

REPORT TO: CABINET

DATE: 27 FEBRUARY 2020

TITLE: LOCAL DEVELOPMENT PLAN – MODIFICATIONS
PRIOR TO CONSULTATION

PORTFOLIO HOLDER: COUNCILLOR DANNY PURTON, PORTFOLIO
HOLDER FOR ENVIRONMENT

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This is a Key Decision
It is on the Forward Plan as Decision Number I010207
Call-in Procedures may apply
This decision will affect all wards.

RECOMMENDED that Cabinet:

- A** Approves the proposed Main Modifications to the Harlow Local Development Plan and the amendments to the Policies Map, as set out in Appendix B, C and D to the report, and provides authority that these now be subject to formal public consultation.
- B** Delegates authority to the Head of Environment and Planning, in consultation with the Portfolio Holder for Environment and the Chair of the Local Development Plan Panel, to forward any responses received to the consultation to the Planning Inspectorate.
- C** Note the updated Local Development Scheme, as set out in Appendix E to the report, and approve it for publication.

REASON FOR DECISION

- A** The Council is required to undertake public consultation on any proposed modifications to the Harlow Local Development Plan to ensure that it is legally compliant and sound. Cabinet authority is therefore requested to undertake this now that the Planning Inspector has issued his Main Modifications.

BACKGROUND

1. The Council has prepared the Harlow Local Development Plan to shape and manage growth in the district to 2033, in accordance with the statutory obligations placed on the Council, as Local Planning Authority, by the Government. As part of the formal examination process of the plan, the public hearing sessions, took place between 28 March 2019 and the 4 April 2019. Following subsequent correspondence with the Inspector over the intervening period, the submission of various statements of common ground and further submissions from interested parties, he wrote to the Council on the 17 December 2019, as set out in Appendix A to the report, to advise that he was satisfied that the plan can progress to the next stage, the publication of his Main Modifications.

ISSUES/PROPOSALS

2. The Main Modifications are required by virtue of Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) which requires the Inspector to recommend modifications he considers necessary to make the plan sound and legally compliant.
3. Since December he has now confirmed that the Main Modifications on elements of the plan, that he considers are required to ensure soundness of the plan, can be published. The final Main Modifications (as set out in Appendix B to the report) have, therefore, been prepared by Officers, following discussion with the Inspector, together with a schedule of amendments to the Policies Map (as set out in Appendix C to the report) to ensure consistency with the details set out in the local plan document. He has also taken into account a schedule of additional minor modifications that has been suggested by the Council, to ensure consistency with the wording contained in the local plans being prepared in neighbouring districts and who form part of the Harlow and Gilston Garden Town, as set out in Appendix D to the report.
4. The proposed Main Modifications have also been subject to updated Sustainability Appraisal (attached as Appendix F to the report) and to Habitats Regulation Assessment (attached as Appendix G to the report) and no adverse effects arising from these modifications have been identified.
5. It is stressed that the Main Modifications are those proposed by the Inspector, and the Planning and Compulsory Purchase Act makes clear that the Local Plan should not be adopted unless these have been made. The Council is, however, obliged to undertake formal public consultation on his behalf on these modifications, for a period of six weeks. Subject to Cabinet agreement, it is expected the consultation will commence in early March 2020.
6. According to the Planning Inspectorate's Procedure Guide for Local Plan Examinations, the scope and duration of the Main Modifications consultation should reflect the Regulation 19 consultation. As such, and in accordance with the Council's Statement of Community Involvement, the consultation period will

be six weeks (plus two working days to allow for the Easter Bank Holidays). All people who are on the Local Plan database, and have indicated they wish to receive updates, will be notified. Certain organisations, such as the Environment Agency, are always notified of Forward Planning consultations. A press notice will also be published in the local newspaper. Respondents will have the option of commenting by using the Council's online consultation portal, by emailing or by writing to us. As with the Regulation 19 consultation, all relevant documents – including the Modifications Schedules – will be made available on the Council's website, in Harlow libraries and in the Civic Centre reception. The existence of the consultation process will also be advertised through the Council's social media channels.

7. At the expiration of the consultation period any representations received by the Council will be forwarded to the Inspector for his consideration and if no substantive matters are raised that would cause him to reopen the hearing sessions, it is anticipated that he would issue his final report in early summer 2020. This timetable, however, is entirely dependent upon when the Inspector publishing his final report.
8. Once his report is received it will be considered by Cabinet and referred to Council with a resolution that the Harlow Local Development Plan is adopted as the statutory development plan for the district. It is acknowledged, however, that following the resolution to adopt, there would be a six week challenge period to the courts for persons felt aggrieved by the decision, by virtue of Section 113 of the Planning and Compulsory Purchase Act 2004.
9. As the plan making process has progressed further there is a need to update and publish the Local Development Scheme (LDS), as required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This sets out the various Development Plan Documents for Harlow, including the Harlow Local Development Plan and the Harlow Area Action Plan, together with related supporting documents. Cabinet is asked to note the revised LDS so that it can be published, as set out in Appendix E to the report.

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

Adoption of the Council's Local Plan will guide decision making in relation to delivery of housing sites, priorities, as well as any changes that may be required to associated housing and planning processes.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

The Local Development Plan provides the basis and confidence for future regeneration, economic and housing growth, enabling greater opportunity for increased prosperity and community wellbeing.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The statutory framework for the examination of the Local Plan is set out in the Planning and Compulsory Purchase Act 2004, the Act sets out the stages that the Council must go through in order to adopt the Local Plan.

The Act requires that when the Local Plan is submitted to the Inspector, the Inspector must be satisfied that the plan is legally compliant and is sound. The Council's Local Plan has been subjected to examination, with the Inspector writing to the Council with a number of requests which the Council has implemented, as set out in the body of the report.

The Town and Country Planning (Local Planning) (England) Regulations 2012 require the Council to publish and invite representation from the public in respect of the proposed main modifications to the Local Plan when received.

The Council by undertaking a formal consultation process will enable the Council to how compliance with the statutory duties above, and reduce the risk of challenge to its decision making process.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Inspector's Letter dated 17 December 2019

Appendix B – Schedule of Main Modifications

Appendix C – Amendments to the Policies Map

Appendix D – Schedule of Minor Additional Modifications

Appendix E – Local Development Scheme

Appendix F – Sustainability Appraisal

Appendix G – Habitats Regulation Assessment

Background Papers

None.

Glossary of terms/abbreviations used

LDS – Local Development Scheme