have hindered the delivery of an effective and consistent plan making framework across England and have ignored the synergies between socio-economic and environmental considerations at the national, regional and local levels. This is evidenced in the lack of a framework of adopted, and up to date, local plans across the country, which has been exacerbated by the challenges associated with the obligations of the Duty to Cooperate (although not to agree) that has inevitably promulgated delays in the plan making process, to the detriment of the housing needs of local communities and economic interests of businesses. This is also linked to the need for LPA's to collect meaningful technical evidence to underpin the strategies and policies set out in their local plans, in accordance with the guidance and requirements set out by Government legislation, the National Planning Policy Framework and Planning Policy Guidance.</p> <p>Given the time taken to assemble this evidence, especially where there are clear cross boundary matters that need to be considered, and which necessitates political agreement on outcomes through the DtC, the opportunity to review the process and nature of Local Plans is supported. This, however, is predicated on the need to ensure that any review has regard to the need to take into local circumstances, that enables local nuances to be taken into consideration and addressed through appropriate policies. It is also predicated on the need to see more detail on the proposals.</p>
<p>Proposal 2: Development management policies established at national scale and an altered role for Local</p>		

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Plans.		
6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?		It is recognised that there may be development management matters that clearly have a national dimension, and indeed some of this is already reflected in the NPPF, that may warrant a national approach e.g. the protection of heritage and wildlife assets, space standards etc. However, there will also be a need to reflect unique local characteristics or needs that may prevail. Consequently any national template of development management policies should also facilitate the provision of evidentially based local policies where this is appropriate and can be justified. We would also want to see a strong ability for local authorities to establish local design codes that would then carry significant weight in the process.
Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.		
7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a		<p>The suite of existing tests relating to the preparation of local plans can be both confusing and complex to interpret, especially given the need to balance an often competing range of interests and considerations. However it would be premature to replace existing tests without a thorough evaluation of the risks and potential impacts associated with “simplifying” the existing tests of Sustainable Development in order to reach an informed judgement.</p> <p>It is noted that one proposal involves abolishing the existing Sustainability Appraisal system without giving a clear indication or detail of the environmental safeguards would be put in place, especially as it is stated that such measures</p>

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<p>consolidated test of “sustainable development”, which would include consideration of environmental impact?</p>		<p>would continue to satisfy the requirements of UK and International law and treaties. It is not clear how committed the Government would be to such safeguards, with a concern that long established principles could be prejudiced in the absence of detail. In this respect we would refer to current Defra update on Environment targets and the need for MHCLG and Defra to work more closely together with other Ministries/Departments to deliver resilient, sustainable development for the UK.</p> <p>https://www.gov.uk/government/publications/environment-bill-2020/august-2020-environment-bill-environmental-targets</p>
<p>7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>		<p>It has long been held that the Duty to Cooperate is not a duty to agree, consequently this has been a barrier to effective and timely long term strategic planning across a range of socio-economic and environmental issues. As an alternative to the current Duty to Co-operate arrangements, appropriate sub-regional forums should be established, comprising elected representatives from existing local authorities in order to provide local accountability. These should be based upon functional economic areas that reflect the realistic synergies that prevail rather than on historic and less relevant associations in order to secure meaningful outcomes.</p> <p>It is relevant to note that Government Regional offices, and their previous incarnations, had played an important role in disseminating Government Policy in a clear and unambiguous way as well as acting as a mediator between local authorities to reduce duplication, conflict and avoid gaps in policy coverage.</p>
<p>Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop</p>		

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<p>land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.</p>		
<p>8(a). Do you agree that a standard method for establishing housing requirements</p>	<p>NO</p>	<p>A District’s housing need and requirement should be set locally based on market signals, constraints, local affordability and past under-provision. A national system cannot cover all local, pressures, needs and desires.</p>

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<p>(that takes into account constraints) should be introduced?</p>		
<p>8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p>	<p>NO</p>	<p>Affordability goes some way to identify the quantum but should be combined with other factors such as market signals and local studies. The extent of urban areas does not necessarily indicate local pressure for development.</p>
<p>Proposal 5: Areas identified as <i>Growth</i> areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development,</p>		

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<p>while automatic approvals would also be available for pre-established development types in other areas suitable for building.</p>		
<p>9(a). Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?</p>		<p>This could work in some limited cases, as has happened in Harlow through the use of Local Development Orders, but there is a risk of inappropriate development being automatically allowed. This would therefore necessitate the development of strict and detailed criteria which could result in the process not being much more streamlined than applying for planning permission in the current manner.</p> <p>Harlow has already made good use of existing tools e.g. LDOs, EZs, design codes within the existing discretionary planning system. This can facilitate a more bespoke, nuanced and flexible approach better suited to local needs. In the circumstances it may be better to promote the use of these existing tools before embarking on such significant changes given the current uncertainty both nationally and internationally.</p> <p>The primary aim should be to address the operational context i.e. structure of local government first and ensure that strategic planning is properly restored. In so doing, accountability and transparency would be enhanced and public confidence in the planning system would also increase.</p>
<p>9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p>	<p>Yes</p>	<p>We would agree that a fast track process for Renewal areas could be appropriate, provided that there was sufficient control of design quality at the local level.</p> <p>We would agree that development proposals in Protected areas should be subject to the same planning application process as they are now.</p>
<p>9(c). Do you think there is a case for</p>	<p>NO</p>	<p>But there is a case for new settlements to be brought forward under legislation (e.g. a renewed New Towns Act) so that they can be driven through locally. There would need to be very strong and compelling reasons with built in safeguards</p>

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<p>allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?</p>		<p>and rights to challenge by those most affected to introduce a centrally imposed plan.</p>
<p>Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology</p>		
<p>10. Do you agree with our proposals to make decision-making faster and more certain?</p> <p>Proposal 7: Local Plans should be visual and map-based, standardised, based on the</p>	<p>No</p>	<p>There is clearly an interest for all parties in the planning process to ensure that decision-making is faster and more certain and there is no issue with that as an objective. However, Harlow Council has concerns about the ability of central government, given its limited resources and other pressures/needs, to roll out large IT projects. In Harlow, the figure of those without digital access is approximately 17% which could exclude many people. We support greater digitisation and are currently working towards that objective ourselves but we have to be mindful that some people could be excluded by this.</p> <p>We would also have concerns about the proposal that planning consent could be automatically granted if there has not been a timely intervention. There should be a review mechanism built into this process.</p>

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<p>latest digital technology, and supported by a new template.</p>		
<p>11. Do you agree with our proposals for accessible, web-based Local Plans?</p>		<p>Proposals that take advantage of the latest technology to render Local Plans more visually accessible would be supported especially if this encourages more people to be involved in the plan making process. However, there is a false assumption that all members of the community will have access to the latest technology so there is a need, therefore, to ensure that alternative formats are available. This is also important for people to be able to see Local Plans more strategically which is not always easy on a mobile phone or tablet.</p> <p>Some Local Planning Authorities have already have fully interactive Policy Maps to accompany their LPs/DPDs, but this requires considerable resources.</p>
<p>Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there</p>		

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<p>would be for those who fail to do so.</p>		
<p>12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?</p>		<p>The desire to expedite the plan making process is generally understood, however, the ability to achieve a 30 month statutory timescale for plan production will be predicated on the availability of resources to develop the plans, the provision of a credible over-arching plan making framework, and the good will of all those interest groups participating in the public consultation process, including statutory undertakers and utility companies.</p>
<p>Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools</p>		
<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?</p>		<p>Not currently applicable for Harlow due to lack of parishes/groups to produce a Neighbourhood Plan.</p>
<p>13(b). How can</p>		<p>N/A</p>

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<p>the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>		
<p>Proposal 10: A stronger emphasis on build out through planning</p>		
<p>14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?</p>	<p>Yes</p>	<p>Harlow Council is supportive of further pressure being imposed to force developers to implement planning permissions, including amending Section 56 of the Town and Country Planning Act to address case law that allows developers just to dig a trench and cover it back over to implement the permission.</p> <p>LGA research indicates that currently there is permission for around a million homes, enough for over three years supply at 300.000 per annum. This suggests the lack of housing is more of a problem with the developers than with the planning system.</p> <p>Existing HMRC guidance, which require certain physical works to be undertaken before a property is zero rated, could perhaps be utilised in the planning system.</p>
<p>Pillar Two – Planning for beautiful and</p>		

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<p>sustainable places</p>		
<p>15. What do you think about the design of new development that has happened recently in your area? <i>[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]</i></p>		<p>The White Paper introduces the concept of “beautiful” places which is a subjective and potentially divisive parameter which could hinder more innovative design solutions being brought forward in communities that have more traditional approaches to the built environment. In high density urban environments, design quality is of paramount importance. Harlow has seen very mixed experiences when it comes to design. Some developments have been of high quality and have won design awards whilst others have been at a very low level of design quality with a primary focus on speed and profit. The variations arise purely at the whim of individual developers and their desires and aspirations with little ability for the local authority to influence them.</p> <p>The key to the success of the White Paper’s proposals to create ‘beautiful places’ will be to ensure that local authorities have the tools to influence design at an early stage and to refuse applications that do not meet agreed local criteria.</p>
<p>16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? <i>[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other –</i></p>		<p>We would question whether there is actually enough in the White Paper on sustainability given the importance of this subject. There is little detail on objectives and what measures will be used to ensure that developers comply with sustainability targets.</p> <p>The development of sustainable modes of transport is a top priority for Harlow Council to be able to accommodate the town’s growth plans. We would also highlight the protection and improvement of our existing green wedge network and an ambitious tree planting programme.</p>

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<i>please specify]</i>		
<p>Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.</p>		
<p>17. Do you agree with our proposals for improving the production and use of design guides and codes?</p>	<p>Yes</p>	<p>Harlow Council supports measures to improve the quality of the built environment through improved production and use of design codes and guides. Over recent years the Council has prompted and secured exemplar designs in schemes across the district, including the award winning Newhall development. It has also an adopted Design Guide and has developed design codes to underpin the successful delivery of local Enterprise Zones. To achieve success in the proposals however it will be essential to ensure that there is genuine local control over the process.</p>
<p>Proposal 12: To support the transition to a planning</p>		

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<p>system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.</p>		
<p>18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?</p>		<p>The Council would generally support a planning system which is more visual and rooted in local preferences and character and in principle a new body to support design coding would be welcome in a role similar to that once provided by CABE. However, it is unclear what the scope of the referred body would be to support this, in terms of its composition and how it would be resourced/funded. Many local authorities already have a Chief Planning Officer, or equivalent, in post, responsible for the discharge of the statutory planning functions of the authority. Such officers normally have a responsibility for design and place-making so it unclear if this is an additional post or a rebranding exercise. The proposals are likely to result in local authorities switching expertise from development management to design and policy. Consideration will need to be given to the training and recruitment of sufficient staff to fulfil these functions.</p>

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<p>Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.</p>		
<p>19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes</p>	<p>The role of Homes England needs to focus on design quality as much as housing numbers and funding.</p>
<p>Proposal 14:</p>		

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<p>We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.</p>		
<p>20. Do you agree with our proposals for implementing a fast-track for beauty?</p>	<p>No</p>	<p>See answer to Q15 which states the Council’s concerns over use of the word “beauty”. High quality development which reflects local character and preferences would be welcomed. In particular, we have a concern that the extension of permitted development rights in Renewal areas for ‘approved designs’ could lead to a series of identikit developments as this will prove an easy option for developers. It will be essential that local authorities have the ability to influence and control these ‘approved’ designs.</p>
<p>Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed</p>		<p>We would wish to see more detail on the specific proposals on how this can be achieved.</p>

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<p>planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.</p>		
<p>Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.</p>		<p>This could be helpful, but we will need to see the detail of how it is proposed to achieve this.</p> <p>Also, see previous answer to Q.7a about partnership working with Defra.</p>
<p>Proposal 17:</p>		

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<p>Conserving and enhancing our historic buildings and areas in the 21st Century.</p>		
<p>Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.</p>		
<p>Pillar Three – Planning for infrastructure and connected places</p>		
<p>21. When new development</p>		<p>All of these elements are critical to creating successful and sustainable places and shouldn't be seen as either/or. There needs to be a balanced approach to local plan making that factors in these requirements and then oversees their delivery.</p>

Appendix A : Planning for the Future consultation

<p>happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]</p>		<p>Social/community and physical infrastructure should be in advance of development or follow in a timely manner.</p>
<p>Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory</p>		

Appendix A : Planning for the Future consultation

<p>nationally-set rate or rates and the current system of planning obligations abolished.</p>		
<p>22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Not sure</p>	<p>This is a very complex area and it will be important to see that there is a clear process by which a nationally set levy results in that funding being allocated to the local area. We will also want to see what provision there will be for local variations based on infrastructure need, growth aspirations, housing prices etc. and how this will be assessed and delivered. There could be some advantages for all parties in having clarity as to what the levy is and replacing the need for lengthy arguments on financial viability. However, it will be important to see the detailed mechanism to ensure that this clarity is delivered.</p> <p>It is also important to set reform alongside an evaluation of the taxation system. Landowners will be unwilling to bring forward land for development where the margins are too low. In addition, the 2019 NPPF (paras 57 and 122) has emphasised the importance of assessing viability and local market conditions at the plan making stage.</p> <p>More fundamentally, the discretionary nature of the British planning system has been a key factor in helping the obligations policy to succeed and has allowed local negotiations to proceed on a case by case basis depending upon market conditions and the prevailing local policy background.</p> <p>https://housingevidence.ac.uk/wp-content/uploads/2019/12/191212-capture-inc-in-land-value-TC.pdf</p> <p>Sir Peter Hall Award Winner for Planning Research Excellence 2020 A. D. H. (Tony) Crook and Christine Whitehead (2019) 'Capturing development value, principles and practice: why is it so difficult?' Town Planning Review, 90(4) pp 359-381 https://doi.org/10.3828/tpr.2019.25</p>
<p>22(b). Should the Infrastructure Levy rates be set nationally at a</p>		<p>Whatever system is chosen it will be essential that there is some accounting for local infrastructure needs, delivery costs and sale values. We would however support a fixed locally set rate.</p> <p>Rates could be adjusted to reflect the scale of the proposals to allow smaller building firms to capture a greater</p>

Appendix A : Planning for the Future consultation

<p>single rate, set nationally at an area-specific rate, or set locally?</p>		<p>percentage of the market This was an objective set out in the Housing White Paper – Fixing our broken housing market.</p> <p>Previous research carried out for MHCLG and published in March 2018 has highlighted the sensitivity of the development industry to policies on developer contributions and how variations in their enactment effects developer decision making. These specific costs can vary significantly even between neighbouring LPAs and the merits of setting costs across a larger than local area e.g. on a county-wide basis, merit further consideration.</p> <p>The research also stated that many developers regard a LPA’s general ‘planning culture’ as a significant determinant of where they chose to do business. In this respect how planning obligations were handled – openness, willingness to consider proposals and viability assessments, manner of engagement, transparency of negotiating practices – were understood by some as a good test of the climate in an LPA and how easy it might be to do business in that area. This emphasises the importance of an adequately resourced planning service.</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685301/Section_106_and_CIL_research_report.pdf</p>
<p>22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?</p>		<p>Ideally we should seek to capture higher value given the deficits in infrastructure funding and the shortage in the delivery of genuinely affordable housing. However, given the prevailing uncertainty related to Brexit, the pandemic and the recession, the prospect of capturing more value at this time may be difficult to achieve whilst maintaining delivery.</p>
<p>22(d). Should we allow local authorities to borrow against</p>	<p>Yes</p>	<p>This is likely to be essential given that trigger points for releasing Infrastructure Levy are likely to be throughout the lifetime of a development and probably weighted towards the latter phases. If we are to secure early delivery of infrastructure and other community benefits then the ability to borrow against future receipts will be important.</p>

Appendix A : Planning for the Future consultation

<p>the Infrastructure Levy, to support infrastructure delivery in their area?</p>		<p>However, there will be questions as regards liabilities if developers default on payments, or go into liquidation before all contributions have been paid. A local authority could have borrowed large sums of money against these future receipts which may not be forthcoming. Will there be Government guarantees in relation to any borrowing?</p>
<p>Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights</p>		
<p>23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?</p>	<p>Yes</p>	<p>We very strongly agree with this given the scale of permitted development schemes in Harlow that have made no contribution towards local infrastructure despite causing significant impacts upon local health and education provision in particular. However, we would argue that this requirement should not need to wait for a new national levy via the changes to the planning system and Government could now require all permitted development schemes above a certain size to make infrastructure contributions.</p>
<p>Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision</p>		

Appendix A : Planning for the Future consultation

<p>24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?</p>	<p>YES</p>	<p>But, ideally affordable housing should be maximised to meet the affordable housing need in a district and not just based on current rates of contribution.</p>
<p>24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?</p>	<p>NO</p>	<p>Whilst there is an imperative to meet the affordable housing need this should not be at the expense of providing infrastructure, both are important and both open to negotiation with the developer and policy compliance. It is important that the provision of affordable housing is not just limited to market discounts on house purchases but also prioritises the ability to provide both social and affordable rent options.</p> <p>Harlow Council has a corporate priority to develop more affordable housing and in particular socially rented housing. We have chosen to allocate more land for housing that the objectively assessed need requires to enable the town to achieve its demonstrable need for affordable housing. We would object to proposals that saw developer contributions prioritised for First Homes over the provision of other tenures of affordable housing, particularly affordable and social rented homes.</p>
<p>24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?</p>	<p>YES</p>	

Appendix A : Planning for the Future consultation

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?	YES	Adherence to Local Plan design policy with design codes for affordable housing that at least match those for private housing.
Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy		
25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?	YES	Whilst there is a desire to provide confidence and clarity to developers, local authorities absolutely must have the ability to determine how the Infrastructure Levy is spent locally.
25(a). If yes, should an affordable housing 'ring-fence' be developed?	YES	Need the flexibility to fund infrastructure and local needs, but also want to ensure the provision of affordable housing.
Delivering		

Appendix A : Planning for the Future consultation

<p>change</p>		
<p>Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms</p>		<p>The implications for the delivery of undergraduate and post graduate planning courses have to be explored with Universities and the professional body who accredit these courses. https://www.rtpi.org.uk/become-a-planner/study-at-university/</p>
<p>Proposal 24: We will seek to strengthen enforcement powers and sanctions</p>		
<p>26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section</p>		<p>This would be considered through Equality Impact Assessments.</p> <p>However, this issue should have been considered before the consultation was issued and included in an assessment published alongside the consultation.</p> <p>Consultations must be as widely accessible as possible, including physical exhibitions of proposals, clearly written documentation in different formats and legible digital displays for both text size and contrast. See Guidance: Accessible communication formats available at https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats</p>

Appendix A : Planning for the Future consultation

149 of the Equality Act 2010?		
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REPORT TO: CABINET

DATE: 15 OCTOBER 2020

TITLE: HARLOW AND GILSTON GARDEN TOWN
SUSTAINABILITY CHECKLIST

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 not a Key Decision
It is on the Forward Plan as Decision Number I011863
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED 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 is 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.

