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# Report to Harlow Council

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**an Inspector appointed by the Secretary of State**  
**Date 5 November 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Harlow Local Development Plan**

The Plan was submitted for examination on 19 October 2018

The examination hearings were held between 28-29 March and 2-4 April 2019

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## Abbreviations used in this report

DtC	Duty to Co-operate
DC	District Council
Dpa	dwellings per annum
FEMA	Functional Economic Market Area
Herts	Hertfordshire
HLDP/the plan	Harlow Local Development Plan
HMA	Housing Market Area
HMO	House in Multiple Occupation
HRA	Habitats Regulations Assessment
MM	Main Modification
MoU	Memorandum of Understanding
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
2004 Act	Planning & Compulsory Purchase Act 2004 (as amended)
2006 Local Plan	Replacement Harlow Local Plan 2006

## **Non-Technical Summary**

This report concludes that the Harlow Local Development Plan provides an appropriate basis for the planning of the district provided that a number of main modifications [MMs] are made to it. Harlow Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

All the MMs concern matters that were discussed at the examination hearings or in writing and were published for public consultation during a ten-week period from 12 March to 31 May 2020. The Council carried out sustainability appraisal (SA) of the MMs and an update to the Habitats Regulation Assessment (HRA) was also prepared. I have recommended the inclusion of the MMs in the Plan after considering all the representations made in response to consultation on them, the SA and HRA update. A small number of changes to the MMs were made as a result of this process. Subsequently a specific consultation on housing need was carried out from 9 to 25 September 2020 which informed a further change to MM2.

The Main Modifications can be summarised as follows:

- An adjustment to the objectively assessed need for housing;
- Clarification of the housing requirement, inclusion of a stepped trajectory and updated housing land supply figures;
- Non-strategic amendments to the land to be deleted from the Green Belt, and one addition;
- Amendments to the policy framework for the Harlow & Gilston Garden Town as a whole and the strategic site east of Harlow;
- Deletion of some non-strategic housing sites;
- Clarification of the employment land policies;
- Amendments to Green Wedge and Green Finger designation and the policies which apply to them;
- New policies protecting the Green Belt and safeguarding wildlife sites outside the district;
- Clarification of the permissible uses on allocated employment land and an amendment to the area safeguarded for employment use; and
- Amendments to development management policies and a new policy relating to health and wellbeing.

## Introduction

1. This report contains my assessment of the Harlow Local Development Plan (HLDP/the plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 as amended (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) makes clear in paragraph 182 that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The NPPF was revised in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The HLDP submitted in October 2018 is the basis for my examination. This is the same as the 'Pre-Submission Publication' document published for consultation in May 2018.
4. On adoption the HLDP will supercede the Replacement Harlow Local Plan which was adopted in 2006 (the 2006 Local Plan).

## Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings or in writing, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
6. Following the examination hearings the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule was subject to public consultation for ten weeks from 12 March to 31 May 2020. The consultation was accompanied by the SA report and an update to the Habitats Regulation Assessment (HRA). I have taken account of the consultation responses together with the updated SA and HRA in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

7. As explained in paragraph 35 below, a further period of consultation on the September 2020 housing need report was carried out over two weeks from 9 to 25 September 2020. Nine responses were received which have been taken into account in reaching a conclusion on objectively assessed need, as a result of which the figure in the submitted plan has been amended by a revision to **MM2**. However, this does not affect the housing requirement in the submitted plan.

### **Policies Map**

8. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map is the same as the 'Pre-Submission Publication Policies Map' published in May 2018.
9. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are justified. These further changes to the policies map were published for consultation alongside the MMs in the document 'Schedule of Amendments to Policies Map'.
10. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the 'Pre-Submission Publication Policies Map' together with the further changes published alongside the MMs in the 'Schedule of Amendments to Policies Map'. Following consultation one amendment has been made to these changes as described in paragraph 52 below.

## **Public Sector Equality Duty**

11. Throughout the examination I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of traveller sites to meet need and accessible and adaptable housing.

