

**MINUTES OF THE CABINET
HELD ON**

12 July 2021

7.30 - 8.50 pm

PRESENT

Committee Members

Councillor Andrew Johnson, Leader of the Council and Lead on Economic Recovery

Councillor Joel Charles, Deputy Leader and Portfolio Holder for Community Resilience

Councillor Simon Carter, Portfolio Holder for Housing

Councillor Alastair Gunn, Portfolio Holder for Environment

Councillor Michael Hardware, Portfolio Holder for Strategic Growth

Councillor Russell Perrin, Portfolio Holder for Finance and Governance

Councillor Dan Swords, Portfolio Holder for Regeneration

Additional Attendees

Councillor James Leppard

Councillor Nicky Purse

Councillor Matthew Saggars

Councillor Gareth Williams

Officers

Brian Keane, Chief Executive

Andrew Bramidge, Head of Environment and Planning

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

Jane Greer, Head of Community Wellbeing

Simon Hill, Head of Governance

Andrew Murray, Head of Housing

Adam Rees, Senior Governance Support Officer

Other Councillors

Councillor Mike Danvers

Councillor David Carter

Councillor Tony Durcan

Councillor Tony Edwards

Councillor Chris Vince

Councillor Nancy Watson

16. **APOLOGIES FOR ABSENCE**

None.

17. **DECLARATIONS OF INTEREST**

None.

18. **MINUTES**

RESOLVED that the minutes of the meeting held on 17 June 2021 are agreed as a correct record and signed by the Leader.

19. **MATTERS ARISING**

None.

20. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

21. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

22. **PETITIONS**

None.

23. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

24. **YEAR END 2020/21 FINANCE AND PERFORMANCE REPORT**

Cabinet received a report on the year end Finance and Performance for 2020/21.

Proposed by Councillor Russell Perrin (seconded by Councillor Andrew Johnson) it was:

RESOLVED that Cabinet:

- A** Acknowledges the outturn position set out in within the report in respect of the General Fund for the year ending 31 March 2021.
- B** Recognises the End of Year operational performance and risk management that has been achieved in 2020/21 across all Council services.
- C** Approves the transfer to reserves of £2,144,000 as set out in Appendix 3C to the report.
- D** Approves the carrying forward of £242,320 of budgets from 2020/21 to 2021/22 in respect of the General Fund as set out in Appendix 3B to the report is delegated to the Deputy to the Chief Executive/Head of Finance and Property Service in consultation with the Portfolio Holder for Finance and Governance. The approval or otherwise to be to be determined by no later than 30 July 2021.

25. **CAPITAL PROGRAMMES OUTTURN REPORT 2020/21**

Cabinet received a report on the Capital Programmes Outturn for 2020/21.

Proposed by Councillor Russell Perrin (seconded by Councillor Simon Carter) it was:

RESOLVED that Cabinet:

- A** Notes that the Housing Capital Programme (HCP) final outturn for 2020/21 is £21.556 million as set out in Appendix 1 to the report.
- B** Approves the £1.250 million carry forward request for capital schemes from 2020/21 HCP into 2021/22 as set out in Appendix 2 to the report.
- C** Note that the Non-Housing Capital Programme (NHCP) final outturn for 2020/21 is £11.504 million as set out in Appendix 3 to the report.
- D** Approves the £3.984 million carry forward request for capital schemes from 2020/21 NHCP into 2021/22 as set out in Appendix 4 to the report.

26. **HOUSING REVENUE ACCOUNT OUTTURN REPORT 2020/21**

Cabinet received a report on the Housing Revenue Account Outturn for 2020/21.

Proposed by Councillor Simon Carter (seconded by Councillor Russell Perrin) it was:

RESOLVED that Cabinet:

- A** Notes the Housing Revenue Account (HRA) Outturn Report 2020/21 as set out in following paragraphs and in Appendix 1.
- B** Approves the £1.188 million in revenue carry forward requests as set out in Appendix 2 to the report.
- C** Notes that the HRA general working balance as at 31 March 2021 is £16.243 million as set out in Table 1 of the report.
- D** Notes that the Major Repairs Reserve balance as at 31 March 2021 is £1.574 million as set out in Table 3 of the report.
- E** Notes the balance of £7.068 million of retained Right to Buy (RTB) receipts held as at 31 March 2021 in order to finance the new build programme as set out in Table 4 of the report.