REASON FOR DECISION

- A** The purpose of this report is to enable consideration of the draft Harlow and Gilston Garden Town (HGGT) Sustainability Guidance and Checklist (attached as Appendix A to the report) and that it be agreed to go forward for a period of consultation. Throughout this report the document is referred to as the 'Guidance and Checklist'.

BACKGROUND

1. The Guidance and Checklist document provides practical and technical guidance on how relevant sustainability indicators and policies (environmental,

social, and economic) in the HGGT Vision, HGGT draft Transport Strategy and Garden Town partner authorities' Local Plans, including the Harlow Local Development Plan Pre-Submission Publication (May 2018), will be applied to new strategic developments in the Garden Town.

2. The Guidance and Checklist is to be used by applicants and partner authority officers when preparing and discussing masterplans, pre-application proposals, planning applications and discharge of conditions applications. This will ensure coordinated and integrated consideration of sustainability principles and targets at an early stage across the Garden Town. The Guidance and Checklist is to be applied to major developments (10 homes and above).
3. Once consultation has taken place and any appropriate amendments made, the document will be reported back to Cabinet for endorsement and become a material planning consideration in the assessment of planning applications for developments coming forward within the Garden Town. It will inform pre-application discussions and assist decision-makers in sustainability matters. The document will also be utilised by HGGT Quality Review Panel reviews to help form the basis of environmental and socio-economic sustainability discussions.

ISSUES/PROPOSALS

4. The Guidance and Checklist has been prepared in-house by Officers and consultants working on behalf of the HGGT Authority partnership, with input from all partner authorities and external expertise where appropriate. The Guidance and Checklist is intended to provide practical and technical guidance for applicants and officers, in relation to environmental, social and economic sustainability within the Garden Town.
5. The Garden Town seeks to set the agenda for sustainable living through ensuring growth that will be net carbon neutral by 2030, and building strong and integrated communities across new and existing places. The UK Government has declared a Climate Emergency. All five HGGT partner authorities have also declared Climate Emergencies/Actions. This Sustainability Guidance and Checklist supports the highest commitment across the Garden Town authorities, which is to become carbon neutral by 2030.
6. The Guidance and Checklist relate directly to the principles and indicators within the HGGT Vision, draft HGGT Transport Strategy and the Garden Town Local Planning Authorities adopted and emerging Local Plan policies and Supplementary Planning Documents (SPD). The Guidance and Checklist will have the status of guidance. Its therefore attracts less weight in decision making than an SPD, once it is finalised. However, it addresses in a more fine grained way, the matters that need to be considered and addressed to ensure that sustainability is achieved.
7. There has been input from officers from all partner authorities into the draft Guidance and Checklist. It has also been subject to assessment by the HGGT Quality Review Panel, with the report on an earlier version (attached as

Appendix B to the report) being considered. It has also been assessed through topic focussed workshops including developers, members, local groups, charities and organisations. Advice has also been commissioned from the UK Green Building Council (UKGBC).

8. Following agreement by the partner authorities, the Guidance and Checklist will be published for a six week period of public consultation between October and December 2020.
9. Given current restrictions on face to face engagement due to Covid-19, this will focus on reaching a broad audience primarily through digital and, where possible, non-digital means. The consultation will seek to include:

a) Digital engagement

- i) HGGT Sustainability Guidance and Checklist available for viewing on HGGT website, with links to this from partner authority websites.
- ii) Overview of document via accessible pre-recorded video available for viewing on HGGT website.
- iii) Digital questionnaire/survey available for viewing and completing on HGGT website.
- iv) Staffed online webinars and Q&A for particular stakeholder groups (e.g. Local residents and Community Groups, Developers, Members, Youth Councils, Partner Officers)
- v) Social Media awareness campaign (via HGGT and partner authorities).
- vi) Notification of consultation via LPA Planning Policy databases and statutory consultees.

b) Non-digital engagement

- i) Limited number of hard copy consultation packs, on request: leaflet/ poster information to provide summary, and link/ QR Code to online document, and to provide hard copy of questionnaire/ survey.
 - ii) A Covid-19 secure staffed event within the Garden Town, with a small number of hard copies of the document available for review, if this is considered safe to do so.
10. Consultation arrangements will be put in place and will be advertised ahead of the consultation, in accordance with the adopted Statements of Community Involvement of the respective local planning authorities.

11. Harlow Council will also be able to provide additional comments to the document through the consultation, which will be agreed with the Portfolio Holder for Environment.
12. The Garden Town is also aiming to simultaneously consult publicly on the HGGT Healthy Town Framework (this was endorsed through a non-key decision in April 2020).
13. Following consultation and any subsequent revisions to the document, it is intended that the final Guidance and Checklist will be agreed as a material consideration in planning decisions including for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes.

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)

As set out in the report.

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)

As contained in the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – HGGT Sustainability Guidance & Checklist, September 2020

Appendix B – HGGT Quality Review Panel Report on Draft Sustainability Guidance and Checklist, January 2020

Background Papers

HGGT Vision –

http://secureservercdn.net/160.153.137.14/647.f4f.myftpupload.com/wp-content/uploads/2019/08/190128_Vision-document_HIGH-RES.pdf

HGGT draft Transport Strategy – http://www.harlowandgilstongardentown.co.uk/wp-content/uploads/2020/01/Garden-Town-Transport-Strategy_2020.pdf

HGGT Quality Review Panel – http://www.harlowandgilstongardentown.co.uk/wp-content/uploads/2020/08/200728_Frame_Harlow-and-Gilston-QRP_ToR.pdf

HGGT Healthy Town Framework –
<https://moderngov.harlow.gov.uk/ieDecisionDetails.aspx?ID=678>

Harlow Local Development Plan Pre-Submission Publication (May 2018) –
<https://www.harlow.gov.uk/sites/default/files/documents/Pre-Submission%20Publication%20-%20document.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>

Glossary of terms/abbreviations used

HGGT – Harlow and Gilston Garden Town
SPD – Supplementary Planning Documents
UKGBC – UK Green Building Council

HGGT

HARLOW & GILSTON
GARDEN TOWN

SUSTAINABILITY GUIDANCE & CHECKLIST

SEPTEMBER 2020

Interactive PDF: best viewed on computer



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HARLOW AND GILSTON GARDEN TOWN

Harlow and Gilston Garden Town (HGGT) will comprise new and existing communities in and around Harlow. Set in attractive countryside, with transformative investment in transport and community infrastructure, new neighbourhoods to the east, west and south and new villages to the north will be established.

East Herts, Epping Forest and Harlow District Councils are working together with Hertfordshire and Essex County Councils to ensure plans for the Garden Town support sustainable living and a healthy communities and economies, provide a good quality of life for existing and future residents, and respond to local landscape and character.

The [HGGT Vision](#) sets out the principles and indicators for the Garden Town which will ensure its growth and management is high quality and sustainable.

SUSTAINABLE LIVING

Sustainability focuses on meeting the needs of the present without compromising the ability of future generations to meet their needs. High quality sustainable developments require adopting a holistic approach to environmental, social and economic sustainability; in line with the UN Sustainability Development Goals.

The Garden Town seeks to set the agenda for sustainable living through ensuring growth that will be being net carbon neutral by 2030, and building strong and integrated communities across new and existing places, with social equity.

COVID-19 RECOVERY

This Guidance has been developed during the pandemic of COVID-19. The pandemic has highlighted stark health inequalities which relate closely to environmental, social, and economic inequalities.

Now more than ever, high quality, sustainable and resilient design and development is needed to ensure that existing and new residents of the Harlow & Gilston Garden Town recover from this pandemic in a long term and locally-led manner.

Opportunities to foster community strength, provide job opportunities, support green and local economies and bolster residents health must be taken. All stakeholders are therefore expected to work collaboratively to contribute to this recovery, and ensure that the Garden Town is a joyful and sustainable place to live, work, and play.



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The pioneering New Town of Gibberd and Kao will grow into a Garden Town of enterprise, health and sculpture at the heart of the UK Innovation Corridor. Harlow and Gilston will be a joyful place to live with sociable streets and green spaces; high quality homes connected to fibre optic broadband; local centres accessible by walking and cycling; and innovative, affordable public transport. It will set the agenda for sustainable living. It will be adaptable, healthy, sustainable and innovative.

Introduction



INTRODUCTION



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1 | THE CLIMATE EMERGENCY

The UK Government and all five HGGT Partner Authorities have declared a Climate Emergency/ Actions.

This Sustainability Guidance supports the primary commitment across the Garden Town Authorities; to become Carbon-Neutral by 2030.

The global climate is changing, primarily as a result of greenhouse gas emissions from human activity.

Communities, businesses, and the natural environment are already feeling the impacts of the changing climate. Continued change is now unavoidable and will disrupt everyday life, with higher average temperatures and more extreme weather events.

There is a strong and committed national and local policy context for planning environmentally, socially, and economically sustainable places and developments, and climate adaptation.

2 | PURPOSE OF THIS GUIDANCE

The Garden Town will set the agenda for Sustainable living, making it easy for residents to adopt sustainable lifestyles.

The three district authorities have a combined carbon emission contribution of **2,048 CO₂ (kt) across all industries**. With the goal of reducing carbon emission contributions, and planning for significant growth in the Garden Town, new developments must have exemplar placemaking and long term sustainability.

This document provides practical and technical guidance on how to apply sustainability indicators and policies (environmental, social, and economic) in the HGGT Vision and partner authorities Plans to new major developments in the Garden Town.

The purpose of this guidance is to help applicants meet the Garden Town goals of becoming net zero-carbon by 2030, and, to build strong and integrated communities across new and existing places.

3 | WHO USES THIS GUIDANCE

Applicants + Agents:

The document is to be used by developers, design teams, consultants and contractors in shaping development proposals, This will guide the design of proposals and ensure coordinated and integrated consideration of sustainability principles and targets at an early stage.

Local Authority Officers and decision-makers:

This document will be endorsed to have material planning weight and the Checklist will help guide the assessment of planning applications for developments coming forward within the Garden Town. It will inform pre-application discussions and assist decision-makers in sustainability matters.

The HGGT Quality Review Panel (QRP):

This Checklist will be utilised for QRP reviews to help form the basis of Sustainability and Garden Town discussions. The QRP panel members are independent experts and applicants are advised to be in a position to discuss issues on all categories raised in this guidance.

4 | WHEN TO USE GUIDANCE

Masterplanning

This guide should be used at as early a stage as possible in the design process in order to reduce costly and time-intensive re-design at later stages.

Pre-Application

The Sustainability Checklist and relevant evidence should accompany pre-application discussions to ensure applications have considered and incorporated sustainability measures from the outset of their design.

Planning Application

A Sustainability Strategy incorporating the Checklist, with relevant evidence / certification, is to be submitted alongside planning applications.

Post-Planning

Planning conditions and obligations will be aligned to ensure that sustainable measures are secured through to delivery and beyond. Tools such as Post-Occupancy Evaluation for ongoing monitoring will be expected relating to key indicators.



HOW TO USE THIS GUIDE

5 | HOW TO USE GUIDANCE

High quality and sustainable development requires environmental, social and economic sustainability to be holistically considered. This document is split into two sections, with sustainability categories cross-referencing each other, and co-benefits indicated throughout as pop-ups.

1. The Environmental Section
2. The Socio-Economic Section

These Sections consists of Categories, noting:

1. Objectives & Requirements
2. Key Local Policy & Guidance
3. Case studies: with links to external sources
4. Checklist: to be completed and submitted.

6 | TO BE SUBMITTED

1. Collated Sustainability Quality Checklist
2. Sustainability Statement

A Sustainability Statement or Strategy will be required; this guidance and checklist will assist applicants to provide the information for this, in order to meet the Garden Town principles and local policies.

7 | APPLICATION OF GUIDANCE

The guidance is applicable to:

- Strategic Masterplan / Village Masterplan areas
- All major residential developments (≥ 10no.)
- Change of Use resulting in a major development
- Council-led housing within the Garden Town

10 | RELATIONSHIP TO LOCAL PLANS

This document will be endorsed to have material planning weight when determining applications.

This guidance should be read in conjunction with the policies in the most recent versions of the [Epping Forest DC](#), [East Herts DC](#), and [Harlow DC](#) Local Plans.

This guidance compliments to the policies and relevant SPDs by providing a practical tool for enhancing and assessing the sustainability of development in the Garden Town.

11 | PARTNERSHIP WORKING

In addition to cross-boundary working as part of the Councils' Duty to Cooperate, the Councils are committed to working with relevant organisations, service providers and community groups to ensure proposals are developed collaboratively and with thorough consideration of local priorities.

12 | REVIEW & MONITOR

This document will be reviewed regularly (maximum every three years) to ensure that it remains fit for purpose, and updated as necessary.

13 | INCENTIVES FOR SUSTAINABILITY

Design and Planning

Compliance with these sustainability standards will lead to a smoother planning process and faster assessment time.

Awards and recognition

Exemplar schemes will be hosted on the HGGT website and shared as case studies, promoting the most ambitious projects. The Garden Town will work with applicants to put their schemes forward for Local and National awards and partnership opportunities.

Incentives: Cost Benefit

By 2030 all new buildings will need to operate at annual net zero carbon, which means that by 2025 100% of all new buildings must be designed to net zero-carbon.

In the Garden Town, 16,000 new homes are expected over the next plan period, with more to follow. If the standards highlighted in this guidance are not met when homes are first constructed, they will require retrofit before 2050 just to keep up with changing legislation; this is likely to be five times more expensive than building them to be zero-carbon in the first place.

Net zero carbon homes can be achieved at a capital cost uplift of between 3.5%-5.3% for residential developments ([Link](#)), or, at equal cost - depending on economies of scale.

This capital cost of sustainable buildings is likely to decrease over time as legislation improves, our electricity grid decarbonises, our supply chain upskills, and as cost of technology decreases.

Costs can be offset by value benefits, including; increased rental premiums (6-11% [Link](#)), lower tenancy void periods, and lower offsetting costs. Furthermore, long-term operation costs of new homes are vastly reduced due to the lower energy demand from homes, eliminating challenges such as fuel poverty ([Link](#)), and providing cost savings of 30%-40% ([Link](#)) over 30 years.

Finally, in a post covid society, more people are working from home, and look to live more sustainable lifestyles, making sustainable homes and communities more attractive to homeowners, thereby, providing a commercial benefit to developers ([Link](#)).

8 | THE QUALITY CHECKLIST

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The Checklists indicate the quality of development in line with the Garden Towns' standards through a red/amber/ green approach. These work together across categories and will be assessed alongside each other to ensure a holistic approach to sustainability is being taken.

Minimum Requirements (Low Quality)	Net Zero-Carbon by 2050 (Medium Quality)	Net Zero-Carbon by 2030 (Garden Town High Quality)
These are policy-compliant / Building Regulations compliant, but do not meet Climate Declaration targets	These targets meet ultimate goal, but 20 years slower	These targets meet HGGT goal and Climate Declarations
This sets out what HGGT consider low quality standards / outcomes	This sets out what HGGT consider medium quality standards/ outcomes	This sets out what HGGT consider high quality standards/ outcomes

9 | RELATIONSHIP TO VISION

This document should be read in conjunction with the Harlow and Gilston Garden Town [Vision](#), and [Design Guide](#). The Sustainability Guidance takes the principles and objectives of the Vision as its starting point and provides guidance and checklists to help deliver these principles, and sustainability indicators.

The HGGT Design Guide sets out Design Quality Questions which applicants are expected to follow. The information in this document aim to build on these and provide further guidance and detail as appropriate.