## **Assessment of the Duty to Co-operate**

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with the duty to co-operate (DtC) imposed on it by section 33A in respect of the plan's preparation. The Council is obliged to co-operate with relevant local authorities and other prescribed bodies in relation to cross boundary strategic matters in order to maximise the effectiveness of the plan.
13. The Council prepared a DtC Compliance Statement which set out the local authorities where the duty most directly applies and other prescribed bodies with whom it has worked to prepare the plan. The statement describes the on-going engagement and liaison that was undertaken to prepare the plan and includes four memoranda of understanding (MoU) which have been entered into to ensure strategic issues are addressed. In addition, a series of Statements of Common Ground (SOCG) confirm the level of co-operation that has been involved and demonstrate there are no significant areas of dispute.
14. Harlow is a former New Town with tight administrative boundaries but offers an important opportunity for strategic growth in a key location on the M11 corridor between London, Stansted Airport and Cambridge. This makes co-operation with other bodies particularly important and led to the establishment of the Co-operation for Sustainable Development Board in 2014 including authorities in the East Hertfordshire (Herts)/West Essex/North London area. Within this wider framework for co-operation, Harlow Council, East Herts District Council (DC), Epping Forest DC and Uttlesford DC, which together form the East Herts and West Essex strategic housing and functional economic market areas, have collaborated on a series of joint studies. Following agreement on major expansion around Harlow, the joint Harlow and Gilston Garden Town Board involving Harlow, East Herts and Epping Forest Councils together with other relevant bodies has been established to co-ordinate and oversee delivery.
15. During preparation of the HLDP, four main strategic matters have required co-operation, namely identifying and addressing the housing and economic needs of the East Herts/West Essex area, establishing and co-ordinating transport and other infrastructure needs, and managing the impacts of growth on the Epping Forest Special Area of Conservation (SAC).
16. In relation to housing and the economy Harlow Council, East Herts DC, Epping Forest DC and Uttlesford DC have prepared a series of Strategic Housing Market Assessments and an Assessment of Employment Needs to identify the objectively assessed needs for housing and employment and have jointly commissioned studies to assess the sustainability of potential spatial options. This work culminated in an agreed distribution of development between the four districts to be delivered through the individual local plans of each Council.

17. To assess the impact of this growth on transport, modelling led by Essex County Council demonstrated the need to deliver a range of strategic highway improvements and other measures. The MoU between the District and County Councils and Highways England, which will be kept under review, identifies the necessary schemes and commits Harlow Council and the other signatories to work together over the plan period to deliver them. Other infrastructure needs are being addressed through the joint Harlow and Gilston Garden Town Infrastructure Delivery Plan.
18. From the outset, the potential for growth in the Harlow area to adversely affect Epping Forest SAC was identified as a strategic issue that required joint working between the District and County Councils, Natural England and the Conservators of Epping Forest. In this case the MoU includes agreement to gather evidence to understand the issues and a commitment to prepare and implement joint strategies to avoid any adverse effects on the SAC.
19. I am therefore satisfied that, overall and where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

20. The HLDP has been prepared in accordance with the Council's Local Development Scheme.
21. The HLDP has been prepared over a lengthy period, with an Issues and Options consultation at the end of 2010, Emerging Strategy consultation in 2014 and Development Management Policies consultation in 2017 prior to consultation on the Pre-Submission plan in May 2018. Whilst this staged approach may have been difficult to follow for some, and there was some criticism of the extent of consultation at the hearings, on the basis of the Council's comprehensive Regulation 22 Consultation Statement I am satisfied that adequate consultation on the HLDP and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
22. SA has been carried out throughout the preparation of the HLDP, including an update at the MM stage, and is adequate. This included an initial informal appraisal of the spatial options at the housing market area (HMA) level before agreement was reached on the distribution of housing between the individual districts.
23. The HRA dated March 2019 (including both screening and appropriate assessment stages) concludes that, in combination with other plans and projects, the HLDP will not adversely affect the integrity of either the Wormley-Hoddesdonpark Woods SAC or the Lee Valley Special Protection Area/Ramsar Site. In relation to the Epping Forest SAC the HRA concludes that increased recreational pressure from additional housing within the visitor catchment area (which includes a small part of the district) may affect its integrity without mitigation. Natural England is working with the relevant parties to draw up a suitable mitigation strategy and a new policy in the HLDP (Policy WE3a, see issue 5) will ensure proposals within the district include the necessary measures. The HRA also concludes that the increase in air pollution from traffic movements arising from the HLDP would be negligible and Natural

England accepts that in these circumstances it would not be reasonable to require mitigation. The HRA update at MM stage confirms that the plan would be strengthened by the new policy. With the policy safeguards in the modified plan I am satisfied that the HLDP, in combination with other plans and projects, will not adversely affect any European sites and the requirements of the Conservation of Habitats and Species Regulations 2017 are met.

24. The Development Plan taken as a whole, incorporating the HLDP, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
25. The plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular Policy IN1 promotes sustainable transport modes and Policy PL3 as proposed to be modified would support development well above the minimum standards required by the building regulations for the conservation of fuel and power. Overall the plan meets the statutory objective in Section 19 (1A) of the 2004 Act.
26. The HLDP complies with all relevant legal requirements, including the 2004 Act and the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## Assessment of Soundness

### Background

27. The purpose of the HLDP is to set out a long-term vision for the development of Harlow, a first-generation New Town developed from 1947 to a distinctive masterplan involving a series of neighbourhoods, dissected by green wedges, focussed around the town centre. Whilst this initial vision proved successful in many ways, the town now faces significant challenges to enhance the range of employment, housing, retail and other facilities, improve the skills of residents and provide the necessary infrastructure to regenerate the economic prospects of the town and make it an attractive place to live, work and visit. The HLDP aims to achieve this by providing the framework for delivering a new vision for the district as the core of a larger Harlow and Gilston Garden Town.
28. Some of the policies in the HLDP are affected by changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into effect on 1 September 2020. These changes were announced very late in the examination process and full consideration of their implications would significantly delay adoption of the plan. Whilst the implementation of some policies will be affected, they do not prevent the new regulations taking effect as intended. In the circumstances the Council consider these changes should be addressed through a review of the plan rather than causing any further delay and I agree with this approach.