27. **RENEWAL OF ARTICLE 4 DIRECTIONS**

Cabinet received a report on the renewal of Article 4 Directions.

Proposed by Councillor Michael Hardware (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet:

- A** Approval in principle is given for new Article 4 Directions in Harlow Town Centre, Pinnacles, Templefields and Burnt Mill to limit changes from office to residential use, to take account of the new Use Classes and for this to take effect from 31 July 2022, when the existing Article 4 extensions expire.
- B** A new Article 4 Direction is put in place to limit the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 to limit of changes from Retail to Residential use in the Harlow Town Centre.
- C** Notes that further background work will be undertaken to support the confirmation of the Article 4 directions at the point of enactment and notification to the Secretary of State.

28. **HARLOW DESIGN GUIDE - APPROVAL FOR CONSULTATION**

Cabinet received the draft Harlow Design Guide for approval for consultation.

Proposed by Councillor Michael Hardware (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet:

- A** Approves the Draft Design Guide Addendum Supplementary Planning Document (as set out at Appendix A to the report), to enable it to be published for the purposes of consultation under Section 12(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Delegates authority to the Head of Environment and Planning, to make and approve any minor or inconsequential amendments to the Draft Design Guide Addendum Supplementary Planning Document arising from the statutory consultation.

29. **CABINET POLICY DEVELOPMENT WORKING GROUP WORK PLAN 2021/22**

Cabinet received the Cabinet Policy Development Working Group work plan for 2021/22.

RESOLVED that Cabinet approves the Work Plan.

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

None.

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

None.

32. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 12 July 2021

Questions from the Public

1 Neil Warner-Baker to Councillor Michael Hardware (Portfolio Holder for Strategic Growth):

I am a resident and stakeholder of the land where the proposed Stort Crossing, Pye Corner to Edinburgh Way is going to take place. On 11/6/21 I showed you and my ward Cllr, Matthew Saggars some of the many concerns I have regarding the proposed river crossing. Among my concerns, I showed you the poor state of the existing surface water storm drain system where it enters the River Stort at Riverway and the associated stench. I recall that you took photographic evidence.

I also showed you the serious flood damage in the form of up rooted trees and the under boring to the historic Latton Mill, which has all occurred since the recent widening of Edinburgh Way and other building schemes to the east of the town. All of this poses a risk to the existing flood defences that were installed at great expense to Harlow Council circa 2002/3. This is when the nearby weir was compromised by flooding and caused a partial collapse of the footpath south of the River Stort backwater and a threat to Mead Park industrial estate.

Recently, you gave a statement on behalf of the leadership of the council to Yourharlow.com stating that you would raise my objections with the relevant authorities and stakeholders. However, many Cllrs, including those with relevant portfolios, as well as our MP have indicated that they will refer all my questions and concerns to you.

I am concerned that the relevant authorities such as the Highway Authority, might not have been contacted. It is essential to investigate whether these schemes have caused an increase of surface water discharging into the River Stort. This will seriously affect the planning decision of The Central and Eastern proposed River Stort Crossing.

Please could you show me that you have consulted in full with the council and update me on progress in relation to my concerns?

Reply from Councillor Michael Hardware (Portfolio Holder for Strategic Growth):

The Gilston development, and its associated transport infrastructure, has been the subject of significant debate and consultation over many years, and a project we have inherited from the previous Labour administration. The development is enshrined in the East Hertfordshire Local Plan, which was adopted in 2018 following public consultation and an independent examination which found the Plan to be sound. Equally, the principle of the river crossings to support the development at Gilston is also enshrined in the Harlow Local Development Plan which was also

consulted upon and was adopted in December 2020 by the previous administration also following independent examination by a planning inspector.