SUSTAINABILITY GUIDANCE APPLICATION AREA

The Garden Town comprises strategic development sites both within the Harlow administrative area and within East Hertfordshire District and Epping Forest District. This includes:

Gilston Area:

- Located in East Hertfordshire District
- Across 7 villages,
- 10,000 homes in total
- 3,000 built by 2033, a further
- 7,000 to follow post-2033

East of Harlow:

- Located in Harlow and Epping Forest Districts
- 3,350 new homes
- 2,600 within Harlow District
- 750 within Epping Forest District

Water Lane Area:

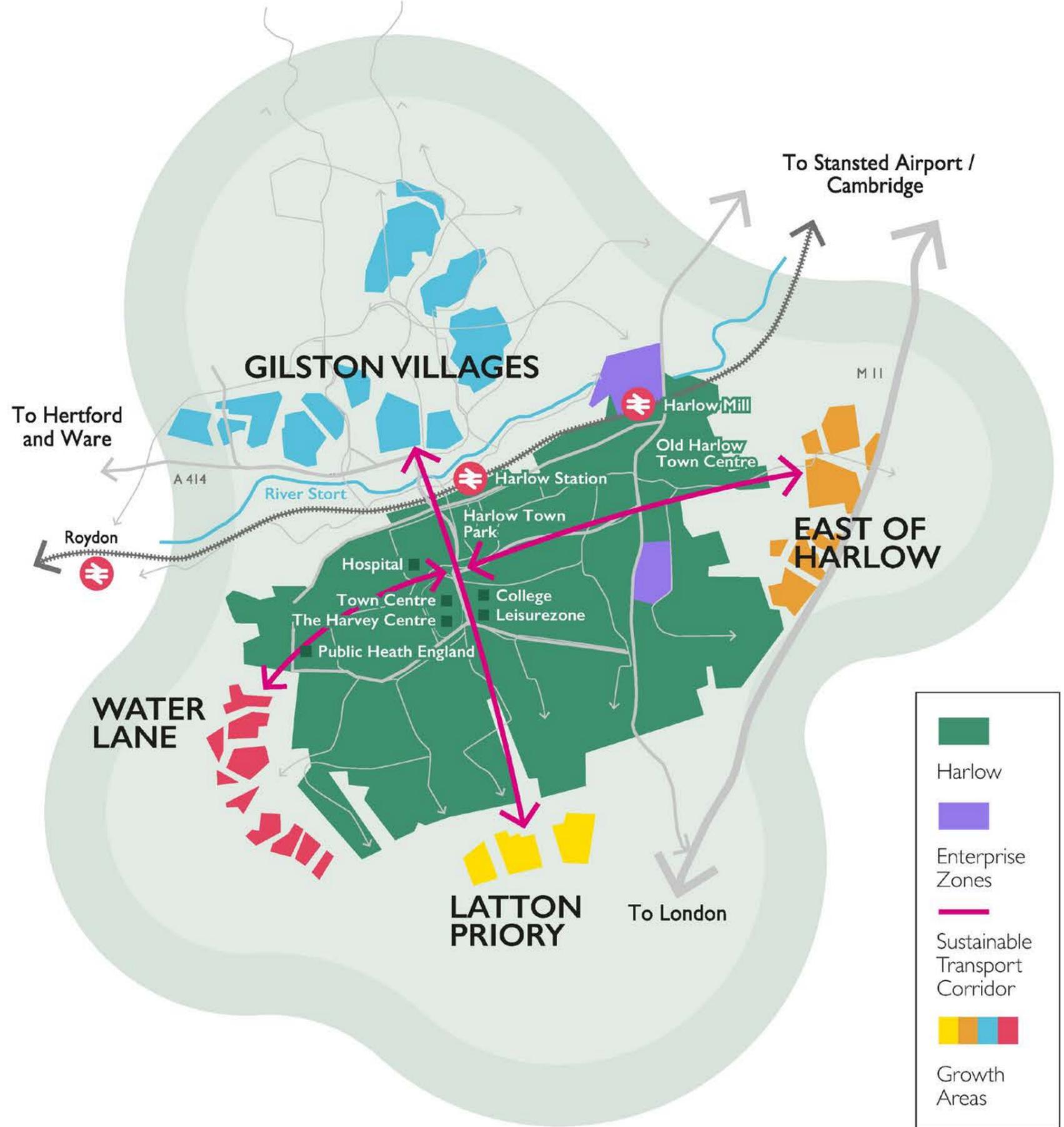
- Located in Epping Forest District
- 2,100 new homes

Latton Priory:

- Located in Epping Forest District
- 1,050 new homes

Draft Harlow Local Plan:

A further 21 sites, which together total 1,147 dwellings, are allocated in the draft Harlow Local Plan



Environmental Sustainability

Goal: Net Zero-Carbon by 2030



DESIGN APPROACH: FIRST PRINCIPLES

These 'First Principles' are to be followed to ensure new Garden Town developments are sustainable, and evolve through good design. The First Principles act as a structured design process, and are iterative, with observations made to be referred back to when navigating the varying scales of design. Use of these principles will significantly benefit the proposal when assessing against the remainder of the Guidance.

1 | LANDSCAPE-LED DESIGN

Harlow and Gilston Garden Town is characterised by a number of different landscape characters areas and assets. Study of existing strategies, analysis, survey and mapping should be undertaken of existing green infrastructure and ecological value of features. These include; topography, trees, hedgerows, woodland, grasslands, wetlands, meadowlands, farmlands, hills and lowlands, scarps and valleys, flood plains, views and vistas. Drawings, surveys, site photographs, and precedent images should be utilised.

Design should be landscape led from the start and across all design stages. The best design and development outcomes will be delivered by engaging landscape and ecology consultants at an early stage. Additional spending on design fees will be very likely outweighed by the speed and ease of securing planning permission.

2 | SUSTAINABLE MOVEMENT

The Garden Town has ambitious sustainable travel mode shift targets, as set out in the HGGT Transport Strategy. To achieve this, sustainable movement must be considered as a first principle in design, alongside landscape and ecology.

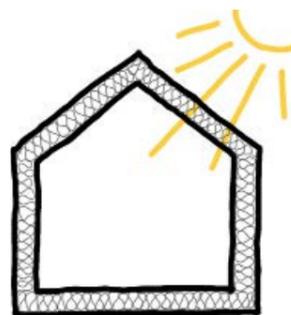
Key destinations and active travel desire lines for journeys to work, schools, shops and leisure should be mapped, to be direct, inclusive, attractive and safe. Opportunities to knit communities together with movement routes and green infrastructure should be maximised.

Follow the HGGT User Hierarchy on routes and access points; ensure walking and cycle networks connect to the Sustainable Transport Corridors and wider networks, and prioritise travelling to further destinations by public transport over private cars.

3 | ORIENTATION AND FORM

Solar orientation must inform the topography, scale and massing of development at early stages of masterplanning, with south-facing buildings, fenestration, and amenity being orientated to take advantage of passive solar gain – absorbing the sun's heat energy to warm buildings and spaces. Building axis' can be orientated in the east-west direction to take advantage of maximum daylight and heat from the sun which significantly reduces the energy consumption of a building, and can reduce a homes' heating and cooling costs by up to 85%.

To stay cool in the summer months and avoid overheating, external shading provisions should be made to the buildings and surrounding areas, including the use of green infrastructure.



Solar Orientation

4 | FOLLOW ENERGY HIERARCHY

When determining energy strategies for new developments and masterplans, the Energy Hierarchy is to be followed:

1. BE LEAN:

Use less energy: minimising the energy demand of new buildings through fabric performance: This step requires design that reduces the energy demand of a development. Energy Strategies need to demonstrate how energy efficiency measures reduce the energy demand in line with performance targets highlighted in this document.

2. BE CLEAN & GREEN:

Supply energy efficiently: utilising energy efficiently in buildings including for space heating & cooling: Consideration must be given to how heat and energy will be provided to the development using low-carbon heating networks.

3. BE SEEN:

Monitor & Report performance: for at least 5 years post-completion to remove the performance gap: This requires all major developments to monitor and report their energy performance post-construction to ensure that the actual carbon performance of the development is aligned with the Garden Town ambitions of a net zero-carbon target.

5 | ADAPTABLE & FUTURE PROOF DESIGN

Building strong communities is aided by giving people and families the opportunity to have accommodation that can adapt to respond to their changing needs and abilities.

This means looking at the macro-scale of large scale green and blue infrastructure and management for climate adaptation, futureproofing infrastructure for technological innovation, provision of a range of house types, adaptable facilities and meanwhile use spaces. And through to the micro-scale; for example the space and ease in ability to extend homes and facilities (physical and digital) to work from home.

While technologies will change, the homes built here will exist for decades - 60+ years, and it is important that strong communities are not broken due to the lack of adaptable design.



DESIGN APPROACH: FIRST PRINCIPLES

6 | FABRIC-FIRST APPROACH

A fabric-first approach requires the building envelope to be a high-performance thermal envelope, reducing energy waste. This means the proposed buildings must have external walls, roofs, floors, windows & doors that are: super insulated, airtight, and windtight.

A fabric-first approach includes the windows and doors – which provide significant heat loss and heat gains – depending on solar orientation. Windows and doors must therefore incorporate high-performance glazing to provide comfortable internal temperatures. A high-performance thermal envelope delivers exceptional indoor comfort and building energy efficiency.

7 | VENTILATION & OVERHEATING

A mixed-mode (natural and mechanical) ventilation strategy is encouraged for excellent indoor air quality. This involves the incorporation of passive and/or whole-house mechanical ventilation with heat recovery system (MVHR) – which is key to delivering radically energy efficiency and exceptional comfort, through providing clean, filtered air into habitable spaces.

110 Early stage overheating analysis will be expected to be carried out at design stage to identify key factors contributing to overheating risk; where developments are at risk of overheating, additional detailed assessment and mitigation measures will be expected to be incorporated.

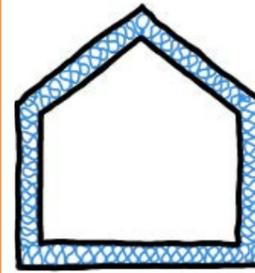
8 | EMBODIED & OPERATIONAL ENERGY

Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site, and the construction of the development.

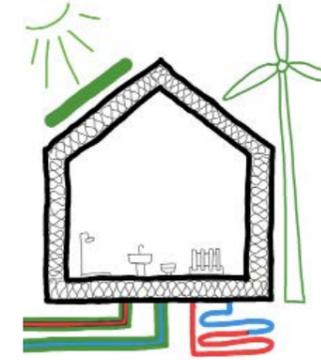
All design teams are expected to think about, and reduce the embodied energy required to develop their schemes. For example, depending on location, height, and site suitability, materials like timber could be favoured over less sustainable alternatives such as concrete.

Operational Energy is concerned with the amount of carbon emissions associated with the building's annual operation. Developments should be aiming for net zero carbon – where energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources.

Developments should be designed using realistic predictions of operational energy to avoid performance gap in a building's energy use.



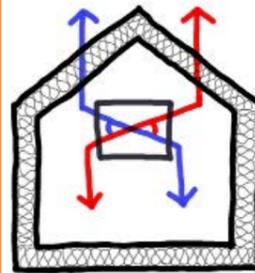
Super-Insulation



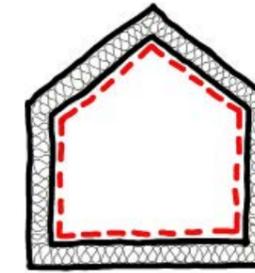
9 | RENEWABLE TECHNOLOGIES

Renewable energy uses natural resources such as sunlight, wind, tides and geothermal heat which are naturally replenished. Most forms of renewable energy are cheap to operate, but can be expensive to install.

Examples of technologies include; PV's, solar thermal, biomass, ground/air source heat pumps, wind, hydro. The choice of renewable technologies should be dependent on an assessment on site and development suitability.



Ventilation & Overheating



Air-tightness

10 | AIR-TIGHT STRATEGY & THERMAL-BRIDGE FREE

An air-tight strategy focuses on the internal comfort of a building, and will be required to develop a draught-free building envelope. The draught-free building ensures high energy efficiency, internal user comfort, and protects the building envelope.

The airtight strategy must be continuous to ensure there are no unintended gaps in the building envelope that allow uncontrolled air to leak in and out of the building.

Internal comfort is affected by heat loss through the building fabric, and poor thermal bridging – any gaps or thinning of the insulation. Therefore, the design approach must be to design them out.

Post-occupancy evaluation enables air tightness and thermal bridging to be measured, to help close the known performance gap in these areas.

RETROFITTING

Design Principles for Retrofitting of existing buildings has not been addressed in this guidance. This is in anticipation of the emerging HGGT Sustainability Guidance for Retrofit. This document will signpost to industry standards and guidance regarding retrofitting.



ENERGY EFFICIENCY & CARBON REDUCTION

OBJECTIVES & REQUIREMENTS

The transition to net zero-carbon by 2030 must begin with providing **genuinely affordable homes**. All new buildings are therefore expected to adopt a fabric-first approach (i.e. Passivhaus Standards), with the expectation that as our grid system decarbonises, and we build more energy efficient homes, emphasis will be placed on the embodied energy involved in constructing new buildings, utilising more **renewable technologies**.

Currently (2017 figures), all 3 district councils contribute **558CO2kt** from the domestic sector only (electricity, gas and other contributions). This accounts for almost a third (27%) of all CO2 contributions in the districts and represents a significant opportunity reduce our carbon impact and adopt **circular economy** principles.

With the decarbonising of the National Grid, achieving net zero-carbon will mean strategic sites must respond to the two key components of **whole-life carbon**; **embodied carbon** and **operational energy**. Achieving net zero operational energy means the building does not burn fossil fuels and is 100% powered by renewables.

A **Whole Life Carbon (WLC) Assessment** should be undertaken at pre-application, planning application, and after practical completion, as new homes are expected to last 60+ years, with carbon emission reduction in line with the targets in the Checklist. **Appendix 2a** highlights the sequence of activities to complete an assessment.

Embodied Carbon Reduction Strategy:

1. Using circular economy principles of reuse and refurbish, and designing for disassembly at end of life with processes including using offsite construction.
2. Building low-energy homes, using fossil fuel-free technology to supply heating and power to them.
3. Using renewable energy where necessary

Operational carbon Reduction Strategy:

1. Not burning fossil fuels for supply to homes
2. 100% powered by renewable energy i.e. heat pumps
3. Achieving energy performance in line with checklist

Carbon measuring tools (i.e. **HIB:ERT**) enable analysis.

SOCIO-ECONOMIC CO-BENEFITS +

KEY LOCAL POLICY & GUIDANCE

HGGT Vision

- Placemaking and Homes: B9, B10, D3
- Landscape & Green Infrastructure: D1, D2, D3, D4
- Sustainable Movement: D6
- The emerging Garden Town Transport Strategy
- Building Futures – Hertfordshire Guide

HDC Local Plan Policy:

- HGT1: Development & Delivery of Garden Town
- PL3: Sustainable Design, Construction & Energy Use
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP4(xvii): Highest standards of energy efficiency
- SP5 Garden Town Communities
- DM9: High Quality Design
- DM19: Sustainable Water Use
- DM20: Low Carbon and Renewable Energy

EHDC Local Plan Policy:

- CC3: Renewable and Low Carbon Energy
- DES1 Masterplanning
- DES4: Design of Development (a) & (b)
- HOU8 Self-Build and Custom Build Housing
- CFLR9 Health and Wellbeing
- I1.2 Harlow and Gilston Garden Town



CASE STUDIES (click image to visit website)



Marmalade Lane, Cambridge
Built with fabric-first approach for energy efficient homes, alleviating fuel-poverty.



Goldsmith Street, Norwich
Built to Passivhaus standards, needing little energy for heating and cooling.



Newhall, Harlow
Being highly sustainable with consideration for long-term energy use and incorporating measures to reduce energy use in properties

QUALITY CHECKLIST		Minimum Requirement	Net Zero-Carbon by 2050	Net Zero-Carbon by 2030
En.1	Operational Energy (KWh/m2/y)	146	< 70	< 0 - 35
En.2	Embodied Carbon (kgCO2e/m2)	1000	< 450	< 300
En.3	Space Heating Energy Demand (KWh/m2/y) of net living space	54.26	25	15
En.4	Airtightness (air changes/ hr @ n50)	5	3	≤ 0.6
En.5	Ventilation Strategy (m3/hr/person)	Natural - extract fans	Mechanical - with extract fans	Mechanical Heat Recovery (30)
En.7	What is the on-site reduction in CO2 emissions against Building Regulations Part L (2013)?	0-34%	35%-50%	≥ 50%
En.8	For applications greater than 99no. units, what BREEAM Communities Level is met?	Very Good	Excellent	Outstanding
En.9	Thermal Bridging y-value (W/m2K)	0.0051	0.0039	0
En.10	What Fabric U-Values has the proposal been designed to meet? W/(m2K)			
	External Walls	0.30 - 0.16	0.15 - 0.11	< 0.1
	Floor	0.25 - 0.11	0.10 - 0.08	< 0.07
	Roof	0.20 - 0.13	0.12 - 0.10	< 0.1
	Windows (triple glazing) & Doors	2.00 - 1.4	1.3 - 1.00	< 0.9
Attach Whole Life Carbon Assessment Attach Overheating Design Assessment				
Attach certification of the above chosen standards, and use 'Statement' page for additional information				



RENEWABLE ENERGY

OBJECTIVES & REQUIREMENTS

Our recent extreme weather has highlighted the need to ensure that buildings constructed today are fit for the future, and, designed for resilience over the next 60+ years. Other Climate mitigation and adaptation strategies span the breadth of this document, so this section focuses on the use of renewable energy for our heat supply, as heat demand is estimated at more than 40% of the energy consumed across all 3 boroughs.

The nature and scale of the strategic sites make them ideal to ensure that the heating and hot water they generate are fossil fuel free, supporting less demand on the national grid.

On-site renewable technologies such as Heat Pumps, Solar Photovoltaics, and Solar Thermals should be explored for adoption, and paired with each other to provide the greatest benefit to new developments; i.e. heat pumps paired with efficient buildings, and PV's paired with electric charging enabling sustainable travel.

Applicants are to use the LETI Heat Decision Tree (Appendix 3) at concept and developed design stages, to assist them in choosing the most appropriate heating system; where renewable systems should be prioritised over connecting to district heating networks, which depend on fossil fuels.