### Main Issues

29. Taking account of all the representations, written evidence and the discussion that took place at the examination hearings I have identified six main issues upon which the soundness of the plan depends. Under these headings my report deals with these main issues but it does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan as many do not raise any soundness concerns.

### **Issue 1 – Whether the plan is justified, positively prepared and consistent with national policy in relation to the overall provision of housing**

#### *Objectively assessed needs for housing*

30. West Essex/East Herts represents the most appropriate Housing Market Area (HMA) to establish local housing needs and to inform the preparation of the plan. The four constituent authorities of Harlow, Epping Forest, East Hertfordshire and Uttlesford undertook a series of studies culminating in the Strategic Housing Market Assessment (SHMA) published in July 2017. Using the 2014 based household projections as the starting point, this identified an Objectively Assessed Need (OAN) for 51,700 dwellings in the HMA over the plan period 2011-33 and within this figure 7,400 for Harlow district.
31. The use of a ten-year migration trend in the 2017 SHMA rather than the five-year trend included in the official 2014 projections is justified in this instance. There is robust evidence that in-migration into the HMA in the short period between 2012-15 was exceptionally high after which it returned to the earlier more consistent level seen from 2005 onwards. In the absence of any clear

explanation for the increase and particularly the fact it was not sustained it is more credible to use the longer-term 10 year rolling average.

32. Adjustment of the migration trend in this way results in an estimated need for 45,500 dwellings in the HMA over the plan period, to which an uplift of 14% was applied, a further 6,200 dwellings, to reflect market signals. Affordability of housing in relation to incomes has deteriorated significantly since 2009. Whilst a 20% uplift is justified in some areas a 14% uplift in this SHMA would assist affordability significantly, allow continued in-migration and enable household formation rates for those aged under 35 to be no lower than in 2001 after which rates declined. This level of uplift would also be sufficient to match the resident workforce with the projected increase in jobs.
33. Therefore, using the 2014 projections as the starting point, the full OAN figure of 51,700 dwellings for the HMA and 7,400 for Harlow would be justified given the evidence and consistent with the conclusions of the East Herts District Plan examination in 2018. However, the PPG advises that local needs assessments should be informed by the latest available information. Since the 2017 SHMA two further sets of household projections have been published, 2016 based and 2018 based, so these also need to be considered in finalising the OAN.
34. The 2016 based household projections, which were available at the time of the examination hearings, indicated nearly 4,500 fewer households across the HMA by the end of the plan period but this was the result of the recent reduction in household formation rates among the young reflecting a lack of affordability. Using the 2016 based projections with longer term household formation rates results in just 600 fewer households compared to the 2017 SHMA which would not warrant any adjustment to the OAN.
35. However, the 2018 based household projections were published on 29 June 2020 and these indicate overall growth of 32,529 households for the HMA over the plan period, much lower than the 2016 based figure of 40,213 and the 2014 based figure which was 50,697. To determine how this latest projection might affect the OAN, the Councils prepared a further report, the September 2020 update, which was circulated to examination participants for any representations over a two week period.
36. The 2018 based projections include both lower birth rates and higher death rates than previously envisaged leading to a lower increase in households. There is no reason to adjust these assumptions. However, the two year migration trend used significantly underplays longer term migration patterns and as before use of the ten year average is more credible, increasing the household growth projection from 32,529 to 37,320. In addition, past under-delivery of housing has suppressed household formation since the 2001 census and an adjustment of 4,669 households is justified to allow restoration of previous household formation rates. Finally, an uplift in response to market signals of 12% is justified (2% less than the 2017 SHMA to avoid double counting of suppressed households). Converting the resulting projection into the need for new housing by applying a reasonable vacancy rate gives an OAN of 48,915 dwellings over the plan period for the HMA as a whole and, using the same methodology, 6,820 dwellings for Harlow.

37. The 2020 update figure for Harlow is thus rather less than the 7,400 dwellings identified by the 2017 SHMA. However, this results from a robust analysis of the latest available information and was not seriously disputed by consultation responses. Although, as explained below, this reduction does not warrant any change in the housing requirement proposed in the HLDP, the plan should include an OAN estimate that is justified in the light of an up to date analysis. **MM2** has therefore been amended to provide explanation and incorporate the new figures into the explanatory text.

