

## Harlow Local Development Plan Examination

Andrew Bramidge  
Head of Environment and Planning  
Harlow Council  
Civic Centre



17 December 2019

Dear Mr Bramidge

### HARLOW LOCAL DEVELOPMENT PLAN (HLDP) EXAMINATION: MAIN MODIFICATIONS

Further to the hearings earlier in the year, our subsequent correspondence, the various statements of common ground (SOCG) with different bodies and further submissions from interested parties up to my deadline of 11 October, all of which are on the examination website, I am now able to write to you having given careful consideration to all the issues involved. I regret that there was an unavoidable four-week delay in sending this letter due to the general election.

I am satisfied that the plan can now progress to the next stage and am able to provide an outline of the Main Modifications to the plan which are required for soundness. None is fundamental to the strategy of the plan but there are a number of matters of importance which need to be addressed. Brief reasons are given in this letter to assist understanding but the detailed reasons for the Main Modifications will be set out in my final report.

Once the detailed wording of the Main Modifications has been finalised by me, these should be published for consultation. The Council is now invited to draw up a detailed schedule for my approval via the programme officer.

The starting point is the submitted plan. I have taken account of the Council's suggested 'schedule of modifications' (the SOM) but many of these are not necessary to ensure a sound plan and others will require rewording at the detailed schedule stage. However, unless a significant omission emerges the following is the definitive list of the Main Modifications which are required for soundness and thus a matter for me. Where specific wording has been provided there may be some flexibility provided the objective of the change to the plan is maintained. Any Additional Modifications prior to adoption are a matter for the Council but these cannot materially affect the policies of the plan and thus can only be of a minor or factual nature. There is no opportunity to make further policy changes to the plan or add additional policy requirements at this stage. Any Additional Modifications should be kept separate from the Main Modifications consultation process albeit perhaps published at the same time to give interested parties the complete picture.

Main Modifications are to the policies or explanatory text of the plan and its appendices. Main Modifications should be numbered MM1, MM2 etc and each may cover a policy together with related changes to associated text. Minor consequential changes may of course be necessary

throughout the document but these need not be listed separately in the schedule and are a matter for the Council.

The Policies Map is a geographic illustration of where the various policies in the HDLP apply, and certain amendments as set out below are necessary for the policies to be justified and effective. Where the Policies Map needs to be amended from that submitted with the HLDP, these changes should be published in an appendix to the Main Modifications and also form part of the consultation. These changes include deleted or added sites and amended boundaries and are indicated by an asterisk amongst the Main Modifications below.

#### OUTLINE CONCLUSIONS AND THE MAIN MODIFICATIONS REQUIRED:

I am satisfied that the preparation of the plan has met the duty to co-operate and other legal requirements except for the Habitats Regulation Assessment (HRA) which requires updating in relation to the Epping Forest SAC following the subsequent input of Natural England and the Main Modifications set out below. This relates to both recreational pressure and air quality impacts.

#### Chapters 1 to 6

Chapters 3 and 4, the Spatial Vision, Strategic Objectives and Spatial Development Strategy of the plan are sound. The key diagram on page 33 will require some consequential changes.

**MM1** Policy HGT1 and the explanatory text in Chapter 5, which set out the overall proposals for Harlow and Gilston Garden Town, require various amendments in the interests of effectiveness including those set out in the SOM.

However, Part 2 of the policy should begin 'As the focus of the Garden Town, Harlow Council will expect the design, development and phased delivery of each Garden Town Community to accord with all the following principles:' (To clarify the status of the policy for land outside the administrative boundary of Harlow).

Criterion 2 (k) should state 'Compliance with...specific parking standards...'

Criterion 2 (l) should state '...area, take full account of topography and landform, protect or enhance natural and historic landscapes...' Add at end 'The layout should respond to and extend where possible the existing network of green wedges and green fingers in the town.'

Criterion 2 (m) should be the Heritage England version

Add new criterion: 'Inclusion of any measures necessary to safeguard wildlife sites beyond the district boundary in accordance with Policy WEX' (see below)

Add final sentence as follows: 'Developers will be expected to make a fair and reasonable contribution to the strategic highway and other infrastructure requirements set out in the Infrastructure Delivery Plan.'

**MM2** Policy SD1 – amendment as per SOM.

#### Chapter 7 Housing Strategy and Growth Locations

The figure of 7,400 for Harlow's full objectively assessed need for housing between 2011-33 and the housing requirement figure of 9,200 dwellings for the same period are robust.

**MM3** Policy HS1 Add second paragraph: 'In view of the lead time for bringing forward the large housing sites east of Harlow, at New Hall and the hospital, this will be provided in accordance with a stepped trajectory of 361 dpa from April 2011 to March 2024 and 501 dpa from April 2024 to March 2033.'