- New Developments should be designed to;
- Heat Sharing Network: joining a heat sharing network is particularly relevant for these strategic mixed-use development sites where opportunities for load shifting and heat sharing occur.
 - Minimise system temperatures: high temperatures in heating systems are synonymous with fossil-fuel combustion
 - Reduce Heat Demand at point of use: The greatest opportunity to meeting net zero-carbon emissions is to reduce the amount of heat needed: achieved through a fabric-first approach and limited hot water use, coupled with reuse of low temperature waste heat sources.
 - Lean Design: load modelling can predict energy use and help size plant requirement.
 - Harness Waste Heat: heat released as a by-product of an existing process enables otherwise wasted heat to contribute to meeting energy demands.

KEY LOCAL POLICY & GUIDANCE

HGGT Vision

- Placemaking and Homes: B9, B10, D3
- Landscape & Green Infrastructure: D1, D2, D3, D4
- Sustainable Movement: D6

HDC Local Plan Policy:

- HG1: Development & Delivery of the Garden Town
- PL3: Sustainable Design, Construction & Energy Use
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP4(xvii): Highest standards of energy efficiency
- DM9: High Quality Design
- DM19: Sustainable Water Use
- DM20: Low Carbon and Renewable Energy

EHDC Local Plan Policy:

- CC3: Renewable and Low Carbon Energy
- DES4: Design of Development (a) & (b)
- Building Futures: Sustainable Design Toolkit



CASE STUDIES (click image to visit website)



Project Etopia, Corby
Uses combined solar PV's and thermal panel to deliver net zero carbon on site.



Active Homes, Neath, South Wales
Battery technology used to store energy and solar PV & TSC's to generate 60% energy.



Tallack Road, Waltham Forest, London
Large-scale communal Air Source Heat Pump to feed ambient temperature heat network

QUALITY CHECKLIST		Minimum Requirement	Net Zero-Carbon by 2050	Net Zero-Carbon by 2030
Rn.1	What on-site renewable energy technologies have been included in your development?	PV's + EV charging / CHP's	Low-temperature District Heating	Electric Heat Pumps / Solar Thermal
Rn.2	What percentage of CO2 emission reduction will be provided from on-site renewable energy sources? (SAP 10 carbon emission factors to be used for calculation)	> 20%	> 50%	> 70%
Rn.3	What percentage of household electricity will on-site renewable technology provide? (net zero operational carbon does not burn fossil fuel and is 100% powered by renewables)	> 35%	> 50%	100%
Rn.4	Have any government incentivised schemes been taken advantage of? i.e. Non-Domestic Renewable Heat Incentive (RHI)	None	N/A	Non-Domestic RHI
Rn.5	Photovoltaic Energy Demand (kWh/m2/yr)	-854	-2,563	-2,563
Rn.6	Domestic hot water (kWh/m2/yr)	42	20	6
Please attach Energy Assessment				
Please attach relevant certification of the above standards you have chosen				
Please use 'Sustainability Summary' pages where you are adding any further information				



GREEN INFRASTRUCTURE

OBJECTIVES & REQUIREMENTS

The HGGTVision sets out indicators for landscape and green infrastructure: proposals should respond to the distinctive landscape setting; expand and enhance the town's Green Wedge network; improve access to, and the quality of, the surrounding Green Belt; and support a sustainable and biodiverse environment.

The green and blue infrastructure network of the Garden Town and wider area must be protected and enhanced, and considered in an integrated way to meet sustainability, placeshaping and socio-economic objectives. Key assets include the Stort Navigation & Stort Valley; the River Lea & Lee Valley; the Green Wedge and Finger network; Grade II Listed Harlow Town Park; existing and Ancient woodland including Epping Forest; neighbourhood allotments & green spaces; the proposed Gilston Country Park; proposed Suitable Alternative Natural Greenspace; new 'Super Greenways'; sports, play and adventure spaces.

Proposals must be landscape-led from the start, and green infrastructure should be high quality and multifunctional, as set out in the [East Herts Gilston Area Charter SPD](#) and [EFDC Green Infrastructure Strategy](#). Relevant landscape and ecology expertise should be sought early in the design process.

Development should deliver at least 10% [Biodiversity Net Gain](#) (BNG) following the [mitigation hierarchy](#), and then provided on-site where possible, before off-site or compensation are considered, Ecology Reports should set out targeted net gain outcomes, through baseline surveys, then consider protection, mitigation, habitat enhancement/ creation, with stewardship and maintenance for a minimum of 30 years.

Greening of streetscapes and amenity spaces, with street trees, pocket parks, hedgerows, Super Greenways, greens roofs and swales, provide placeshaping benefits as sociable streets and contribute to climate resilience, through biodiversity enhancement and mitigating overheating.

Multifunctional and inclusive green & blue infrastructure at various scales has an important role to play in placeshaping, health, wellbeing, and community resilience. Play, social spaces, food growing, art and heritage trails should be designed early, considering all ages and abilities, with active frontages to enable natural surveillance.

KEY LOCAL POLICY & GUIDANCE

- HGGTVision & Design Guide
- HGGT Healthy Town Framework

Harlow Council: Local Plan Policy:

- WE1: Strategic Green Infrastructure
- WE2: Green Wedges and Fingers
- WE3: Biodiversity and Geodiversity
- PL4: Green Wedges and Green Fingers
- PL5: Other Open Spaces
- PL6: Trees and Hedgerows
- PL7: Green Infrastructure and Landscaping
- PL8: Biodiversity and Geodiversity Assets
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP 3 Place Shaping
- SP 7 The Natural Environment
- DM 1 Habitat protection and improving biodiversity
- DM 2 Epping Forest SAC and the Lee Valley SPA
- DM 3 Landscape Character
- DM 5 Green and Blue Infrastructure
- DM 6 Designated and undesignated open spaces
- DM9: High Quality Design
- DM 15 Managing and reducing flood risk
- DM 22 Air Quality
- EFDC Green Infrastructure Strategy

EHDC Local Plan Policy:

- DES1: Masterplanning
- DES2 Landscape Character
- DES3 Landscaping
- DES4: Design of Development (a) & (b)
- CFLR1 Open Space, Sport and Recreation
- CFLR2 Local Green Space
- CFLR4 Water Based Recreation
- CFLR9 Health and Wellbeing
- NE3 Species and Habitats
- NE4 Green Infrastructure
- CCI Climate Change Adaption
- East Herts Gilston Area Charter SPD

Wider Area

- Green Essex Strategy
- Essex Biodiversity Action Plan
- Hertfordshire Strategic Green Infrastructure Plan 2011
- Stort Catchment Management Plan
- Green Arc Strategy

CASE STUDIES (click image to visit website)



Community cohesion: Drapers Field
Addresses issues of community cohesion and play, improving wellbeing.



Ecology in Architecture: Barratt Homes
A progressive approach to wildlife-friendly housing, with 'Swift Bricks' built into homes.



Collaboration: Teignmouth, Devon.
Partnership with third sector to deliver ongoing BNG and between the LPA & RSPB to deliver strategic compensation.

QUALITY CHECKLIST		Low Quality	Medium Quality	Garden Town High Quality
Gr.1	Has a Landscape-led approach been demonstrated, as set out in the HGGTVision / Gilston Area Charter SPD / EFDC Green Infrastructure Strategy ?	No	Some landscape analysis undertaken	Ecology, topography, vistas, landscape character & features leading design
Gr.2	What % of Biodiversity Net Gain (BNG) will be delivered?	0-9% BNG	10-15% BNG	15%+ BNG
Gr.3	Does Ecology Report show process of mitigation and location hierarchy, with Stewardship and Maintenance strategy provided for green infrastructure and BNG?	No strategy	Yes - Outline strategy provided	Yes - hierarchies followed, and 30 year strategy with input from community
Gr.4	Have play, community amenity and food production opportunities been maximised? All new homes should be within 800m of allotments, and Fields in Trust distances should be followed for play spaces.	No	Yes - locations mapped with walking isochromes	Yes - locations mapped, character of spaces defined, strategies for play / food / active frontages
Gr.5	Have you used recognised tools to assess the value/ quality of green infrastructure? E.g. Natural Capital Tool / Ecometric / Building With Nature / Green Flag Award / Social Value Calculator	No	Yes - qualitative assessment undertaken	Yes - qualitative assessment/ value calculated with exemplary score
Gr.6	Has an overheating assessment or modelling been provided, as set out in UKGBC's Housing Standards Playbook , taking into account impact of green infrastructure?	No	Yes - some assessment	Yes - UKGBC Playbook followed
Gr.7	Has green infrastructure been proposed at different scales to reinforce the Garden Town Vision indicators, access and inclusive design principles ?	Different scales not explored	Yes - Different scales shown, roles/ function undeveloped	Yes - Different scales designed, with qualities and roles defined, and inclusively designed
Please attach your BNG Report / Biodiversity Impact Assessment with Stewardship & Maintenance Strategy Please use 'Sustainability Summary' pages where you are adding any further information				



SUSTAINABLE MOVEMENT

OBJECTIVES & REQUIREMENTS

Sustainable movement and active transport infrastructure are key to the success of sustainable growth in the Garden Town. Positive travel choices that enable sustainable living lie at the heart of the Garden Town's Vision, Transport Strategy, and Healthy Town Framework. The three overarching objectives of the HGGT Transport Strategy are:

1. 50% of all trips originating from and ending within the whole Garden Town should be by active and sustainable travel modes. Within the new Garden Communities, 60% of trips originating from and ending within them should be by active and sustainable travel modes.

2. Mobility options will be based on a hierarchy of importance: Reduce the need to travel > walking and cycling > public transport > private vehicle use.

3. Support and encourage a culture of active and sustainable travel ensuring all journeys will be efficient and safe.

Masterplanning for Sustainable Movement should address: walkable low traffic neighbourhoods, sociable streets and placemaking; cycling, walking and public transport network; behaviour change programmes; rebalancing car use and parking design (including carpooling and car sharing); futureproofing with adaptable technology; deliveries and servicing; and construction impacts.

Sustainable Transport Corridors (STCs) will be a series of strategic public travel routes through the Garden Town providing inclusive, coherent, safe, direct, convenient and attractive public and active travel options that will connect neighbourhoods quickly with key destinations such as the town centre and Harlow Town railway station. The design of these should follow the [HGGT STC Placeshaping Principles](#) and Transport User Hierarchy.

'Mobility Hubs' provide transport interchange as well as social and community focal points. All new homes should be within 800m (10 minute walk) of a hub and within 400m of a bus stop.

Designs must futureproof for change in travel habits, including reallocating parking and road space, innovation in travel technology, last mile deliveries and appropriate provision for electric charging .

KEY LOCAL POLICY & GUIDANCE

- HGGT Vision & Design Guide
- HGGT Transport Strategy (draft)
- HGGT Healthy Town Framework (draft)
- HGGT Local Cycling & Walking Infrastructure Plan (LCWIP) (emerging)
- HGGT STC Placeshaping Principles (draft)
- HGGT Hubs 'How To' Guide (draft)
- HGGT Parking Strategy (emerging)

Essex County Council

- Local Transport Plan 3
- Sustainable Modes of Travel, Speed & Traffic Management Strategies
- Essex Design Guide
- Harlow Cycling Action Plan

Hertfordshire Council Council

- Local Transport Plan 4
- Hertfordshire Active Travel Strategy/Sustainable Modes of Travel Strategy
- Roads in Hertfordshire: A Design Guide

Harlow Local Plan Policy:

- HGTI Dev & Delivery of the Garden Town
- PL3 Sust. Design, Construction & Energy Use
- IN1 Development and Sustainable Modes of Travel
- WE2 Green Wedges and Green Fingers
- Harlow Town Centre Area Action Plan (emerging)

EFDC Local Plan Policy:

- SP 3 Place Shaping
- SP 4 Garden Communities in HGGT
- T 1 Sustainable transport choices
- T 2 Safeguarding of routes and facilities
- DM 9 High Quality Design
- DM 22 Air Quality

East Herts Local Plan Policy:

- GAI The Gilston Area
- TRA1 Sustainable Development
- TRA3 Vehicle Parking Provision
- DES4 Design of Development
- CFLR9 Health and Wellbeing
- DEL2 Planning Obligations
- EHDC Sustainability SPD

Other:

- UK Government Policy Paper: Gear Change
- Sport England Active Design Principles
- Sustrans Cycling For Everyone

CASE STUDIES (click image to visit website)



Dunsfold Park Masterplan, Surrey
Designing a walkable village entirely within 10 minutes' walk of the Market Square.



St Chads Development, Essex
Shared surface 'home zones' are designed to prioritise pedestrians and cyclists, while reducing vehicular speed.



VeloCity, National Infrastructure Commission. Enriching village life while creating new homes and employment in healthy and socially cohesive places.

QUALITY CHECKLIST		Low Quality	Medium Quality	High Quality
Tr.1	Have walkable low traffic neighbourhoods been designed as a first principle, based on the HGGT Transport User Hierarchy ?	No - vehicle access design prioritised	Transport hierarchy considered	Yes - desire lines, permeability, topography, user hierarchy leading design
Tr.2	Have safe and high quality connections to active travel networks beyond the development boundary been proposed with green infrastructure considered?	Ongoing connectivity not considered	Some connectivity - lacks GI consideration	Strong connections to networks, with clear relationship to GI/ ecology
Tr.3	Have you followed the STC Placeshaping Principles when designing the STC and its transport interchanges?	Not shown	Some achieved	Yes - all achieved
Tr.4	Are bus stops and hubs accessible and attractive for new and existing residents, offering appropriate shelter and including provision of a regular bus service?	Hubs and bus stops not meeting requirements	STC hubs within 800m, bus stops within 400m of all new homes	STC hubs co-located with facilities/sheltered bus stops within 800m/ 400m of all homes with regular service
Tr.5	Has cycle parking designed to be high quality, safe and with ease of access?	Cycle parking not provided	Suitable quantity of spaces provided	Quantity and quality of environment provided
Tr.6	Have inclusive design principles / accessibility for all regarding sustainable movement routes been achieved?	Does not meet Equalities Act	Inclusive Design Statement provided	Exemplary inclusive design provided
Tr.7	Has a Transport Assessment been provided that clearly demonstrates how the mode split target is being achieved, as defined by HGGT?	Yes - minimum TA provided	Yes - but multi modal modelling not included	Yes - multi-modal modelling, and roadmap for achieving HGGT targets
Tr.8	Has a thorough Sustainable Travel Plan been provided? Has Modeshift Stars accreditation been explored?	No	Sustainable Travel Plan provided	Yes - including behaviour change programme, travel coordinator, monitoring

Please use 'Sustainability Summary' pages where you are adding any further information



WATER MANAGEMENT

OBJECTIVES & REQUIREMENTS

The combined challenges and opportunities of growing populations within the Garden Town, changing land uses, the finite supply of water, action is required now to ensure the availability of water for the future without having a detrimental impact on the environment. There is likely to be less water available for future generations and therefore a greater need for water demand management and water efficiency in the area. New development should therefore not lead to an overall increase in demand for water.

The strategy therefore looks for new developments to:

i) Reduce the risk of flood through the use of sustainable drainage infrastructure and robust green infrastructure design - including the use of biophilic design and permeable hard landscape.

ii) Minimise use of mains water by incorporating water saving measures and equipment, and designing residential development so that mains water consumption is reduced in accordance with requirements found in the table overleaf.

iii) Promote the use of rainwater harvesting and using dual potable and grey water recycling measures

To avoid increased flood risk, and make the most effective use of the existing and planned drainage infrastructure, rainwater should be managed as a valuable resource, rather than a waste product and innovative ways of using water can be incorporated into community infrastructure.

There is a drive towards sustainable drainage systems that mimic the way nature manages rainwater. As a result, designing new developments for optimal sustainable water consumption has become even more important, with the Garden Town enabling ambitious targets for water efficiency in all new developments.

Existing homes and workplaces should become more water efficient through metering and water efficiency retrofits.

New developments should embrace carbon reduction systems such as a waste water heat recovery.

KEY LOCAL POLICY & GUIDANCE

HGGT Vision

- Placemaking and Homes: B9, B10, D3
- Landscape & Green Infrastructure: D1, D2, D3, D4
- Sustainable Movement: D6
- HGGT Watercycle Study 2018
- The emerging Garden Town Transport Strategy

HDC Local Plan Policy:

- HGT1: Development & Delivery of Garden Town
- PL3: Sustainable Design, Construction & Energy Use
- PL10: Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP4(xvii): Highest standards of energy efficiency
- DM9: High Quality Design
- DM19: Sustainable Water Use
- DM20: Low Carbon and Renewable Energy

EHDC Local Plan Policy:

- CC3: Renewable and Low Carbon Energy
- DES4: Design of Development (a) & (b)
- Building Futures: Sustainable Design Toolkit
- WAT3 Water Quality and the Water Environment
- WAT4 Efficient Use of Water Resources
- WAT5 Sustainable Drainage

Essex:

- The Sustainable Drainage Systems Design Guide For Essex: [Weblink Here](#)



CASE STUDIES (click image to visit website)



Waltham Village Square | Rain Gardens
Full of native shrubs and flowers planted in a depression to temporarily hold and soak-in rain water runoff from roofs & driveways



Knostrop Weir, Leeds | Flood Management
Provides three new pneumatically moveable weirs that can be lowered to let floodwater discharge quickly downstream.