*The housing requirement for Harlow*

38. Policy HS1 of the HLDP as submitted sets the housing requirement for the plan period at 9,200 dwellings or 418 dwellings per annum (dpa), 1,800 more than the OAN of 7,400 dwellings identified at the time. Although the 2020 update now establishes that the OAN is 6,820 dwellings, it is not proposed to reduce the housing requirement, thus increasing the additional provision to 2,380 dwellings. As the plan explains, extra dwellings are required to assist in the delivery of more affordable housing and to support the regeneration of the town. However, this additional housing would also help to meet the housing needs of the wider HMA, particularly those of Epping Forest district which is largely subject to Green Belt designation. This is an important part of the justification of the plan and **MM2** is therefore necessary to make this clear in paragraphs 7.6 and 7.23 and to ensure the plan is positively prepared.
39. The 2017 SHMA and 2020 update provide separate OAN figures for the four districts in the HMA, but the most sustainable distribution for housing within the West Essex/East Herts area is to focus development in and around Harlow. The MoU agreed in March 2017 between the Councils sets out the preferred spatial option for the HMA overall and this includes at least 9,200 dwellings within the Harlow district boundary. This preferred location for major housing development within the HMA remains appropriate notwithstanding the reduction in the OAN for Harlow.
40. The sites identified as suitable for housing within the district include a large strategic site east of Harlow, land at Princess Alexandra Hospital and further development at Newhall. However, the lead time to bring forward these sites, particularly the site east of Harlow, means a stepped requirement for the 9,200 dwellings is both necessary and justified. On this basis 361 dwellings should be provided each year in the period 2011-24 and 501 dpa between 2024-33. **MM2** amends Policy HS1 accordingly.

*Housing land supply*

41. Using the latest available information as at March 2019, there were 2,463 dwelling completions since the start of the plan period and extant planning permission for a further 4,723 dwellings. The indicative masterplan for the strategic site east of Harlow (see issue 3) with reasonable density assumptions shows that the site has a realistic capacity for 2,600 dwellings within the district and the other housing sites identified under Policy HS2 (see issue 4) have capacity for a further 834 dwellings. Housing land supply is thus 10,620 dwellings over the full plan period, comfortably in excess of the requirement of 9,200 dwellings. Recently many completions have resulted from conversions of office buildings under permitted development rights. The projected surplus

allows for flexibility, the possible slippage of large sites and some small sites not coming forward. To ensure justified figures are included in the plan, **MM2** updates the table in Figure 7.1 and **MM35** updates Appendix 2, the currently anticipated housing trajectory.

42. The five-year housing land supply position as at March 2019, using the Sedgefield method to deal with past under-delivery and taking account of the stepped requirement, is 6.0 years supply. With a persistent shortfall of 425 completions having built up over the plan period to 2019, the requirement for the 2019-24 period including a 20% buffer is 2,676 dwellings. The projected supply during the five-year period is 3,229 dwellings including 2,981 dwellings from 24 sites with planning permission and 248 dwellings from the new allocations made in this plan. As a planned new town relatively few windfall sites come forward so no allowance is made for these and with most of the committed sites already under construction there is no need to apply a lapse rate in this case. To ensure justified figures are included in the plan, **MM34** updates Appendix 1 which sets out the calculation.
43. In conclusion, subject to **MM2**, **MM34** and **MM35**, the HLDP is justified, positively prepared and consistent with national policy in relation to the overall provision for housing.

## **Issue 2 - Whether exceptional circumstances have been demonstrated to justify altering the Green Belt to meet the need for housing and ensure a robust long-term boundary**

### *Background to Issues 2 and 3*

44. The strategy for significant growth in and around Harlow was first developed through the East of England Plan 2008 which in Policy HA1 proposed the renaissance of the new town as a major regional housing growth point, town centre and employment location. This included regeneration of the existing town together with urban extensions to the north and east and on a smaller scale to the south and west. The policy stated that the Green Belt around the town was to be reviewed to accommodate these urban extensions.
45. Whilst the East of England Plan was subsequently revoked, the proposal has been pursued with joint strategic spatial option and site assessment studies concluding there are suitable sites in and around Harlow to accommodate about 16,100 dwellings of the overall SHMA requirement providing sustainable travel and other infrastructure is put in place. This figure and its distribution between the districts was confirmed in the MoU of March 2017. It includes renewal and redevelopment within the town together with a strategic site east of Harlow for about 3,350 dwellings (split between Harlow and Epping Forest districts), two other strategic sites south and west of the town within Epping Forest district to accommodate about 1,050 and 2,100 dwellings respectively and major developments comprising about 10,000 dwellings in the long term in the Gilston area to the north of Harlow in East Hertfordshire district. These linked proposals, to be planned comprehensively as the Harlow and Gilston Garden Town, are now included in the Councils' local plans.
46. The evidence supporting the major expansion of Harlow, assembled now over many years, is both comprehensive and robust. There is a proven need for significant additional housing within the West Essex/East Herts HMA, and in

this area Harlow with its services, facilities and existing sub-regional role is the most sustainable location for growth. With suitable investment in sustainable transport, the travel needs of the new development can be accommodated. The strategic location of the town on the M11, its place in the Cambridge-Stansted-London economic corridor, the need to regenerate the post-war new town and its own growth aspirations also justify the expansion proposals.