Paragraph 7.6 and Figure 7.1. Amend as follows:

...To contribute to affordable housing need, the regeneration of the town and to help meet the wider needs of the housing market area, an additional 1,800 dwellings are proposed giving a total requirement for 9,200 dwellings during the plan period. As at 31 March 2019 2,462 dwellings had been completed and there were 4,697 dwelling commitments leaving a further requirement for 2,041 dwellings. Anticipated sources of supply are shown in Fig 7.1. The projected surplus over the requirement allows for flexibility, possible slippage of large sites and for some permissions to lapse.

Fig. 7.1 Dwelling supply

|                                       |        |
|---------------------------------------|--------|
| Completions at 31 March 2019          | 2,462  |
| Commitments at 31 March 2019          | 4,697  |
| Strategic Housing Site East of Harlow | 2,600  |
| HS2 Sites                             | 846    |
| Total supply                          | 10,605 |
| Surplus over 9,200 requirement        | 1,405  |

(To specify a stepped housing requirement due to the lead in time for large sites, make clear the plan's contribution to wider housing market area needs, to update the housing figures to 31 March 2019 and to take account of the HS2 site changes set out below)

Consequential changes to paragraph 7.24 including '...based on the 361 dpa requirement, 2,888 dwellings should have been completed by March 2019. However, there were 2,462 completions achieved during this period...' Refer to the housing delivery test as the trigger in future for the 20% buffer requirement.

Additional paragraphs required after 7.24 to explain the stepped housing requirement along the lines of the SOM

Consequential changes to the housing figures in paragraph 7.26

**MM4** Policy HS2 Housing Allocations. Amend as follows:

'In addition to the strategic housing site east of Harlow (Policy HS3), to meet the housing requirement...'

Ref 1. Princess Alexandra Hospital – amend capacity to 550 dwellings

Consequential changes to paragraphs 5.39 and 11.18 as per SOCG with the hospital

Ref 3. Land East of Katherines Way, west of Deer Park – delete housing site and reinstate as Green Wedge\*

(Prominent public open space alongside distributor road; performs Green Wedge function)

Ref 4. Staple Tye Mews, Staple Tye Depot and The Gateway Nursey – amend capacity to 30

Ref 5. South of Clifton Hatch – delete housing site\*

(Part of extensive public open space; acceptability for housing not clearly established)

Ref 7. Kingsmoor Recreation Centre – delete housing site\*

(Part of extensive public open space; acceptability for housing not clearly established)

Ref 9. Land east of 144-154 Fennells – delete housing site\*

Council to consider designation as a small additional area of Green Belt

(Integral with attractive open land to south; site boundary follows no physical features)

Ref 11. Land between Second Avenue and St Andrews Meadow – delete housing site and reinstate as Green Wedge\*

(Integral with Green Wedge to north; site boundary follows no physical features)

Ref 15. Playground west of 93-100 Jocelyns – delete housing site but do not reinstate as Green Wedge\*

(Informal open space within housing area; acceptability for housing not clearly established; however separated from Green Wedge to north west by tree belt so does not contribute to it)

Ref 18. Garage blocks adjacent to Nicholls Tower – amend boundary to exclude Oak Tree\*

Ref 20. Land between Barn Mead and Five Acres – delete housing site\*

(Public open space; acceptability for housing not clearly established)

Total Dwellings Allocated 846

Consequential changes to the housing figures in paragraphs 7.31 and 7.32

**MM5** Policy HS3 relating to the Strategic Housing Site East of Harlow and the explanatory text require various amendments in the interests of effectiveness including those set out in the SOM.

However or in addition:

Split criterion (a) to say: 'provide integrated, well planned and sustainable development that reflects the overarching design principles of the Harlow and Gilston Garden Town Vision and Design Guide;'

Add new criterion: 'include the provision of Green Wedges and Green Fingers incorporating public natural/semi-natural open space within the development to link with the existing network of green wedges and green fingers in the town;'

New criterion re heritage protection should be Heritage England version

Add new criterion: 'be designed sensitively to take full account of topography and landform'

Add new criterion: 'inclusion of any measures necessary to safeguard wildlife sites beyond the district boundary in accordance with Policy WEX' (see below)

The final sentence should say 'Developers will be expected to make a fair and reasonable contribution to the strategic highway and other infrastructure requirements set out in the infrastructure Delivery Plan.'

Add new paragraph after 7.43 as set out in the SOM to clarify the use of the secondary school site if not needed for that purpose.

### Chapters 8 to 11

**MM6** Policy ED2 and explanatory text to be clarified as set out in the SOM in the interests of effectiveness and to draw attention to the requirements of the Local Development Order for the enterprise zone at London Road.