Ladywell Fields, Lewisham | SuDS
Creating sustainable drainage and reduce flooding by modifying the river channel with a naturalistic setting incorporating backwaters and

QUALITY CHECKLIST		Minimum Requirement	Net Zero-Carbon by 2050	Net Zero-Carbon by 2030
W.1	Potable Water: What is the expected internal water use (litres/person/day)?	110	95	75
W.2	What water collection or recycling measures will be used?	100% provision of water butts	Rainwater harvesting systems	Grey water recycling & harvesting
W.3	How much of the hard surfaces within the development and conveyance systems will be permeable (i.e streams, swales)	50%	75%	100%
W.4	Will water saving devices be installed in the development? e.g. low flush toilets, smaller baths, taps and showers with flow regulators	N/A	N/A	Yes
W.5	What additional Sustainable Urban Drainage (SUDs) measures have been proposed? (i.e. permeable surfaces, rain gardens, green roofs, ponds/wetlands, soakaways)	Please use 'Sustainability Summary' pages where you are adding any further information		



CIRCULAR ECONOMY

OBJECTIVES & REQUIREMENTS

New developments should promote circular economy outcomes and aim to be net zero waste. In the UK, the largest contributor to waste nationally is the construction and demolition industry where a third of all waste is generated.

The strategic sites in the GardenTown are to be designed to reduce construction & operational waste and enable ease of access for future occupants to recycle and reduce waste. This can be encouraged through adopting a circular economy approach (including the use of modern methods of construction (MMC) & Design for Manufacture and Assembly (DfMA) processes) and the Waste Hierarchy found in the DEFRA Guidance.

Building in Layers principles should be adopted to determine realistic lifetimes for the elements of a building, and adapt the structure and fabric. Homes should be designed to be adaptable and flexible by considering the intended lifespan of each independent building layer, optimising building longevity and maximising material reclamation at end-of-life.

3 Key Principles expand the Circular Economy process:

1. Conserve Resources, Increase Efficiency, Source Ethically:
 - Minimise the quantities of materials used: by specifying low embodied carbon materials
 - Minimise the quantities of other resources used: including energy, water, and land
 - Source materials responsibly and sustainably: including all materials to be reusable
2. Eliminate waste and ease maintenance by:
 - Long-life & Loose fit: build to adapt to changing social, physical and economic environments.
 - Design for Disassembly: at the commencement of the project, set out deconstruction plan and capture asset value.
3. Manage waste sustainably and at the highest value:
 - Construction, demolition & excavation waste
 - Operation & Municipal waste

A Circular Economy Statement should be provided to demonstrate chosen strategy.

KEY LOCAL POLICY & GUIDANCE

HGGT Vision

- Placemaking and Homes: B9, B10, D3
- Landscape & Green Infrastructure: D1, D2, D3, D4
- Sustainable Movement: D6

HDC Local Plan Policy:

- HGT1: Development & Delivery of the Garden Town
- PL3: Sustainable Design, Construction & Energy Use
- PL9: Pollution and Contamination
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP4(xvii): Highest standards of energy efficiency
- DM9: High Quality Design
- DM19: Sustainable Water Use
- DM20: Low Carbon and Renewable Energy
- DM 7 Heritage Assets
- DM 8 Heritage at Risk
- DM 11 Waste recycling facilities on new development
- DM 18 On site management of waste water and water supply

EHDC Local Plan Policy:

- CC3: Renewable and Low Carbon Energy
- DES4: Design of Development (a) & (b)
- HA1 Designated Heritage Assets
- HA2 Non-Designated Heritage Assets
- HA3 Archaeology
- HA4 Conservation Areas
- HA7 Listed Buildings
- HA9 Enabling Development



CASE STUDIES (click image to visit website)



Illford Community Market, London
Designed for five year and will be dismantled and reconfigured on future meanwhile sites.



London Olympic Park, London
A waste target of 90% diversion from landfill of demolition waste by weight



Clarion Housing, Merton Regeneration
Zero-carbon development of 208 homes, achieving Code for Sustainable Homes Level

QUALITY CHECKLIST		Minimum Requirement	Net Zero-Carbon by 2050	Net Zero-Waste by 2030
CE.1	How much of the materials used on site are sourced from ethical and responsible supply chains?	80%	95%	100%
CE.2	How much of the materials used are non-toxic?			100%
CE.3	How much of the materials used can be easily extracted, recycled, and manufactured?	80%	90%	95%
CE.4	The new buildings are circular-by-design to what amount?	20%	40%	65%
CE.7	How much of the materials used are 'reusable'?			>80%
CE.8	How much of the materials used are 'reused'?			>50%
CE.9	How much biodegradable and recyclable waste will be diverted to landfill?			0
Please attach Circular Economy Statement (see guidance Here)				
Please use 'Sustainability Summary' pages where you are adding any further information				



WASTE MANAGEMENT

OBJECTIVES & REQUIREMENTS

In line with becoming net zero carbon by 2030, the Garden Town want to ensure that the amount of waste produced by residents and visitors, as well as landfill waste, will be significantly reduced. There is also the ambition for waste to be recycled and used as a resource.

Developments should therefore be designed to ensure that residents and visitors to the Garden Town reduce the amount of waste they produce; with an overall ambition that no waste will end up in landfill.

This section ties strongly to the [circular economy](#) section regarding the necessity of designing buildings and places in a way that maximises the lifespan of a building and its' components, before its' components can be reused.

Innovative solutions for recyclable waste management including underground refuse systems are encouraged and applicants are expected to work closely with county councils in encouraging use.

While both Essex and Hertfordshire County Councils are responsible for making decisions on how waste is managed, the Garden Town have a clear ambition to prevent waste going to landfill, therefore applicants are expected to explore innovate ways to reduce waste at design and operational stages, increase efficient recycling opportunities, and reduce residual household waste (including designing-in opportunities for local food production through allotments); and, the waste strategies should consider the [Essex Waste Local Plan](#), [Hertfordshire Waste Local Plan](#), and, the emerging Hertfordshire Circular Economy Guidance should be referred to.

Developers are expected to provide Operational Waste Strategies including management of recyclable waste, residual waste, and food waste. Alongside this, developers are encouraged to be innovative in contributing towards waste reduction campaigns (i.e. collaborating with education providers such as Harlow College)

KEY LOCAL POLICY & GUIDANCE

Hertfordshire County Council

- Waste Local Plan, consisting of:
- Waste Core Strategy and Management Policies document
- Waste Site Allocations document

Essex County Council

- Waste Local Plan:



CASE STUDIES



Eddington, Cambridge
Underground chutes replace thousands of traditional wheelie bins in an innovative waste disposal system.



London Olympic Park, London
A waste target of 90% diversion from landfill of demolition waste by weight



Millerhill, Midlothian
Residual waste recycling and energy recovery facility

QUALITY CHECKLIST		Minimum Requirement	Net Zero-Carbon by 2050	Net Zero-Waste by 2030
W.1	How much construction, demolition and excavation (CD&E) waste will be recycled? This is to be incorporated in your Construction Management Plan			≥ 95%
W.2	How much municipal waste (operational waste) will be recycled or composted vs sent to landfill or energy recovery?			65% : 35%
W.3	Has early engagement been undertaken with LPA waste management teams to ensure due processes are taken into consideration?	No: LPA not engaged		Yes: demonstrated
W.4	Have developments been designed to encourage ease in waste recycling?			
Please attach Construction, Demolition and Excavation Waste Strategy				
Please attach Operational Waste Strategy				
Please use 'Sustainability Summary' pages where you are adding any further information				



AIR QUALITY

OBJECTIVES & REQUIREMENTS

In this section, pollution focuses on air pollution as it acts as the single largest influence on air quality to human health in the districts. This section should not be used as a substitute for work otherwise undertaken in any normal full planning application.

Every new development will have an impact on air quality, usually by increasing emissions from buildings or from traffic generation. The links between poor air quality, human health, and the environment are well documented and is classed by Public Health England as a major public health risk alongside cancer, heart disease and obesity.

Air pollution causes more harm than passive smoking and is responsible for the early deaths of an estimated 40,000 people in the UK.

Air Pollution arises from sources and activities including; traffic and transport, industrial processes, domestic and commercial premises, energy generation, agriculture, waste storage/treatment and construction sites.

This section adopts Public Health England's 2019 "net health gain" principles to improve outdoor air quality and public health. New developments should adopt a strategic approach, in line with each Boroughs' Air quality policy and guidance, including any requirements on Air Quality Management Areas, Local Air Quality Action Plan, and development Air Quality Assessments.

Clean by Design: Better by Design:

The following net health gain principles should be incorporated in design to reduce emissions and contribute to better air quality management; applicable irrespective of air quality assessments:

1. Reduce the need to travel by car to destinations
2. Provide zero and low-emission travel options (EV's)
3. Not siting buildings with vulnerable users (i.e. schools, nurseries, care homes) in areas where pollution levels are likely to be higher.
4. Incorporate Clean Air Zones in larger developments
5. Avoid creating 'street canyons' which encourage pollution to build up
6. Incorporate green infrastructure to promote carbon and pollution sequestration
7. Orientate and design buildings to rely less on heating and cooling systems
8. Siting living accommodation away from roadsides
9. Incorporate whole-house ventilation systems for good indoor air quality

KEY LOCAL POLICY & GUIDANCE

HDC Local Plan Policy:

- HGT1: Development & Delivery of the Garden Town
- PL3: Sustainable Design, Construction & Energy Use
- PL9: Pollution and Contamination
- Harlow Area Action Plan (TC AAP)

EFDC Local Plan Policy:

- SP4(xvii): Highest standards of energy efficiency
- DM9: High Quality Design
- DM19: Sustainable Water Use
- DM20: Low Carbon and Renewable Energy
- DM 22 Air Quality

EHDC Local Plan Policy:

- CC3: Renewable and Low Carbon Energy
- DES4: Design of Development (a) & (b)
- Building Futures: Sustainable Design Toolkit
- EQ4 Air Quality



ASSURING PERFORMANCE

OBJECTIVES & REQUIREMENTS

Post-construction energy and quality monitoring is required to bridge the 'performance gap' found in new developments and achieve net zero-carbon . Achieving this requires a true understanding of a buildings' operational energy .

The performance gap is the difference between predicted design and as-built performance of a building.

Addressing the performance gap in new homes and buildings is critical, as this affects both the 'happiness' of residents, as well as the performance quality of through; residents comfort in terms of poor thermal comfort, indoor air quality, health challenges such as respiratory issues. Furthermore, a poor performing building leads to higher energy bills due to poor building fabric, and exasperating challenging health conditions.

Findings from studies undertaken by Innovate UK and the Zero Carbon Hub consisting over 300 homes, results showed that none met their intended performance targets when tested, with the majority falling even short of Part L and Part F of the Building Regulations by a margin of over 50% post-completion.

The main challenges found in the studies are highlighted in the green box, and design teams and applicants are therefore required to undertake Post Occupancy Evaluation (PoE); assessing both performance standards and quality of life, to address these issues.

All major developments will therefore be required to monitor and report on residents' wellbeing, and the actual operational energy performance in order to close this performance gap and meet the net zero carbon by 2030 targets committed to by each partner authority.

A template PoE form can be found in Appendix 8 and should be used to show compliance. Broadly, evaluation will be required at the following stages:

1. Planning: predicted performance assessment
2. As-built: performance assessment
3. In-use: quality of life / happiness assessment

Further information can be found on the GLA website and the Zero Carbon Hub website.

PRIORITY ISSUES

1. Energy Literacy
2. Improving Quality Output
3. Demonstrating Performance
4. Evidence Gathering & Dissemination

QUALITY STANDARD

In line with the RIBA Post Occupancy Evaluation is expected for submission and should cover these key areas of Building in Quality:

1. **Build Quality:** performance of the completed buildings
2. **Functionality:** how useful the building and places is in achieving its purpose
3. **Impact:** how well these developments adds social, economic, cultural, and environmental value and improves human wellbeing



Social & Economic Sustainability

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Goal: Enabling integrated communities



INTRODUCTION

OBJECTIVES & REQUIREMENTS

This section looks at the direct impacts of places and people. Specifically, dealing with how new strategic sites (The East of Harlow site, Gilston Villages 1-7, Waterlane, Latton Priory) will affect the existing diverse communities they connect to.

Designing for **Social Sustainability** requires a collaborative approach between the private and public sector in order to create new communities that thrive. With the scale and pace of new development, communities must be socially, and economically, as well as environmentally sustainable, and critically, reflect the needs of existing communities. The Draft **Harlow Town Centre Area Action Plan** should be referred to in knitting existing community requirements with new development.

Addressing social sustainability at the beginning of development, helps manage the long-term costs and consequences of decline and failure in new settlements - an issue of public value and political accountability.

The issues raised in the **HGGT Healthy Towns Framework** must be addressed; as these highlight that significant proportions of the adult population in Harlow, East Herts, and Epping Forest are not physically active enough, are overweight, or have diabetes - with Harlow having the third highest rate of diabetes in the country.

All three districts have ageing population with an increasing number of people living with dementia. Child poverty and poor outcomes for children and young people are significant issues in Harlow and parts of Epping Forest.

It is therefore essential that all developments create opportunities for daily physical activity for all members of the community; as well as opportunities for supporting a healthier food environment.

Community Ingredients cut across different stages of developments including:

1. Planning & Design
2. Construction & Occupation
3. Long-term Stewardship

In implementing the high-quality Socio-Economic Sustainability Principles, developments ready themselves for strong communities that are well-integrated to the existing Harlow socio-economic fabric.

KEY LOCAL DOCUMENTS

- HGGT Healthy Town Framework
- Essex Health & Wellbeing Strategy: priorities for planning, transport and housing
- Hertfordshire Health & Wellbeing Strategy: priorities for improving mental health and encouraging healthier lifestyles
- NHS Healthy New Towns: Design, Deliver and Manage

Harlow Council:

- Draft Harlow Town Centre Area Action Plan
- Harlow Health & Wellbeing Partnership Strategy
- Harlow Economic Development Strategy
- Livewell Essex
- Harlow Agewell Guide
- HGGT Infrastructure Delivery Plan (IDP)
- HGGT Vision
- HGGT Design Guide
- HGGT Transport Strategy
- HGGT Stewardship Commission
- Essex & Hertfordshire Digital Innovation Zone
- Gilston Area Charter
- Harlow Health and Wellbeing Strategy
- EFDC / HDC / EHDC Statement of Community Involvement (SCI)
- Harlow Sculpture Town
- EFDC Youth Projects interactive map
- Visit Epping Forest
- EFDC Green Infrastructure Strategy
- The Essex Map



Herts & Essex Community Farm.
Photo credit: H&E Community Farm



Herts & Essex Community Farm.
Photo credit: Harlow Livewell Campaign



TBC



TBC

HEALTH & WELLBEING

OBJECTIVES & REQUIREMENTS

To promote a **healthy lifestyle**, active travel should be encouraged and invested in, including ensuring good accessibility to sustainable transport and transportation; embedding the design of high-quality public and green spaces; the use of green infrastructure and biodiversity to promote good mental and physical health; and investment in long-term resilient buildings and infrastructure.

The Harlow Health & Wellbeing Strategy highlights the following key priorities that should be embedded in new developments:

1. Early Help and Startwell
2. Bewell, Staywell, Workwell
3. Agewell
4. Physical Activity and Mental Health

Additional information on other partners in Essex can be found on the **Livewell website** and **Agewell Guide**.

The following actions are therefore required from all new developments:

- Look for how this new development can increase physical activity, active living, active travel, and sport - refer to the Green Infrastructure page in this Guidance.
- Promote mental health and wellbeing through clear connections to existing support services
- Encourage older people to "Agewell" by living independent lives through increased community support and reduced winter pressures
- Support children and young people through "Startwell" by incorporating access to affordable activities such as outdoor gyms, community allotments, travelling farms, and urban farming - helping to grow local fruits & vegetables - which also allow them to Eatwell.
- Incorporating flexible workspaces such as co-working, as part of the social infrastructure in new developments to help residents Workwell, particularly in light of pandemics like Covid-19 which will change the way we work moving forward.

VOICE & INFLUENCE

This involves governance structures to represent existing residents and engage new ones in shaping local decision-making and stewardship.

RESILIENCE & ADAPTABILITY

Provision of flexible forward-planning; including housing, infrastructure, and services that can adapt over time; and the incorporation of meanwhile use of buildings and public spaces.



COMMUNITY STRENGTH & SOCIAL INFRASTRUCTURE

OBJECTIVES & REQUIREMENTS

Ensuring the existing social fabric is protected from disruption, and can benefit from new neighbouring development through shared spaces, collective activities and social architecture to foster local networks, belonging and community identity. A strong sense of local ownership; ensuring new communities are well-integrated into the surrounding area, including utilising critical measures such as stakeholder engagement and post-development governance; ensuring the social infrastructure to promote thriving social networks; and a diversity of building and non-building uses and tenures.

Incorporating the right (formal and informal) amenities to enable social inclusion. This section focuses on applicants having a thorough understanding of the local community. Applicants are therefore expected to undertake meaningful engagement with the local communities, particularly those closest to the relevant strategic site, ensuring members, local charity groups, local networks' comments are taken on board and responded to. The applicant will need to demonstrate what stakeholder engagement have been undertaken, beyond the requirements of the Statement of Community Engagement requirements. The Garden Town undertook high-level engagement and an initial list of stakeholders to be engaged can be found using the The Essex Map.

Development should tie into, and extend the rich art culture of Harlow's sculptural town - including engagement with the Harlow Art Trust.

Discover Harlow should be engaged through the development of communities; and can highlight key existing local businesses, organisations, and individuals who can share insight to the needs of Harlow residents.

Additionally, documentation, including those found in the HGGT Infrastructure Delivery Plan (IDP), Harlow Infrastructure Delivery Plan, EFDC Infrastructure Delivery Plan, EHDC Infrastructure Delivery Plan; should be referred to and addressed in accordance with the infrastructure needs associated with planned housing and employment growth for each strategic site. Within the documents, these have been prioritised as:

- Critical
- Essential
- Desirable

Developments should therefore highlight what infrastructure will be provided alongside contributions to ensure a holistic approach to development.