*Alterations to the Green Belt*

47. It follows from the above arguments that there are strong reasons to alter the Green Belt boundaries which currently tightly encircle the town. Whilst there are some settlements beyond the Green Belt within East Hertfordshire and Uttlesford districts which form part of the HMA, these are less sustainable locations for the major development which is needed as evidenced by the SA carried out at HMA level. As a planned new town there are only limited opportunities within Harlow for the development of brownfield or vacant sites (the few that have been identified are allocated under Policy HS2) and the extensive network of Green Wedges are fundamental to the character and environment of the town which fully justifies their ongoing protection.
48. Within the HLDP the main proposal is to delete Green Belt designation from the land east of Churchgate Street and Newhall as far as the M11 motorway to allow for the east of Harlow strategic housing site. The Council's Green Belt Review published in May 2016 concluded that this area only makes a limited contribution to the purposes of the Green Belt by safeguarding the countryside around the town from encroachment, and the M11 would provide a definitive long-term boundary in this respect. Harlow is a modern planned town rather than historic in character or an unrestricted sprawl, and the area concerned does not prevent neighbouring towns merging into one another. In this case, release of the site would assist in regenerating the town by encouraging more investment in accordance with the Garden Town strategy.
49. There are complementary proposals in the Epping Forest District Local Plan, currently under examination, to delete Green Belt designation from further land east of Harlow to the north of Moor Hall Road, also from the land where the Latton Priory and Water Lane strategic housing sites are proposed south and west of the town. The Water Lane proposal justifies deletion of the Green Belt within Harlow district from the amenity land west of Brookside/Broadley Road and Harolds Grove as these areas would be cut off from the wider Green Belt by the strategic site. The deletion of Harolds Grove was omitted from the submitted HLDP policies map but this is now proposed by the Council.
50. For these reasons there are exceptional circumstances to justify deletion of Green Belt designation from the land east of Churchgate Street/Newhall, west of Brookside/Broadley Road and Harolds Grove in order to allow strategic housing development. This is consistent with the deletion of Green Belt designation from land in the Gilston area north of the town which has already been endorsed by the examination of the East Herts District Plan.
51. In addition to the alterations to allow for strategic housing sites around the town, the HLDP proposes a number of other adjustments to the boundaries of the Green Belt following the Green Belt Review dated May 2016. Two of these, the deletion of small areas east of Markwell Wood and north of Harlow

Common, would substitute physical features for arbitrary boundaries nearby and have no practical implications. The third, deletion of the Hanns caravan storage compound and related buildings recognises the development of the site and substitutes a strong physical boundary for the long term. These three minor boundary changes therefore meet the exceptional circumstances test. In the case of the area east of Markwell Wood the site should be re-designated as part of the Green Wedge to the north.

52. As submitted, the HLDP proposes a series of other deletions from the Green Belt on the periphery of the town, in some cases to re-designate these as Green Wedges or Green Fingers. However, the NPPF emphasises the permanence of the Green Belt once designated and its deletion without exceptional circumstances is not justified. Amendments to the policies map are therefore necessary to retain Green Belt designation on land north of Elizabeth Way, the lakes south of Greenway, the landscaping strip along the M11 east of Church Langley, land north of Gilden Park and the woodland strip alongside the River Stort. Following consultation, the area retained south of Greenway should exclude the small parcel surrounded by development on three sides south of the Business Centre as this built up setting comprises exceptional circumstances that justify its deletion.
53. Whilst some inappropriate development has been permitted in the Green Belt north of Gilden Park including sports facilities, earthworks and allotments due to some loss of openness, the need for ancillary development to facilitate the new housing estate amounted to very special circumstances. This does not however justify the deletion of the area from the Green Belt as much of its essential openness will still be retained.
54. Following the deletion of the housing allocation east of 144-154 Fennells (see issue 4) there are exceptional circumstances which justify adding the small site to the Green Belt to ensure the designation follows clear physical features on the ground in the interests of a robust long term boundary. A proposed change to the policies map therefore includes the site within the designation to ensure a justified boundary.
55. In conclusion, subject to the explanatory paragraph inserted by **MM6** and the related amendments to the policies map proposed by the Council, exceptional circumstances as required by the NPPF have been demonstrated to justify altering the Green Belt to meet the need for housing and ensure a robust long-term boundary.

### **Issue 3 - Whether the policy framework for the Harlow & Gilston Garden Town as a whole and the strategic site east of Harlow is justified and effective**

#### *Policy framework for the Harlow and Gilston Garden Town*

56. As explained in paragraphs 44-46 above, the strategy for substantial strategic growth in and around Harlow has been developed over a lengthy period with a series of joint studies confirming the potential of the area. These included the Harlow Area Study in 2005, Generating and Appraising Spatial Options for the Harlow Area in 2010 and Harlow Strategic Site Assessment in 2016 which informed the areas for expansion which are now proposed. Supporting studies

undertaken include a Landscape and Environment Study, Green Infrastructure Plan and Essex County Council transport modelling.