Exclude Pearson building from protected employment land on Policies Map\*

## **MM7** Policy WE1 Strategic Green Infrastructure

Changes to Green Belt designation (compared to the submitted Policies Map)

Reinstate Green Belt designation to the following sites in document EX0003:

a.i, a.iii, bii, f.iv, g.ii, h.i\*

(exceptional circumstances test for their deletion not met)

Delete Green Belt designation from the following site - Land immediately to the south of Harold's Grove\* (exceptional circumstances due to proposed deletion of Green Belt land in Epping Forest district west of Harlow for a Garden Town community)

Consider Green Belt designation of Land east of 144-154 Fennells to define the boundary of the existing Green Belt more clearly using recognisable physical features\*

## **MM8** Changes to Green Wedge designation (compared to the submitted Policies Map)

Reinstate Green Wedge designation to Policy HS2 sites 3 and 11\*

Include site c.ii in document EX0003 in Green Wedge as well as site c.i\*

Consider designating as Green Wedge the open land along the western boundary of Gilden Park and the west-east linear park within the layout\*

Consequential changes to paragraph 10.8

Add new paragraph after 10.8 along these lines:

'In addition to the deletion of the strategic housing site East of Harlow from the Green Belt, further minor changes have been made to take account of the proposed Garden Town community in Epping Forest district west of Harlow, existing development, or to establish more clearly defined boundaries following physical features on the ground. These changes all meet the exceptional circumstances test set by national policy.' (to explain the changes made by the plan)

## **MM9** Policy WE2: amend title to 'Green Belts, Green Wedges and Green Fingers'

Amend policy as follows:

'Harlow is surrounded by Green Belt and has a network of Green Wedges and Green Fingers allocated on the Policies Map.

The roles of the Green Belt are to:

- check the unrestricted sprawl of large built-up areas;
- prevent neighbouring towns merging into one another;
- assist in safeguarding the countryside from development;
- preserve the setting and special character of historic towns, and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land;

The roles of the Green Wedges...

Other minor changes of wording as in the SOM

(For effectiveness in order to explain the role of the Green Belt as a fundamental part of the strategic green infrastructure network)

Figure 10.2 should be amended accordingly, headed 'Green Belts, Green Wedges and Green Fingers in Harlow' and should also show in hatching the land deleted from the Green Belt as a result of the plan

**MM10** Policy WE3 Biodiversity and Geodiversity

Amend policy to include the wording in the SOM for nationally designated wildlife sites and locally designated sites of wildlife value (for consistency with national policy and the hierarchy of ecological sites)

**MM11** Add new Policy WEX 'Safeguarding Wildlife Sites beyond the District Boundary'

'Development in the plan area, either alone or in combination with other plans or projects, may have an adverse effect on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of disturbance from recreational activities or air pollution from increased vehicle movements.

Where significant effects on the Epping Forest SAC alone or in combination are likely, a project level Habitats Regulation Assessment may be required.

Development may also have an adverse effect on Hatfield Forest Site of Special Scientific Interest (SSSI) as a result of disturbance from recreational activities.

In relation to Epping Forest and/or Hatfield Forest, development will be required if necessary to include avoidance or mitigation measures as set out in the respective Mitigation Strategies to be adopted by the Council which may include:

- (a) provision of informal greenspace for recreation within the application site
- (b) provision, or a contribution towards, suitable alternative natural greenspace off-site
- (c) the improvement of existing nearby recreational opportunities
- (d) financial contributions towards strategic access management measures in Epping Forest or Hatfield Forest as appropriate
- (e) financial contributions or other measures to improve air quality in Epping Forest
- (f) monitoring of the impacts of new development on these wildlife sites to inform the refinement of any necessary mitigation requirements'

Add new explanatory text paragraphs as follows:

'Whilst there are no European designated sites within the district boundary, there are three which are located within sufficient proximity that there could be impact pathways arising from development in the local plan local plan such that the integrity of the sites could be affected. However, of these the habitats regulation assessment produced in support of the plan demonstrates that only in the case of Epping Forest SAC is an adverse effect likely unless satisfactory mitigation is put in place. Adverse effects may arise due to disturbance from recreational activities as a result of the additional population in the area and air pollution from additional vehicle movements through the forest. In addition, adverse effects may arise in the case of Hatfield Forest, a nationally designated SSSI, due to disturbance from recreational activities.

The latest visitor surveys demonstrate that 75% of visitors to Epping Forest arise from within 6.2 km of its boundary which can be considered the core recreational catchment area or 'zone of influence'. This only involves a small part of the south of the district. In the case of Hatfield Forest, however, the catchment area extends to 14.6 km, which includes the whole of the district and all four proposed garden town communities.