Henry Moore; Harlow Family Group: part of the extensive public art collection in Harlow. Photo credit: Discover Harlow



TBC. Photo credit: Discover Harlow



Harlow community tree planting day. Photo credit: Harlow Council



Harlow hatches used during covid-19 to respond to community needs. TBC.



TBC. Photo credit: Discover Harlow



TBC. Photo credit: Discover Harlow



TBC. Photo credit: Discover Harlow



TBC. Photo credit: Discover Harlow

ECONOMIC GROWTH & JOB CREATION

OBJECTIVES & REQUIREMENTS

This theme focuses on outcomes including local residents having comfortable homes that are affordable to operate; thriving local businesses; decent jobs for local people, including hard to reach groups; long-term employments for skilled local labour. But also, embedding the fabric necessary to promote long-term growth and development opportunities and develop new skills, including the incorporation of principles found in the Essex & Hertfordshire Digital Innovation Zone (DIZ); and specifically, in the DIZ Strategy.

Harlow Council have been successful in developing business ___ as highlighted in Harlow's Economic Development Strategy planned for the next 5 years.

Economic priorities and Objectives:
Business & Jobs:

Delivering on these priorities will lead to the following outcomes:

- Securing more investment and jobs from key industries such as Life Sciences, MedTech, ICT & digital and Aerospace.
- More jobs and investment by businesses that are part of the supply chain of key industries.
- Continued growth in the business base.
- A healthy business start-up and survival rate.
- Young people and adults gaining entrepreneurial skills and experience to help with future career success and entrepreneurship.

Place:

- Delivering on these priorities will lead to -
- An outstanding location and environment for businesses, particularly those where Harlow has existing strengths - including ICT, Advanced Manufacturing and Life Sciences industries.
 - Attract and retain more jobs in Harlow.
 - A world class Public Health Campus.
 - A sufficient, high quality, viable employment land supply to meet future demand and provide a credible offer to prospective inward investors.
 - New managed workspace and a mix of premises sizes and styles that cater for existing and future demand.
 - A vibrant, inclusive Town Centre that attracts and retains existing and new residents and workers and where expenditure and footfall increases.



SOCIO-ECONOMIC CHECKLIST

QUALITY CHECKLIST

For each response, describe design responses within the Sustainability Statement and/or identify details on your plans (250no. words / question max).

Se.1	Has an audit (social mapping) of existing local amenities (shops, parks, school, pubs, playspace) been undertaken? Demonstrate how the outcome informed the development of compact neighborhoods including provision of a wide range of amenities (employment & retail spaces, community facilities and spaces) designed to be accessible by walking and cycling and encourage community interaction, cultural and civic life. Essex Map offers a good tool to assist with finding local services, groups, and activities available in the local area.
Se.2	Demonstrate how proposals have been informed by key stakeholders (including: youth, unemployed, ethnically diverse groups, local support organisations) to contribute to a more integrated community. (include in response: the stakeholders you have engaged with, the findings from these sessions, and how you have implemented stakeholder recommendations). Include community activation strategy (Ref: HGGT Engagement Strategy) produced as part of planning process to secure community engagement and cohesion.
Se.3	Demonstrate how your proposal has provided health and care assets or support the delivery of health and care priorities as set out in the local Health & Wellbeing Strategies. (include the ease of accessibility for existing Harlow communities to use new facilities and networks). Use of the Essex Map offers a good tool to assist with finding local services, groups, and activities available in the local area.
Se.4	What early wins / meanwhile uses are planned for existing Harlow residents during construction stage of strategic sites? And how are they to be implemented?

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QUALITY CHECKLIST

Se.5	Demonstrate how your proposal includes allotments and community gardens that are easily accessible from homes and spaces for fresh food markets; and how your development has connected with local food partnerships to agree strategies and actions to enable community accessibility to these assets.
Se.6	Demonstrate how your proposal supports of deliver initiatives (physically and/or socially) which focus on integration between new and existing communities (including Harlow Town Centre, and network of existing local centres) - this to include your engagement with LPA Community Liaison Officers, and Community Representatives (i.e. Discover Harlow Ambassadors).
Se.7	Demonstrate how the HGGT Economic Growth Strategy have been incorporated in this scheme through; design stage, construction stage, and post-completion (identify what jobs have been created / will be created through this development)

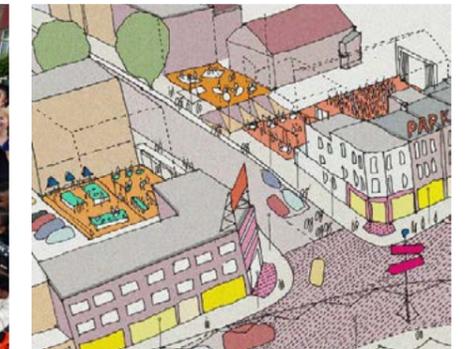
ADDITIONAL CASE STUDIES



Manor House Development Trust
A community centre managed by MHDT, a resident-led social enterprise, which uses the space to provide art programmes, employment and workshops



The Big Lunch (Eden Project)
The Big Lunch is an annual national event where people organise lunch with their neighbours, at home or in the street.



Social infrastructure: enabling social inclusion
A research inquiry into the role of social infrastructure in enabling social integration in communities.



Submission:

1. Quality Checklist

(SUBMISSION OF: ENVIRONMENTAL & SOCIO-ECONOMIC PAGES)

2. Sustainability Statement

(ANY ADDITIONAL INFORMATION)

SUBMISSION

1. Submit the following as evidence of the completed Quality Checklists

2. Include any additional strategies that have not been covered by the Quality Checklists:

LIST OF SUBMISSION ATTACHMENTS	
DESIGN PRINCIPLES	
Daylight & Sunlight Assessment	
Noise Assessment	
ENVIRONMENTAL SUSTAINABILITY	
Energy Efficiency & Carbon Reduction	
Whole life carbon Assessment	
Overheating Design Assessment	
Renewable Energy	
Energy Assessment	
Sustainable Movement	
Sustainable Travel Plan	
Transport Assessment	
Water Efficiency	
Water Management / SUDs Strategy	
Green Infrastructure	
Ecological Report (to include Biodiversity Impact Assessment)	
Lighting Assessment	
Landscape Character and Tree Surveys	
Circular Economy	
Circular Economy Report (linked to Construction Management Statement)	
Construction Management Statement	
Waste Management	
Operational Waste Strategy	
Pollution: Air Quality	
Air Quality Impact Assessment	
Assuring Performance	
Post-Occupancy Evaluation	
SOCIO-ECONOMIC SUSTAINABILITY	
Health Impact Assessment (HIA) (Guidance Link)	
Health Framework Action Plan	
Community Engagement and co-creation strategy	
Stewardship Strategy / Long-term Maintenance Strategy	

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NB: all submitted assessments / reports will be conditioned to the LPA at post completion / pre-occupation stage to ensure that buildings and communities are being completed to the specified design standards; in order to close the performance gap and create truly sustainable communities.



Glossary

GLOSSARY

Harlow & Gilston Garden Town (HGGT): refers to all partner authorities highlighted above

Carbon Neutral = Net zero carbon (both are used interchangeably throughout this guidance)

UKGBC: UK Green Building Council

Net zero-carbon (construction): When the amount of carbon emissions associated with a building's product and construction stages up to practical completion is zero or negative, through the use of offsets or the net export of on-site renewable energy. - UKGBC

Net zero-carbon (operational): When the amount of carbon emissions associated with the building's operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset. - UKGBC

Social Sustainability: a process for creating sustainable, successful places that promote wellbeing, by understanding what people need from the places they live and work; combining design of the physical realm with design of the social world, to support citizen engagement and space for people and places to evolve. - Social Life

[GLOSSARY:
TO BE COMPLETED]



Appendices



EPPING FOREST DISTRICT COUNCIL

Declaration: Climate Emergency
Date of Declaration: 19th September 2019
Motion Link: Here
Cllrs: S.Nevile + J.Phillip

Adopted Motion / Commitment:

1. Declare a 'Climate Emergency';
2. Pledge to do everything within the Council's power to make Epping Forest District Council area **Carbon Neutral by 2030**;
3. Call on Westminster to provide the powers and resources to make the 2030 target possible;
4. Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
5. Continue to work with partners across the district and region to deliver this new goal through all relevant strategies and plans;
6. In the special circumstances of this district, resolves to protect the Special Area of Conservation through the Local Plan and every other means;
7. **Implement** an Air Quality Strategy and bring forward **Sustainability Guidance** on planning; and
8. Engage with young people when considering the issue of climate change and appoint a 'Youth Ambassador' from the Epping Forest Youth Council."

EAST HERTS DISTRICT COUNCIL

Declaration: Climate Change Action
Date of Declaration: 24th July 2019
Motion Link: Here
Cllrs: Graham McAndrew

Adopted Motion / Commitment:

1. Join with other councils in recognising and declaring formally the necessity to do everything within the authority's power to reduce its impact on the climate and moreover do everything we can in supporting the whole of East Herts District to become **carbon neutral by 2030**,
2. Develop an ambitious sustainability strategy for reducing the council's own emissions, with an objective that the council becomes carbon neutral by 2030,
3. Work with national and regional partners to ensure that where at all possible we support climate friendly planning and building control regulations and seek where possible to include the very best measures into the Local Plan to minimise any negative impact on the environment,
4. Call on National Government for more powers and resources to make this pledge possible, and ask the council's Leader to write to the Secretary of state for Environment, Food and Rural Affairs to this effect,
5. Continue to work with partners across the district, county and region to deliver this new goal, through all relevant strategies and plans,
6. Take account of climate impacts within existing decision-making processes,
7. Set up an Environmental and Climate Forum, in line with the recommendations from the Task and Finish Group, which were approved by this Council on 5th March, 2019,
8. The Environmental Forum to monitor progress regularly, and to report back,
9. Commit to making available the appropriate training to members and officers to promote carbon neutral policies in order to achieve these aims.

HARLOW DISTRICT COUNCIL

Declaration: Climate Emergency
Date of Declaration: 11th July 2019
Motion Link: Here

Adopted Motion / Commitment:

1. Reducing the council's net carbon emissions as far as possible and **reducing the carbon footprint** at a greater rate than it is already committed to do so. Other actions include:
2. Planting 1,000 new trees and hedgerows across the town in the next year.
3. Encouraging the council's trading company HTS (Property & Environment) Ltd to switch over from petrol and diesel vehicles, plant and machinery to electric power vehicles, plant and machinery.
4. Encouraging HTS to source battery technology for its electric vehicles from companies who ensure environmentally friendly lithium mining techniques.
5. Reaffirming the council's commitment to the Garden Town development's principles of sustainable transport.
6. Eliminating the use of single use plastics across all public council buildings by January 2020 ahead of the national implementation date of April 2020.
7. Actively promote schemes to encourage children to walk to school such as the Walking Bus initiative and WOW (walk on Wednesdays).
8. Installing electric car charging points across all council car parks within the next five years where possible.
9. Developing a strategy which looks at the feasibility of:
 - i) Installing photovoltaic panels on all public council buildings within the next two years where possible; and
 - ii) **New council built houses having a minimal carbon footprint**; and
 - iii) An action plan is created to focus on reducing the impact of day-to-day living on the environment beyond that caused by greenhouse gas emissions.

HERTFORDSHIRE COUNTY COUNCIL

Declaration: Climate Emergency
Date of Declaration: 16th July 2019
Motion Link: Here
Cllrs: David Williams

Adopted Motion / Commitment:

Hertfordshire County Council's sphere of influence is broad with the ability to influence carbon emission reductions, improve air quality, promote energy efficiency, seek more sustainable sources of energy, reduce waste production, promote better land use practices, make links to health and wellbeing and influence procurement practices.

The Council's existing initiatives include an Air Quality Strategy, Energy Strategy, a Climate Change Resilient Communities Strategy, a Pollinator Strategy and the Leading by Example working group.

To fortify and coordinate the Council's existing initiatives, contribute to the national imperatives and provide local leadership:

- This Council agrees the declaration of a **"Climate Emergency"**;
- Calls upon the Leader of the Council to commit to the development and implementation of an overarching Sustainable Hertfordshire Strategy. This will set out the policies, strategies, implementation plans and resourcing requirements to embed the values of sustainability into the Council's service delivery, operations, procurement and supplier management as well as the basis for engaging proactively with the County's many stakeholders, including the 10 Local Planning Authorities, who can contribute to a sustainable Hertfordshire; and
- Seek Cabinet approval of an ambitious **Sustainable Hertfordshire Strategy** by the end of 2019."

ESSEX COUNTY COUNCIL

Essex Climate Action Commission
Set up to tackle climate change making recommendations on how to improve the environment and economy of Essex. The Climate Action Commission will:

- Identify ways where we can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county
- Explore how we attract investment in natural capital and low carbon growth

APPENDICES LIST

Appendix 2a: Whole Life Carbon Assessment Flowchart

RICS Whole life Carbon Assessment Flowchart

<https://www.rics.org/globalassets/rics-website/media/news/whole-life-carbon-assessment-for-the--built-environment-november-2017.pdf>

Appendix 2b: Whole Life Carbon Assessment

RICS Whole life Carbon Assessment Tables 12 & 13

<https://www.rics.org/globalassets/rics-website/media/news/whole-life-carbon-assessment-for-the--built-environment-november-2017.pdf>

Appendix X: Overheating Design Assessment: Risk Tool

GHA Overheating in New Homes

<https://goodhomes.org.uk/wp-content/uploads/2019/07/GHA-Overheating-in-New-Homes-Tool-and-Guidance.pdf>

Appendix 8: Post Occupancy Evaluation Report

RIBA Sustainable Outcomes Report:

<https://www.architecture.com/-/media/GatherContent/Test-resources-page/Additional-Documents/RIBASustainableOutcomesGuide2019pdf.pdf>

Appendix X: Circular Economy Statement

GLA Circular Economy Statement:

128 https://www.london.gov.uk/sites/default/files/ggbd_circular_economy_statement_guidance_2020_web.pdf

Appendix X: Draft Pre-Occupation Planning Condition / Obligation

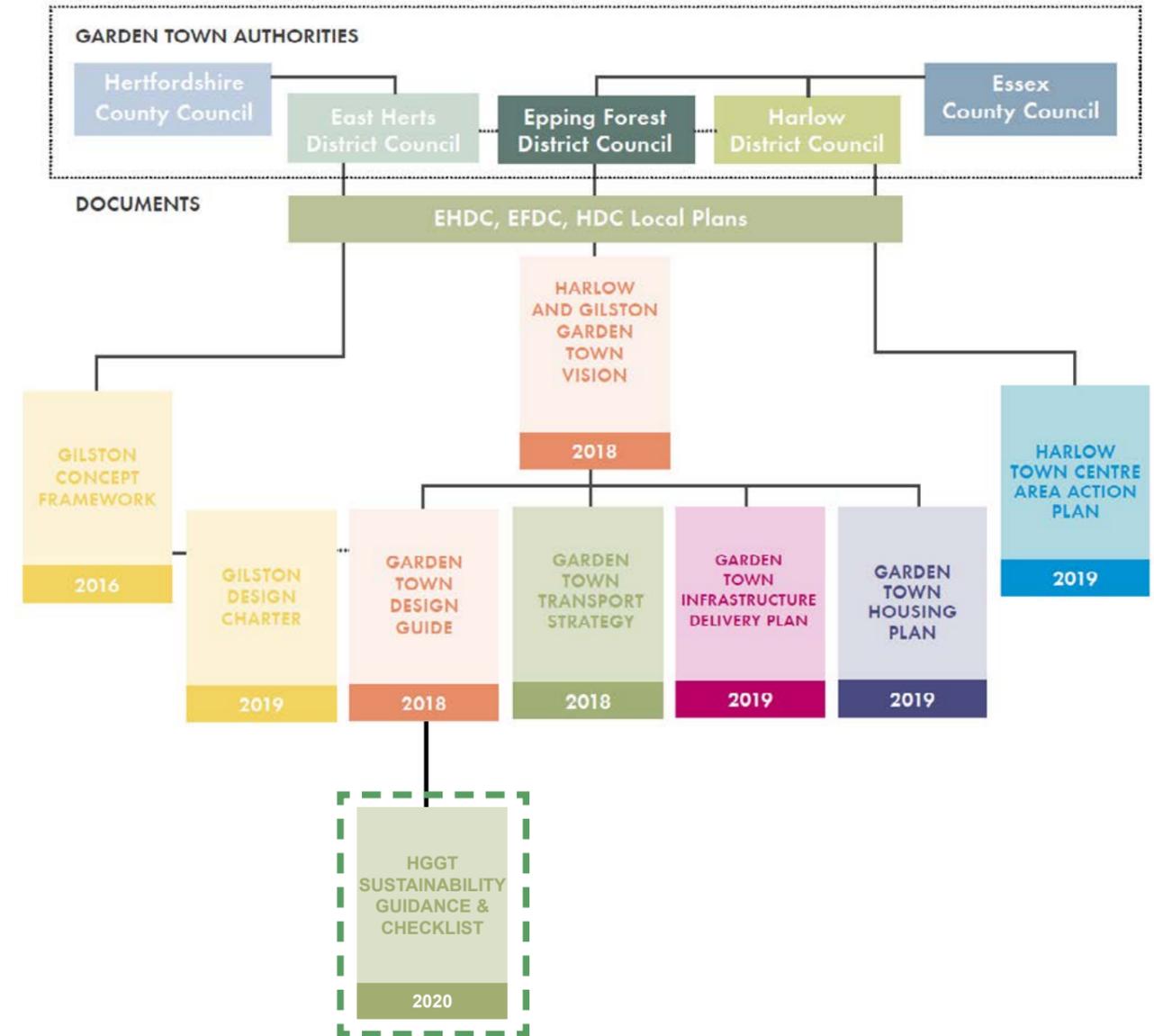
Wording To Be Agreed

Appendix X: Heat Decision Tree

LETI Climate Emergency Design Guide: Heat Decision Tree (pgs 76 - 77)

https://b80d7a04-1c28-45e2-b904-e0715cface93.filesusr.com/ugd/252d09_3b0f2acf2bb24c019f5ed9173fc5d9f4.pdf

APPENDIX X: FAMILY OF DOCUMENTS



APPENDIX X: LIST OF KEY PERFORMANCE STANDARDS & GUIDANCE REFERENCED

This list is not exhaustive and there are additional documents used in the creation of this Guidance.