57. The vision for Harlow's growth now agreed between Harlow Council, Epping Forest DC and East Herts DC, together with Essex and Herts County Councils, is thus for the integrated and co-ordinated development of an expanded Harlow and Gilston Garden Town. This would comprise complementary new garden town communities to the north, east, south and west of the town linked to and focussed around the existing services and facilities of Harlow, including its town centre, transport nodes, industrial and employment areas, hospital and wide variety of community facilities. The Harlow and Gilston Garden Town Member Board with representatives of the five councils and other interested parties has now been established to lead and oversee the Garden Town initiative.
58. The four new garden town communities will be developed around Harlow but within three administrative districts and under the policy framework of three separate local plans. The proposals for the Gilston area are already included in Policies GA1 and GA2 of the adopted East Herts Local Plan and those for the Water Lane, Latton Priory and part of the East of Harlow communities in Policies SP4 and SP5 of the Epping Forest District Local Plan currently under examination. Although much of the new development would be outside the administrative boundary of Harlow, and thus outside the direct remit of the HLDP, it would be focussed on the town and the plan thus has a key role in ensuring that the overall Garden Town is developed in a comprehensive and sustainable manner. The overarching Policy HGT1 is therefore well founded but cannot formally apply outside the plan area. To be justified **MM1** is necessary to clarify that the requirements in section 2 represent the Council's expectation that the design and development of all four new communities properly relate to the existing town around which they will be planned.
59. To complement the formal policy framework the five councils have prepared a suite of supplementary guidance documents and studies including the Garden Town Vision, Garden Town Design Guide, Garden Town Infrastructure Delivery Plan, Strategic Viability Assessment, Transport Strategy, Sustainable Transport Corridors Strategy and Housing Strategy. Some of these were finalised after the Pre-Submission version of the HLDP but opportunities for comment were given during the hearings and prior to publication of the MMs.
60. Some amendments to Policy HGT1 are necessary to secure its effectiveness in ensuring the new garden town communities complement the existing new town and its original masterplan principles. The expansion of the town should take full account of topography and landform, protect or enhance landscape features and extend the existing network of Green Wedges/Green Fingers as these are all fundamental to its character. Heritage Impact Assessments are also required to inform scheme design and the inclusion of any measures to protect wildlife sites outside the district to comply with new Policy WE3a (see issue 6). **MM1** is therefore necessary to ensure that the plan will be effective in these respects.
61. To support such a major expansion of the town significant infrastructure investment is vital and a critical element of this is the delivery of sustainable transport options to accommodate travel demand. Transport studies have

demonstrated that satisfactorily accommodating 16,100 or so dwellings in new communities around the town depends on a step change in travel behaviour with significant modal shift being facilitated by the new developments. The aim is for 60% of all journeys within the new garden communities and 50% in the existing area of Harlow to be undertaken by sustainable modes and the delivery of north-south and west-east Sustainable Transport Corridors linking the new communities to each other and the town centre are an essential part of this strategy. The relationship of each development to ambitious transport interventions such as these, improvements to Junction 7/7a on the M11 and other infrastructure will need to be agreed and a fair and reasonable contribution made in each case in accordance with Policy IN6 and the NPPF tests. To ensure the plan is effective **MM1** is necessary to amend Policy HGT1 to make these important requirements clear.

62. Policy HGT1 sets out the broad principles for development of the garden town communities and this provides for some flexibility. General conformity rather than strict adherence is required with the Vision and Design Guide documents. The involvement of the Independent Quality Review Panel is important to secure development of a high standard. With relevant policies in three local plans being finalised at different times there are inevitably some differences in wording but the policies are broadly consistent.
63. The strategic infrastructure necessary to ensure the Garden Town is developed in a sustainable way has been identified through a series of reports including the Delivery Study for Harlow and Surrounding Area: Infrastructure Delivery Plan. This culminated in the overall Garden Town Infrastructure Delivery Plan published in April 2019. Since the preparation of the pre-submission plan further work has refined the routes of the sustainable transport corridors requiring an amendment to the policies map and to ensure an effective plan **MM11** is necessary to update the text setting out the preferred option of relocating the Princess Alexandra Hospital on a new site, support for renewable energy initiatives and increased household waste disposal capacity. The need to enhance the key gateway entrances into the town and its main employment areas has also been identified by Policy SIR2 and **MM12** is necessary to add the Cambridge Road entrance to the town from the north so that the plan is positively prepared.
64. The Strategic Viability Assessment also published in April 2019 alongside the infrastructure plan concludes the garden communities are deliverable although some flexibility around the timing of infrastructure payments and the mix of affordable housing may be necessary to ensure scheme viability. This is a realistic assessment given the information currently available.

*Policy framework for the strategic site east of Harlow*

65. Only one of the four proposed garden communities lies within the boundary of Harlow district and thus within the HLDP area, the site to the east of the town, and even this lies partly in Epping Forest district. This extensive greenfield site, between Churchgate Street/Newhall and the M11, comprises undulating farmland but is severed from the wider countryside by the motorway and thus offers a large scale but well-defined opportunity to expand the town. The area includes limited tree cover with scattered hedgerow field boundaries but also some important landscape features including the Water Tower on high ground

at the southern end of the site, the Grade II listed Hubbards Hall, other listed buildings along Hobbs Cross Road and Feltimores Meadow local wildlife site. The site rises to the east and south, offering wide views over the Stort Valley with the spire of St Mary's Church on Churchgate Street a particular feature. Moor Hall Road forms the district boundary with the land beyond proposed for allocation in the Epping Forest District Local Plan.