In order to avoid potentially adverse effects on these two sites due to recreational pressure from new residents, the Councils concerned are working with Natural England and the site owners to develop suitable mitigation strategies which will be adopted as supplementary planning guidance in due course. If necessary, new development in the district will be expected to include or provide the avoidance and/or mitigation measures set out in these strategies which will be updated from time to time to take account of new scientific evidence or monitoring information. In the case of the large housing site East of Harlow, which lies just outside the zone of influence of Epping Forest SAC but well within that of Hatfield Forest SSSI, strategic green infrastructure will be required within the development to maximise its self-sufficiency for informal recreation and this may meet the necessary requirements.

In terms of air quality, it is estimated that 99% of all additional vehicle movements through Epping Forest SAC during the plan period will arise from growth in Epping Forest district rather than the neighbouring authorities including Harlow. Natural England agree that growth in Harlow district will have a small or negligible effect, that a 'zone of influence' must be identified for practical purposes and in this instance it would be reasonable for air quality mitigation measures to be the responsibility of Epping Forest district. Nevertheless, in case the position changes in future, criterion (d) is included in Policy WEX above.'

(to ensure any necessary mitigation measures are put in place to avoid any adverse effects on the integrity of Epping Forest SAC or Hatfield Forest SSSI)

**MM12** Policy WE4 - amendment as per SOM

**MM13** Policy SIR1 - amendment as per SOM

Revise route of indicative sustainable transport corridors on Policies Map\*

**MM14** Policy SIR 2 – add Cambridge Road to list of gateways as per SOM

#### Development Management Policies

**MM15** Policy PL1 – amendment as per SOM

**MM16** Policy PL3 and explanatory text – amendments as per SOM

**MM17** Add new Policy PLX *before* PL4 'Development in the Green Belt'

Wording in the SOM may need amendment to ensure consistency with the National Planning Policy Framework. Add explanatory paragraphs.

**MM18** Policy PL4 – amendment along the lines of the SOM

**MM19** Policy PL8 – amendment as per SOM

**MM20** Policy PL9 – amendment as per SOM

**MM21** Policy PL10 – amendment as per SOM

**MM22** Policy PL11 – amendment as per SOM

**MM23** Policy H3 – Add at end 'The effectiveness of this policy and the one in five restriction should be reviewed two years after the adoption of this plan.'

**MM24** Policy H5 – amendment along the lines of the SOM but

(b) to state: 'in major residential development, a suitable proportion of Building Regulations Part M4(3) standard dwellings for wheelchair users should be provided based on the latest Strategic Housing Market Assessment (SHMA) or other appropriate evidence....'

Add at end: 'Only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy will new development be exempt from these requirements.'

Add explanatory paragraphs as per SOM

**MM25** Policy H6 – amendment as per SOM

**MM26** Policy H8 – amendments as per SOM

**MM27** Policy H9 – amend as follows:

'Major housing sites of greater than 50 dwellings must include the provision of fully serviced plots for self or custom build housing within each phase to ensure as far as possible the continuous availability of such plots throughout the development.

The number of such plots is to be negotiated on a phase by phase basis given the evidence of the self-build register at the time. The arrangements to secure these plots as part of the planning permission and for their marketing to prospective purchasers are also to be agreed with the Council.

Retain second paragraph - Development of the serviced plots....

Only where circumstances exist where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy will new development be exempt from this requirement.

The provision of such plots on sites of less than 50 dwellings will also be encouraged.'

(to be both justified and effective)

**MM28** Policy L3 – add SOM paragraph to ensure viability is considered

**MM29** Add new Policy L4 supporting Health and Wellbeing with supporting text along the lines set out in the SOM (consistency with national policy)

**MM30** Policy IN1 – amendments as per SOM but say 'Major development proposals should investigate ways to reduce the use of the car...'

**MM31** Policy IN2 – amend (a) to say 'it would not cause a severe residual cumulative impact on highway congestion and movement;'

**MM32** Policy IN4 – clarification as per SOM

**MM33** Policy IN6 – amendments re viability assessments as per SOM

**MM34** Revised Appendix 1

**MM35** Revised Appendix 2

Although the Council is not invited to make representations on the contents of this letter, if there are any omissions, inconsistencies or ambiguities any requests for clarification should be made through the programme officer. Representations from interested parties are not invited at this stage.

Please submit a draft schedule of Main Modifications and an appendix of amendments to the Policies Map via the programme officer for the Inspector's consideration and final approval prior to commencing public consultation. It would also be helpful for the schedule of Additional Modifications to be submitted to the Inspector to check there is no conflict with the Main Modifications.

As you are aware the Main Modifications will need to be subject to Sustainability Appraisal and the Habitats Regulations Assessment should either be updated or an addendum produced to take them into account. These documents should be published alongside the Main Modifications in due course for the assistance of consultees.

A copy of this letter should be placed on the examination website.

Yours sincerely

*David Reed*

INSPECTOR