- Energiesprong: Performance requirements: Part L UK vs Energiesprong vs Passivhaus.
- Pasivhaus Trust
- BREEAM Communities
- BREEAM Home Qualities Mark (HQM)
- UKGBC Net Zero Carbon Buildings
- First Steps Urban Air Quality
- Mayor of London Energy Assessment Guidance
- London Plan Energy Hierarchy
- RIBA Climate Challenge
- The Future Homes Standard
- National Design Guide
- London Plan: Monitoring - Be Seen
- Transport for New Homes
- GLA: Urban Greening Factor
- Zero Carbon Hub: Closing the Gap between Design & As-built: July 2014
- Innovate UK: Building Performance Evaluation Programme: Findings from non-domestic projects

Acknowledgements

This document has been developed with the assistance of HGGT partner authorities and industry experts, participating in workshops, focused sessions and reviews. HGGT would like to sincerely thank all participants, alongside all involved stakeholders and consultation respondents for their feedback, assistance and contributions to the HGGT Sustainability Guidance & Checklist.





Harlow and Gilston Quality Review Panel

**Report of Chair's Review Meeting: Harlow and Gilston Garden Town
Sustainability Guidance**

Friday 24 January 2020
Frame Projects, 44-48 Wharf Road, London, N1 7UX

Panel

Peter Maxwell (chair)
Sophia Cox
Judith Sykes

Attendees

Tara Gbolade	Epping Forest District Council
Ione Braddick	Epping Forest District Council
Alison Blom-Cooper	Epping Forest District Council
David Watts	Harlow District Council
Allison De Marco	Frame Projects
Sarah Thwaites	Frame Projects

Apologies / report copied to

Nigel Richardson	Epping Forest District Council
Deborah Denner	Frame Projects

1. Project name

Harlow and Gilston Garden Town Sustainability Guidance

2. Aims of the Quality Review Panel meeting

The Quality Review Panel provides impartial and objective advice from a diverse range of highly experienced practitioners. This report draws together the panel's advice and is not intended to be a minute of the proceedings. It is intended that the panel's advice may assist project and development management teams in making design improvements where appropriate and in addition may support decision-making, in order to secure the highest possible quality of development.

3. Background

The Harlow and Gilston Garden Town Sustainability Guidance and Checklist is being prepared to promote sustainability standards supporting the delivery of the Harlow and Gilston Garden Town vision and principles, and the local planning authorities (Harlow, Epping Forest District and East Herts) environmental and sustainability policies. The document has been produced by the in-house Harlow and Gilston Garden Town project team. It is intended to be used by planning officers and applicants. A RAG (Red, Amber, Green) checklist is intended to be used by officers and at QRP review sessions.

The Sustainability Guidance will be reported to the Garden Town Member board with a recommendation for endorsement and agreement to take back to three district councils- giving it some material planning weight when considering applications.

The panel is asked to comment on: the document's legibility, whether it is sufficiently robust to be implemented by officers and applicants; whether it is ambitious enough; any omissions; and how strong incentives can be incorporated to encourage applicants to aim for 'best practice'.



4. Quality Review Panel's views

Summary

The Quality Review Panel warmly welcomes and supports the work being undertaken in developing the Sustainability Guidance – it promises to be a helpful tool in guiding applicants and officers in interpreting and applying adopted sustainability policies within the Garden Town. While the panel commends the broad scope and audience of the Guidance, it recommends prioritising and focusing on where it can have the greatest and most immediate impact. It will also be important that the document can adapt as targets shift over the Garden Town project's long-term delivery. The panel strongly recommends being clearer about outcomes sought – this will ensure the document's longevity and relevance. While the panel thinks the Sustainability Guidance will be an excellent tool supporting pre-application discussions, it would like to hear more about how the Guidance will be applied during the planning application stage and post-completion. It will be critical to consider training and resourcing as part of the business case for the Garden Town project. It also recommends setting higher targets – these should match the ambition of the Garden Town. While the panel supports the overarching aims and structure of the document it recommends refinements including: work to close the gap between sustainability and placemaking; greater emphasis on the importance of masterplanning; clarity about definitions, including zero carbon; renewable / low carbon hierarchy; fabric performance; circular economy; and socio-economic sustainability. It also provides advice on testing the guidance and notes some omissions. Further details on the panel's views are provided below.

Approach and priorities

- The panel strongly supports the aim of the Sustainability Guidance – in providing timely guidance on how to implement the adopted and emerging environmental and social sustainability policies of the five authorities, within the Garden Town.
- The scope of the Guidance is broad, as is its potential audience. It will be critical to prioritise elements that are more readily achievable in the short term, against those that need more time.

The case for change

- The panel has been asked to comment on how developers can be incentivised to aim for best practice.
- The panel thinks this can be achieved by developing a strong narrative describing the inevitability of changes being made across the industry, including the national regulatory context. A low carbon future will bring huge opportunities for built environment professionals with expertise delivering net zero schemes. The panel highlights that the future will reward these developers – and those that do not adapt, will become uncompetitive.

- It thinks the case for change, and incentives for adopting best practice standards, can be worked into the front section of the document – possibly articulated as a ‘manifesto for change’.

Outcomes

- The Guidance will benefit from greater clarity in the strategic sustainability outcomes that it seeks to achieve. This will set a framework for understanding and evolving individual sustainability requirements over time.
- For example, the panel points to the ‘Green Infrastructure and Biodiversity’ section which sets requirements using an Urban Greening Factor matrix. While these granular requirements will aid sustainable outcomes, it recommends more explicitly emphasising a key desired outcome – such as net biodiversity gain.

Efficacy and application

- The panel thinks the Sustainability Guidance will be an excellent tool supporting pre-application discussions.
- It wonders however how the Guidance will be applied during the planning application stage. It questions the type and volume of documentation the Guidance will require that developers submit – and by whom and how it will be assessed. The panel thinks it will be critical to consider training and resourcing as part of the business case for the Garden Town project (see below).
- It also wonders how commitments made at planning application stage will be monitored and enforced.

Ambition and targets

- Given the long-term delivery of the Garden Town’s strategic sites, up to 25 – 30 years, it will be important to ensure minimum requirements are aspirational enough.
- The panel understands the pressures that will come with setting ambitious targets – but it will be important that the Garden Town clearly ‘sets out its stall’. It does not think some of the targets are high enough to be considered best practice – and recommends they be further considered. For example, it recommends setting the minimum BREEAM targets higher.
- It will be important to show leadership – championing high sustainability standards for the Garden Town’s own public sector projects.



Audience

- The panel understands the Guidance is intended to be read by a broad audience – from homeowners, to housebuilders and local authority officers. It thinks this is a challenging ambition.
- The panel questions whether aiming the document at such a broad audience from the outset is the most effective way of implementing the ambitious changes required, quickly.
- The panel recommends, in the first instance, focusing on audiences who will have the biggest purchase. For example, housebuilders and local authority officers.
- If elements of the Guidance are to be aimed at homeowners they will need to be more explicit – and further work undertaken on how digital presentation could aid accessibility.

Placemaking and masterplanning

- The panel recommends further work to close the gap between environmental and socio-economic sustainability and placemaking. It recommends giving the document more spatial specificity – to show how environmental and socio-economic sustainability objectives can go hand in hand.
- It commends the way the Sustainability Guidance identifies the importance of Orientation and Form as part of the ‘Design Approach: First Principles’ at Pages 12 – 13. However, the panel recommends this should also emphasise other aspects of masterplanning in supporting sustainability.
- Decisions made at a masterplan scale will be fundamental in either supporting or hindering how individual buildings perform. It points to BioRegional and CABI guidance produced to support the eco-towns – which emphasised the importance of exemplary placemaking and masterplanning.
- It recommends being explicit about a hierarchy of masterplanning issues – for example, green infrastructure, biodiversity and water. It recommends including masterplanning as a category within the RAG Checklist.

Final score v final RAG checklist

- The panel has been asked to comment on whether the Guidance should aim to provide a ‘final score’ for schemes assessed against the requirements set. It thinks a ‘final score’ could have unintended consequences.
- It suggests a final RAG checklist that sets ‘mandatory’ minimum requirements for specific core / important categories – where it would be unacceptable to fail. For example, mandatory requirements in respect of potable water use.



- It recommends looking at a combination of ‘mandatory’ minimum requirements plus ‘recommended’ minimum requirements.

Implementation and monitoring

- The panel wants to understand how implementation will be monitored, to ensure commitments made at planning application stage are delivered on the ground. It highlights how post-planning decision pressures such as value-engineering and user behaviour can impact on how schemes perform in reality.
- A monitoring and evaluation process will also enable a circular process, where feedback influences future iterations of the Guidance.

Local authorities: resourcing and upskilling

- The panel highlights the importance of supporting behavioural change, to enable the Guidance to be implemented effectively.
- It strongly recommends directing efforts and resources on training, support and upskilling – and thinks this should be part of the business case for the project. It recommends including building control officers.

Developers: incentivisation and capacity building

- Developers will be incentivised to apply the Guidance if they are provided with ongoing support, rather than being left to apply the Guidance in isolation.
- The panel recommends trialling the Guidance with developers – with support to help them design and implement schemes using the Guidance. For example, Garden Town Officers could undertake capacity building with developers to demonstrate new technologies such as heat pumps.
- The panel also recommends considering how applicants can be incentivised to apply the Guidance, through accelerated planning application management.

Zero carbon

- It will be important to be clear about what is meant by ‘zero carbon’. The panel suggests further work to define this, and points to UKGBC work providing a framework definition. It suggests augmenting the glossary at page 2 to provide a fuller definition – which could illustrate the approach for achieving ‘zero carbon’ diagrammatically.
- In respect of operational energy, the panel recommends setting a heating target, not just an overarching operational target. It highlights that factors such as occupancy can significantly change the amount of energy being used, so it is important to set a heating target.



- Reporting requirements should be made clear, particularly if zero carbon is being targeted. UKGBC guidance includes minimum reporting requirements summarised in template documents specifying how the scheme should be quantified.

Testing

- It will be important to sense check what is being asked of developers, including by testing the Guidance with them.
- The panel points to examples of design teams testing undertaken when developing Design Codes – testing design options against proposed Codes, to establish whether these are sufficiently robust. i.e. whether they can be ‘broken’.

Document structure

- The panel applauds document layout, and thinks it is already a clearly legible document. It likes the consistent layout adopted across the document.
- It supports the document’s digital interactivity – including interactive Table of Contents and Index.

Energy efficiency and carbon reduction (p.14)

- The panel questions if best practice energy efficiency standards should be higher and recommends being clearer about minimum requirements in order to achieve zero carbon, where this is targeted.

Climate change – domestic and non-domestic (p.16 & 18)

- The panel is unclear about the intent of the climate change sections. These sections refer to carbon reduction rather than climate adaption or resilience to climate change. If these sections are about carbon reduction, it recommends refinements and relabelling.
- Guidance aimed at climate adaption / resilience, such as flood risk management, overheating and microclimatic analysis, could be drawn into a separate section.

Renewable energy (p.20)

- The panel recommends adjusting the hierarchy of renewable / low-carbon technologies. For example, connected CHP is shown as a ‘satisfactory requirement’ within the submission checklist, whereas emerging policy documents are already removing references to gas fired CHP.



- The panel recommends placing heat pumps at the top of the hierarchy – and recommends explaining the case for heat pump technology as the preferable option. Heat pump technology will become increasingly important, particularly in the lead-up to 2025 – when gas heating in new homes will be banned.
- The panel does not think hydrogen or biogas will be a feasible, scalable alternatives. It also explains that solar photovoltaic and solar thermal technologies will not be sufficient to meet energy needs – placing additional onus on heat pump technology and building fabric efficiency.
- The panel recommends adding guidance on energy storage in respect of solar photovoltaics.

Construction quality (p.32)

- The panel supports how the Guidance emphasises the importance of a ‘fabric-first approach’ in the Design Principles section upfront. However, it thinks fabric performance should then be given much greater emphasis when detailing requirements – including setting minimum requirements.
- It recommends revisiting the circular economy references and providing clearer about guidance about what is being asked here. It however cautions that there is a need to be proportionate in respect of circular economy minimum requirements. It notes that there are significant cost implications, potentially increasing costs by 30 – 35%.
- Guidance could be provided in this section on post-commissioning processes and post-occupancy evaluations.

Combined checklist (p.34)

- The panel supports inclusion of the Combined Checklist. It recommends the team test the checklist, and requirements throughout, by assessing current schemes, at pre-application or post-submission stage.

Socio-economic sustainability (p.40)

- Socio-economic sustainability will be driven by understanding the critical strategic moves that are needed – to articulate local needs. Work undertaken on other strategic documents could start to form a list of key local assets and infrastructure requiring enhancement, for example cycle route improvements identified through strategic transport work. These should then form a framework for guidance on social value.
- The socio-economic section would also benefit from further work on social indicators.



- The panel points to community building precedents such as those on the Queen Elizabeth Olympic Park – where significant work has been undertaken building community spirit to support new neighbourhoods.

Omissions

- The panel recommends refinements and additional work on: waste, including food waste and other operational waste; logistics and deliveries; and cycling infrastructure.
- It recommends a joined-up approach to waste and logistics. For example, considering how storage and waste associated with deliveries such as Amazon could be centrally coordinated and managed.

Next steps

The panel strongly supports the work undertaken on the Sustainability Guidance. It would like to know how this work is influencing the Garden Town's strategic sites, including existing schemes already submitted as planning applications.



REPORT TO: CABINET

DATE: 15 OCTOBER 2020

TITLE: REFERRAL FROM LICENSING COMMITTEE –
REVIEW OF HACKNEY CARRIAGE TARIFFS

PORTFOLIO HOLDER: COUNCILLOR DANNY PURTON, PORTFOLIO
HOLDER FOR ENVIRONMENT

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

CONTRIBUTING OFFICERS: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (01279) 446114

CHRIS BENNETT, PRINCIPAL ENVIRONMENTAL
HEALTH OFFICER (01279) 446113

This is not a Key Decision
It is on the Forward Plan as Decision Number I011864
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

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

REASON FOR DECISION

- A** The Licensing Committee considered a report on the Review of Hackney Carriage Tariffs at its meeting on 8 September 2020 and referred the matter to Cabinet for approval.

BACKGROUND

1. At its meeting on 8 September 2020 the Licensing Committee considered a report on the review of Hackney Carriage tariffs.
2. Having considered the report (attached as Appendix 1 to this report) the Committee referred the matter to Cabinet for approval.

IMPLICATIONS

Implications of the recommended decision are outlined in the 'Implications' section of the original report, which is attached as Appendix 1.

Appendices

Appendix 1 – Original report to Licensing Committee 'Review of Hackney Carriage Tariffs'

Background Papers

None.

Glossary of terms/abbreviations used

None.

REPORT TO: LICENSING COMMITTEE

DATE: 8 SEPTEMBER 2020

TITLE: REVIEW OF HACKNEY CARRIAGE
TARIFFS

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND
LICENSING MANAGER (01279) 446114

CONTRIBUTING OFFICER: CHRIS BENNETT, PRINCIPAL
ENVIRONMENTAL HEALTH OFFICER
(01279) 446113

RECOMMENDED that:

- A** The Licensing Committee recommend to Cabinet that the Hackney Carriage Tariff Schedule, attached as Appendix A to the report, be adopted.

BACKGROUND

1. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives Councils power to determine maximum rates and fares charged by Hackney Carriages.

ISSUES/PROPOSALS

2. Representatives of the Hackney Carriage trade recognised by the Council for consultation purposes have proposed increases to the Hackney Carriage tariffs to take effect late Autumn 2020 (exact date to be confirmed).
3. There have been no increases whatsoever since November 2014.
4. The proposed rate rise is as follows:
 - a) Tariff 1 = 5.2%
 - b) Tariff 2 = 4.8%
 - c) Tariff 3 = 5.9%
 - d) Tariff 4 = 4.9%
5. The overall average rise = 5.2 per cent (waiting times are unchanged.)
6. Other changes include:
 - a) An amendment to rate 4 is proposed allowing it to be used outside the boundary of Harlow from 6pm during Christmas and New Year holidays.

- b) A damage and soiling charge is now specified as £75. Previously, no amount was specified.