66. The potential of this area was first recognised when the expert panel who examined the East of England Plan concluded that the east side of Harlow was 'generally accepted to be the least constrained direction for growth'. The Harlow Strategic Site Assessment in 2016 also concluded that the area 'due to its comparative lack of environmental and statutory designation constraints stands out as a sustainable location for growth'. Subsequent detailed studies included in the HLDP evidence base confirm the scope for development and the lead developer has prepared a preliminary masterplan layout.
67. The available evidence thus fully justifies the allocation of the site in Policy HS3 for 2,600 dwellings within Harlow district. The adjacent land is allocated for a further 750 dwellings by Policy SP5 of the Epping Forest District Local Plan currently under examination. It is important that the two policies are broadly consistent but as they are being finalised at different times there will inevitably be some minor differences in wording. The overall site should be planned comprehensively with a single masterplan based on the principles of the Garden Town Vision and Design Guide documents and in the interests of effectiveness **MM4** is necessary to ensure that Policy HS3 makes this clear. A Statement of Common Ground between the two Councils and lead developer confirms agreement to this approach.
68. As with all the new garden town communities, it is critical that the strategic expansion of the town to the east complements the existing new town and its original masterplan principles. As such the development should take full account of the detailed topography of the area and its landscape features with a network of green spaces taking advantage of important views, the need to protect heritage assets and provide public open space as well as landscaping alongside the M11. The strategic site masterplan should include from the outset a network of Green Wedges/Green Fingers to link with the woodland south of Newhall and open land west of Churchgate Street. The latter Green Wedge is shown on the Policies Map extending east to the M11 but the final section does not follow physical boundaries on the ground and should be interpreted flexibly in discussion with the Council. To be effective **MM4** amends Policy HS3 to stress the importance of landform and the network of Green Wedges/Green Fingers.
69. There are a number of heritage assets within and near the strategic site but no Heritage Impact Assessment has been carried out to date and Policy HS3 as submitted includes no requirement to avoid or mitigate any harm to these assets. Whilst the plan includes a general policy to protect heritage assets, to ensure effectiveness **MM4** adds an additional criterion to Policy HS3 to require an assessment to inform the design of the scheme.
70. Vehicular access to the site would be provided from Gilden Way (Item 4 in Policy SIR1; also shown on the Policies Map) and across Moor Hall Road from the northern part of the site and the new roundabout linking with Junction 7a

on the M11. This important new junction is already fully funded. However, to achieve the aim of sustainable travel for the new community, the provision of walking, cycling and public transport links as part of the west-east sustainable transport corridor via Newhall and to the town wide network are critical and consequently **MM4** is necessary to ensure that these are included in Policy HS3 so that the plan is effective.

71. Further work since the publication of the Pre-Submission version of the HLDP has clarified some of the infrastructure requirements for the strategic site. This has enabled a more comprehensive list to be included in Policy HS3, in particular the site requirements for primary and secondary schools to serve the site. Complementary changes are proposed to Policy SP5 in the Epping Forest District Local Plan. To ensure that the plan is effective, **MM4** makes the necessary amendments together with the requirement to provide satisfactory water supply and waste water infrastructure and the inclusion of any measures to protect wildlife sites outside the district to comply with new Policy WE3a (see issue 6).
72. In conclusion, subject to **MM1**, **MM4**, **MM11** and **MM12**, the policy framework set out in the HLDP for the Harlow & Gilston Garden Town as a whole and the strategic site east of Harlow is justified and effective.

#### **Issue 4 – Whether the non-strategic housing proposals in Policy HS2 are justified and effective**

73. To supplement the strategic site east of Harlow, Policy HS2 allocates 21 non-strategic sites across the town for housing development. As a recently developed new town, surrounded by Green Belt and with a tight administrative boundary, there are relatively few opportunities for windfall or redevelopment schemes but a comprehensive site assessment process has identified a small number of opportunities. Following a call for sites the Strategic Housing Land Availability Assessment published in April 2014 identified 59 developable sites after which further sieving reduced the number of allocations to 21. Due to the legacy of the new town, a significant number of potential sites are in public ownership. These were assessed on the same basis as privately owned sites.
74. Policy HS2 Site 1 - this allocation proposes housing on the existing Princess Alexandra Hospital site in the town. Much of this important regional hospital operates out of old or temporary buildings developed incrementally on the site over the years and this poses operational challenges for delivering high quality clinical services for its catchment area in future. Whilst the redevelopment of the existing site remains a possibility taking account of the major growth planned in the Harlow area the preferred option gaining Government support is for the relocation of the hospital to a greenfield site adjacent to the new Junction 7a on the M11. The new site lies within the northern (Epping Forest) part of the strategic site East of Harlow and the lead developer concerned has agreed to make the site available for the purpose if required.
75. There is no dispute that the existing hospital campus can be redeveloped for housing purposes although a mental health facility on site may be retained. Taking this into account and other constraints including the character of the surroundings, a Grade II listed building, two scheduled burial mounds and protected trees, a site planning exercise suggests 550 dwellings is a more

realistic capacity for the site rather than 650 in the submitted plan. **MM3** is therefore necessary to make this change to Policy HS2 so that the figure is justified in the light of the latest information.