Harlow Council is supportive of the development of new housing to the north of Harlow at Gilston as being vital to meet the future needs of the town and the surrounding area. It is vital to ensure that appropriate levels of infrastructure are provided to support this development and traffic modelling has demonstrated that the Eastern Stort Crossing is required to enable this.

Equally, we have to balance the increasing need for new housing with impacts on the environment. Climate change and global warming is a major issue facing humanity and we need to minimise the impact upon it. Conversely, there has been a housing shortage in the UK for many years. It is one of the reasons why house prices are so high and why it is difficult for many, in particular the younger generations, to get on the housing ladder.

It is a very difficult balance to find.

In answer to Mr Warner-Baker's question I can confirm that the Highway Authorities and the Lead Local Flood Authorities have been engaged and provided comments on the application for the Eastern Stort Crossing.

The proposal includes a series of new drainage infrastructure which will deal with surface water arising from the new road.

Note that the bridge is elevated at the River Way location over existing features. Surface water runoff from the new highway will be stored beneath the highway surface and systems designed to accommodate flows that may arise from a one-in-30-year storm event.

Towards River Way, where the urban area is more constrained, the new roundabout surface water will be attenuated and treated via conveyance and a separator to remove fine pollutants, particles and oils before discharge into the River Stort.

All drainage infrastructure must meet the same level of surface water run off as a greenfield (undeveloped) site. The assessments indicate that there will be no impact on surface water flooding arising from the development.

In terms of preventing flood risk and integrating sustainable drainage through design, the Eastern Stort Crossing proposal meets the requirements of the Environment Agency and the lead local flood authorities. The Drainage Strategy has been agreed in principle at this stage and subsequent engineering design stages will refine details about the proposed attenuation features, which will be controlled by a series of conditions attached to any planning approval. The highways authority has also confirmed to me that approval of these final details will be required before the Section 278 road adoption process can be completed. I am therefore satisfied that

there is sufficient engagement from the relevant authorities in relation to this proposal.

Stakeholders for the River Stort Crossing, which have and will continue to be engaged as the Gilston development progresses include:

Natural England
The Environment Agency
The Highways Agency
Lead Local Flood Authorities
Highways Authorities
Ecology Departments
Archaeology Departments
Minerals and Waste Authorities (at both County Councils)
Herts and Middlesex Wildlife Trust
Essex Wildlife Trust
The Canal and River Trust
Network Rail
Greater Anglia
National Aerodrome Safeguarding Team at Stansted Airport

Connectivity via the Stort crossings is integral to our once-in-a-lifetime opportunity to attract the transformative investment and growth that Harlow needs in order to fulfil our significant potential.

Sir Frederick Gibberd described Harlow as “an organism which would go on changing and being rebuilt as the needs of the people altered” and the Garden Town and associated infrastructure is the beginning of that new chapter.

There is no evidence to link the river flooding with the expansion of Edinburgh Way. These may be nothing more than coincidence - there are a number of drainage channels and potential sources of increased flow into the River Stort over the last few years when there have also been, and probably the actual cause of, a number of very high rainfall incidences.

The river catchment for the Stort is huge, and most of the Stort navigation comprises hard reinforced bank edges as it functions as a navigable waterway.

There are few parts of the river where the banks are not reinforced and therefore vulnerable to erosion. The Latton Island section is one such location where banks are not reinforced in all locations as the river splits in two to provide a relief flow of water around the lock.

Harlow Council is aware of the erosion damage at the weir mentioned by Mr Warner-Baker. I can confirm that the Council’s Environment team is currently in discussion with

the Environment Agency and the Canal and Rivers Trust to agree a programme of repairs to this part of the river bank.

Supplementary question from Neil Warner-Baker:

The Canal and Rivers Trust still say that the issues they have raised have not been addressed. Have you reviewed the issues they have raised?

Supplementary reply from Councillor Michael Hardware:

I'm assured that they have been contacted.