7. In context, historical UK inflation rates since the last increase in 2014 are as follows:

2015	0%
2016	0.7%
2017	2.7%
2018	2.5%
2019	1.8%

8. Taking an example of a 2014 price; tariff 2 for a four mile journey, the current price is £10.60. Applying the inflation costs for the period 2015 – 2019 (as specified above) this would equate to £11.61. The actual proposed price for 2020 is below this at £11.10.
9. The proposed revised tariffs, with these increases included, can be seen at Appendix A to the report.
10. The existing tariffs approved in 2014 can be seen at Appendix B to the report.
11. The Council is required to publish a notice in a local paper when Hackney Carriage tariffs are varied. The notice must contain the proposed tariff and specify the period in which objections can be made, this being 14 days from the date that the notice is published in the paper.
12. A copy of the notice must also be available at the Council offices for a period of 14 days from the date of the first publication in the local paper.
13. If an objection is received within the consultation period, it must be considered. If the Council determines to revise its decision on the tariffs as a result of an objection, a revised date would be set for the implementation of the revised tariff increase.
14. Article 1 of the First Protocol of Human Rights Act 1998 guarantees the right of peaceful enjoyment of possessions. Imposing of controls on Hackney Carriage tariffs is an interference with this right. However, it is permissible to use existing laws to control the use of property in accordance with the general interest.
15. Provided the Committee is satisfied that control of the tariff is in the public interest and that the tariff adopted is reasonable, there would be no unjustifiable breach of this article.

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)

None specific.

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

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Provided that proper consultation is undertaken and that all advertising requirements are discharged the risk to successful challenge is minimal.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Proposed Revised Tariff

Appendix B – Existing Tariffs Approved in 2014

Harlow District Council

S.65 Local Government (Miscellaneous Provisions) Act 1976 Part II

Hackney Carriage Revised Tariffs PROPOSED 2021

This Vehicle is licensed by Harlow District Council as a Hackney Carriage. The fares and charges for Journeys both within and outside the council's boundaries are set out below. All enquiries should be made to the the Licencing Department, Civic Centre, The Water Gardens, Harlow, Essex. CM20 1WG or via e-mail to licensing@harlow.gov.uk

Rate code on meter	1	2	3	4
Tariff notes	Applies Mondays to Saturdays, except bank holidays, between 6.00am and 10.00pm and between 6.00am and noon on Xmas and New Years Eve. Journeys outside the boundaries of Harlow during the above times – see Rate 3	Applies Mondays to Saturdays between 10.00pm and 6.00am all hours Sunday and bank holidays and public holiday (except Xmas Day Boxing Day and New Years Day) and between noon and 6.00pm Xmas Eve and New Years Eve. Journeys outside the boundaries of Harlow during the above times – see Rate 4	Applies Mondays to Saturdays between 6.00am and 10.00pm (and be manually engaged) when the taxi <u>travels outside the boundaries of Harlow</u> unless the hirer (during the course of the journey) is returning to a final destination point within the boundaries of Harlow Applies from 6pm on Xmas and New Years Eve, and at any time on Xmas day, Boxing Day and New Years Day within the district of Harlow,	Applies Mondays to Saturdays between 10.00pm and 6.00am and all day Sundays (and be manually engaged) when the taxi <u>travels outside the boundaries of Harlow</u> unless the hirer (during the course of the journey) is returning to a final destination point within the boundaries of Harlow Applies when the Taxi travels outside the boundaries of Harlow from 6.p.m. on Xmas & New Years Eve, & any time on Xmas Day, Boxing Day & New Years Day
Distance (Miles)	Minimum fare £3.20	Minimum fare £3.50	Minimum fare £3.50	Minimum fare £3.50
1	£5.20	£5.70	£5.90	£6.30
2	£6.60	£7.50	£8.50	£9.30
3	£8.20	£9.30	£11.10	£12.30
4	£9.60	£11.10	£13.70	£15.50
5	£11.00	£12.90	£16.30	£18.50
8	£ 15.40	£ 18.10	£ 22.60	£ 26.40
12	£ 21.00	£ 25.30	£ 34.50	£ 39.90

The fare payable will be calculated automatically and displayed on the meter. If the taxi speed drops below 10mph (approx) this will be charged by time rather than distance and may be higher than indicated above.

Extra Charges

For each adult in excess of one (but two children between the ages 2 and 14 shall count as one

Adult for the purpose of the tariff)

20p

Dogs except assistance dogs

20p

Luggage other than that conveyed with the passengers in the passenger compartment, each item

20p

Damage & Soilage Charge

The Driver may recover costs under Section 65 of part II of the Local Government (Miscellaneous Provisions) Act, 1976, from the hirer who will be responsible for any damage to (or human discharge left in) the taxi, which has been caused by the action of the hirer or traveling companion(s), and the hirer will be liable to meet the full cost of restoration work required to make good the effects of the aforementioned damage and or human discharge. **The recoverable costs charge is £75.**

Harlow District Council

S.65 Local Government (Miscellaneous Provisions) Act 1976 Part II

Hackney Carriage Revised Tariffs WITH EFFECT FROM 14/11/2014

This Vehicle is licensed by Harlow District Council as a Hackney Carriage. The fares and charges for Journeys both within and outside the council's boundaries are set out below. All enquiries should be made to the Safety & Licensing Department, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG

Rate code on meter	1	2	3	4
Tariff notes	Applies Mondays to Saturdays, except bank holidays, between 6.00am and 10.00pm and between 6.00am and noon on Xmas and New Years Eve. Journeys outside the boundaries of Harlow during the above times – see Rate 3	Applies Mondays to Saturdays between 10.00pm and 6.00am all hours Sunday and bank holidays and public holiday (except Xmas Day Boxing Day and New Years Day) and between noon and 6.00pm Xmas Eve and New Years Eve. Journeys outside the boundaries of Harlow during the above times – see Rate 4	Applies Mondays to Saturdays between 6.00am and 10.00pm (and be manually engaged) when the taxi travels outside the boundaries of Harlow unless the hirer (during the course of the journey) is returning to a final destination point within the boundaries of Harlow Applies from 6pm on Xmas and New Years Eve, and at any time on Xmas day, Boxing Day and New Years Day within the district of Harlow,	Applies Mondays to Saturdays between 10.00pm and 6.00am and all day Sundays (and be manually engaged) when the taxi travels outside the boundaries of Harlow unless the hirer (during the course of the journey) is returning to a final destination point within the boundaries of Harlow
Distance (Miles)	Minimum fare £3.00	Minimum fare £3.40	Minimum fare £3.40	Minimum fare £3.40
1	£5.00	£5.60	£5.60	£5.60
2	£6.40	£7.20	£8.00	£8.80
3	£7.80	£8.80	£10.40	£11.80
4	£9.00	£10.60	£12.80	£14.60
5	£10.40	£12.20	£15.20	£17.60
8	£ 14.60	£ 17.20	£ 22.60	£ 26.40
12	£ 20.00	£ 24.00	£ 32.20	£ 38.00

The fare payable will be calculated automatically and displayed on the meter. If the taxi speed drops below 10mph (approx) this will be charged by time rather than distance and may be higher than indicated above.

Extra Charges

For each adult in excess of one (but two children between the ages 2 and 14 shall count as one Adult for the purpose of the tariff)	20p
Dogs except assistance dogs	20p
Luggage other than that conveyed with the passengers in the passenger compartment, each item	20p

Damage & Soilage

The Driver may recover costs under Section 65 of part II of the Local Government (Miscellaneous Provisions) Act, 1976, from the hirer who will be responsible for any damage to (or human discharge left in) the taxi, which has been caused by the action of the hirer or traveling companion(s), and the hirer will be liable to meet the full cost of restoration work required to make good the effects of the aforementioned damage and or human discharge.

**MINUTES OF THE COVID-19 RECOVERY WORKING GROUP
HELD ON**

23 September 2020

6.30 - 8.10 pm

PRESENT

Committee Members

Councillor Eugenie Harvey (Chair)
Councillor Simon Carter
Councillor Joel Charles
Councillor Tony Edwards
Councillor Mark Ingall
Councillor Andrew Johnson
Councillor Frances Mason
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

27. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Nancy Watson.

28. **DECLARATIONS OF INTEREST**

Councillor Simon Carter declared a pecuniary interest as a remunerated Council appointed Director of HTS (Property and Environment) Ltd.

Councillor Joel Charles declared a pecuniary interest as a remunerated Council appointed director of HTS (Housing and Regeneration) Ltd and a non-pecuniary interest as a Council appointed director of HTS Group Ltd.

29. **MINUTES**

RESOLVED that the minutes of the meeting held on 25 August are agreed as a correct record and signed by the Chair.

30. **MATTERS ARISING**

a) Minute 24 - Member Nominations to Work Streams

The Chair said that Councillor Nancy Watson was to join the Community Impact work stream.

The Working Group discussed the Welfare Panel and concerns about the succession of housing, particularly when vulnerable adults were involved.

31. **OUTBREAK PREVENTION AND PLANNING**

Andrew Bramidge, Head of Environment and Planning, gave a presentation setting out the increased rate of infection in Harlow compared to other areas of the region. A copy of the presentation is appended to the minutes. He explained that focus was on preventing the rate of infection from increasing further.

The Working Group discussed the potential impact of a second wave of infections on those who live and work in care homes. It was agreed that a letter would be sent by both Group Leaders to the County Council asking for guarantees on the provision of PPE, and other logistical support.

The Working Group considered methods of tracking the outbreak including an increased use of anti-body testing and through the sewage system. Discussions moved onto 90 minute tests, in particular for ad-hoc care home staff.

The Working Group looked at ways that the Council could act as the community leader. This included more visible cleaning of outdoor spaces, utilising the Community Rangers to assist with social distancing in the town centre, and the provision of disposable masks.

32. **RECOVERY COMMUNICATIONS STRATEGY**

The Working Group considered a draft Communications Strategy. Simon Hill, Head of Governance, said there was a focus on engagement with community groups, as well as on outcomes. It would become part of the Council's overall communications strategy.

RESOLVED that the draft Communications Strategy was noted.

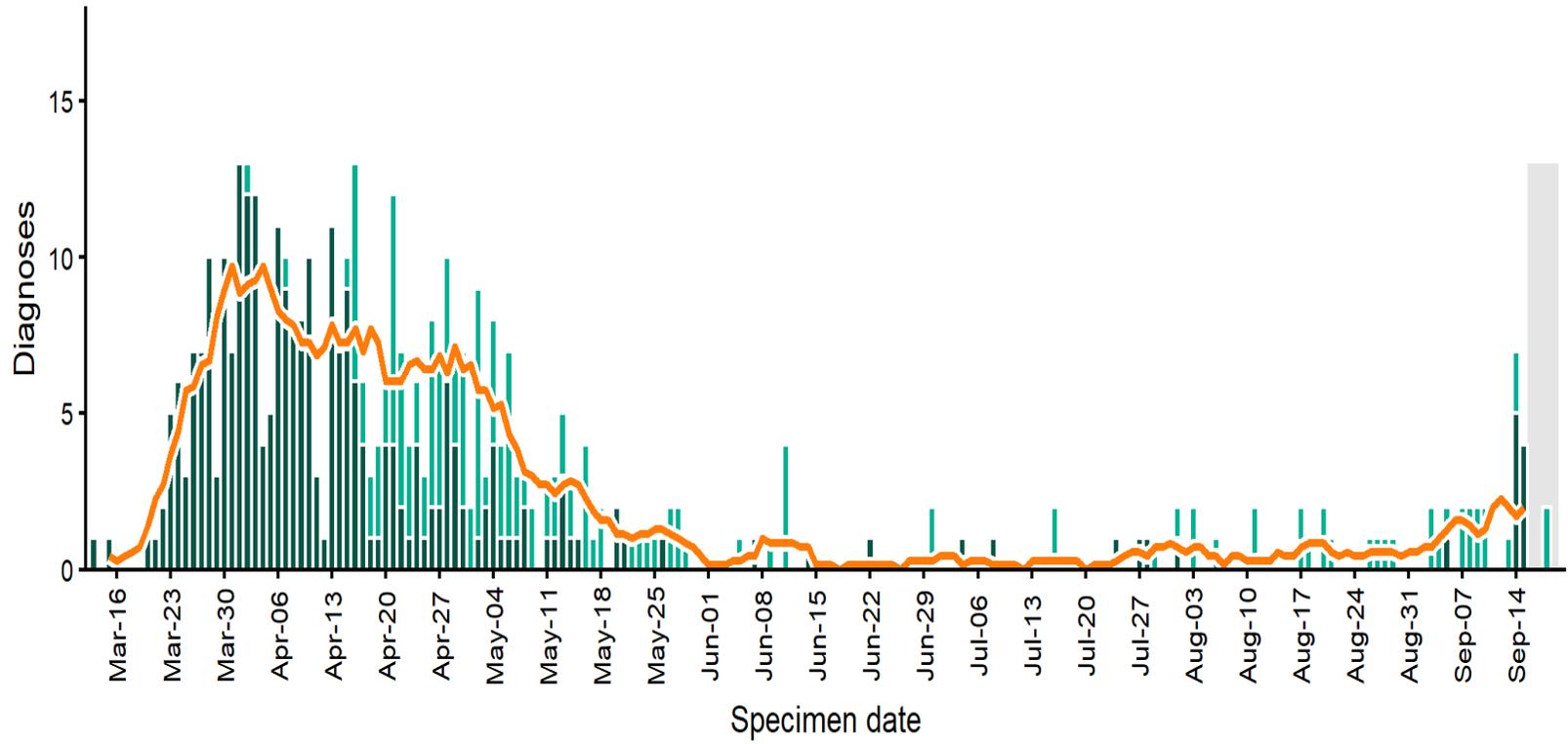
33. **FREQUENCY OF MEETINGS**

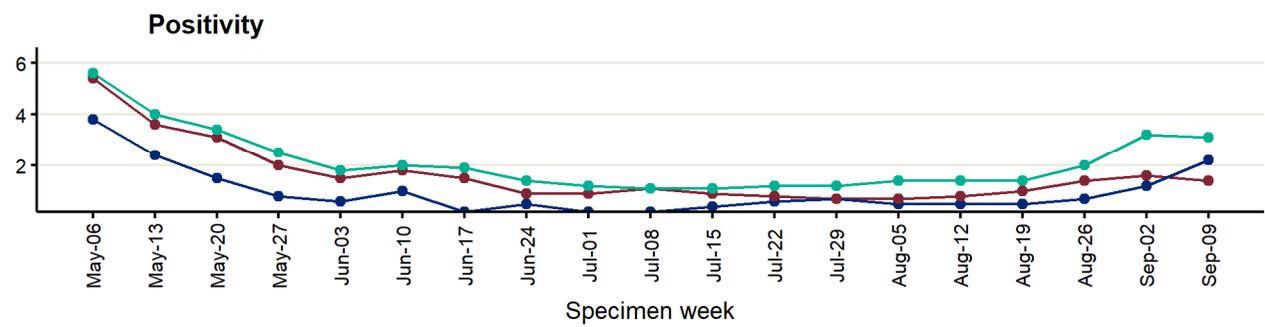
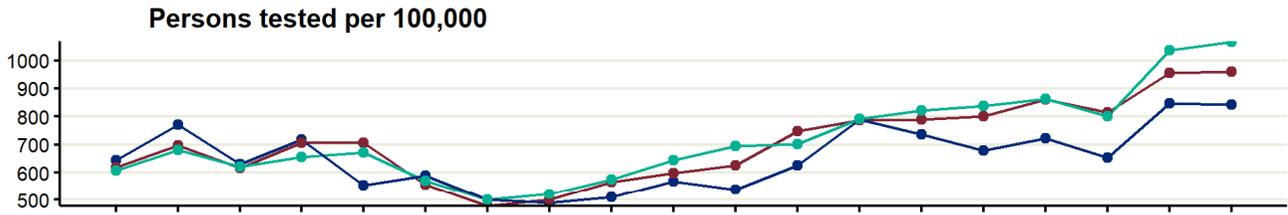
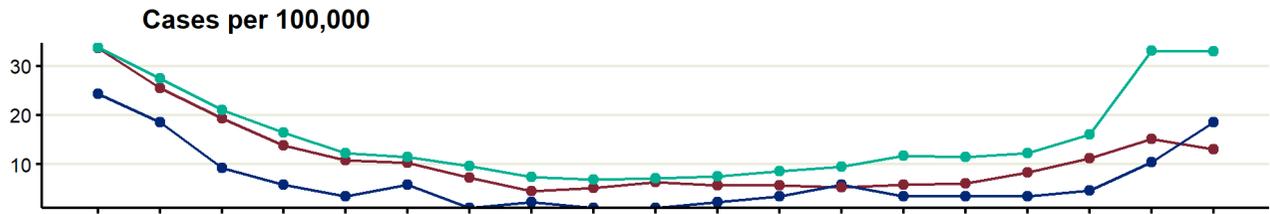
The Working Group agreed that meetings should continue on a monthly basis.

34. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE WORKING GROUP





● East of England ● England ● Harlow

Rank (Highest incidence)	LTLA	Region	Rate per 100,000 population			
			Prior 7 days	Most recent 7 days	Absolute difference	Relative change
			(2020-09-02 to 2020-09-08)	(2020-09-09 to 2020-09-15)		
1	Bolton	North West	199.7	197.3	-2.4	=
2	Hyndburn	North West	96.5	147.2	50.7	Increase
3	Preston	North West	107.2	144.6	37.4	Increase
4	Rossendale	North West	50.8	135.4	84.6	Increase
5	South Tyneside	North East	67.2	126.4	59.2	Increase
141	Harlow	East of England	10.4	18.5	8.1	=

Outbreak Prevention

- Working with Essex Resilience Forum on implementing Local Outbreak Control Plan
- Which scenarios?
 - - Single site?
 - - General outbreak?
 - - Travel to/from problem areas?
 - - Others?

Key messages/steps/issues

1. Local comms campaign: 'Hands, Face, Space'
2. Increase visits to 'at risk' premises
3. Close liaison with police & co-ordinate community safety patrols
4. Test & Trace – responsibility of ECC with some local input
5. Better liaison with non-Essex authorities