76. Policy HS2 proposes that four sites have their Green Wedge designation removed and are allocated for housing development instead. Given the importance of Green Wedges to the initial new town masterplan, their contribution to the character of the town and continuity through inclusion in successive local plans such a move requires special justification.
77. Site 6 (Riddings Lane) is a self-contained field with no public access lying between Hawthorns, a residential cul-de-sac and the district boundary beyond which the Latton Priory garden community is proposed. This would end its role as the rural edge of the town and would represent a significant change to its current context. In addition, the site lies to the side of the wide north-south Green Wedge to the west and the narrow Green Finger to the east, not forming part of either. Its allocation for housing is therefore justified.
78. Site 15 (Playground west of 93-100 Jocelyns) is bounded by existing housing on three sides and comprises an informal grass amenity/play area. The site is visually separated from the Green Wedge along the A414 corridor by some woodland; as a result it does not form an integral part of the Green Wedge and its exclusion from the designation is justified. However, for the reasons set out in paragraph 82 below, the allocation for housing use is not justified.
79. Site 3 (Land east of Katherines Way, west of Deer Park) comprises a large area of informal public open space which contributes to the spacious Green Wedge corridor through which the A1169 passes, an important distributor road in the town. Whilst the bank and treebelt along Katherines Way would screen the new housing to some extent, it would comprise a significant encroachment of built development into the Green Wedge and the verdant setting of the roundabout. This forms part of the green infrastructure of the town which is an important part of its character and warrants protection.
80. Similarly site 11 (Land between Second Avenue and St Andrews Meadow) is informal grassland forming part of the Green Wedge corridor through which the A1025 passes, another important distributor road. There is no boundary on the ground to distinguish the site from the area to be retained as Green Wedge and the new housing would therefore be seen as a further unduly detrimental erosion of the verdant green transport corridors in the town.
81. Site 9 (Land east of 144-154 Fennells) is a triangular area of grassland which opens out towards the open countryside to the south of the town, with the town cemetery/crematorium and extensive woodland nearby. The site was considered part of a 'special landscape area' in the 2006 Local Plan. Although adjacent to housing on one side there is no clear physical feature marking the boundary with the countryside to the south and its development would be an unduly intrusive encroachment into the rural setting of the town.
82. Proposed housing sites 5 (South of Clifton Hatch), 7 (Kingsmoor Recreation Centre) and 20 (Land between Barn Mead and Five Areas) are currently areas of informal public open space within the built-up area of the town. These allocations followed the Harlow Open Space and Green Infrastructure Study published in 2013 which assessed the value and quality of all the open spaces

in the town. This comprehensive study highlighted an overall surplus of open space in Harlow due to the legacy of the new town and concluded there may be scope for well-designed development on such land in some instances. Whilst that may be the case, the assessment of value and quality is relatively subjective and no sketch schemes have been prepared to date to inform the detailed impact of the proposals or to assist public consultation. In the circumstances there is insufficient evidence to support the positive allocation of these sites for housing. These sites should therefore remain 'white land' in the HLDP, unallocated for any purpose. The same applies to site 15, the land west of 93-100 Jocelyns, for the same reasons.

83. The remaining sites 2 (The Stow Service Bays), 4 (Lister House, Staple Tye Mews, Staple Tye Depot and The Gateway Nursery), 8 (Evangelical Lutheran Church, Tawneys Road), 10 (Pollard Hatch plus garages and adjacent land), 12 (Coppice Hatch and garages), 13 (Sherards House), 14 (Elm Hatch and public house), 16 (Fishers Hatch), 17 (Slacksbury Hatch and associated garages), 18 (Garage blocks adjacent to Nicholls Tower), 19 (Stewards Farm), and 21 (Pypers Hatch) are previously developed sites or private land within the built up area suitable for new housing subject to suitably designed schemes coming forward. Site 10 includes an incidental area of amenity land.
84. In two cases further minor amendments are required. The front part of site 4 now has planning permission for housing reducing the remaining capacity of the site to 30 dwellings and the boundary of site 18 should be amended to exclude an important Oak tree from the allocation.
85. In conclusion, to ensure the non-strategic housing proposals in Policy HS2 are justified and effective, **MM3** is necessary to delete housing sites 3, 5, 7, 9, 11, 15 and 20 and to amend the capacity of site 4. The necessary changes to the policies map have been proposed by the Council, together with an amendment to the boundary of site 18. Subject to these changes, the non-strategic housing proposals in Policy HS2 are justified and effective.
86. Together these changes reduce the housing provided on Policy HS2 sites from 1,147 to 834 dwellings which is taken into account in the sources of housing supply set out in Figure 7.1 of the plan as modified by **MM2**. The reduction is not however significant given the comfortable overall housing land supply position set out in paragraph 41 above.

**Issue 5 – Whether the economic policies in the plan and the areas to which they relate are justified, consistent with national policy and effective**

87. In addition to forming the most appropriate area to determine strategic housing needs, the West Essex/East Herts area comprising Harlow, Epping Forest, Uttlesford and East Hertfordshire districts represents the functional economic market area (FEMA) for employment planning purposes. The four Councils accordingly commissioned the Assessment of Employment Needs published in October 2017 which identified the preferred scenario for 51,000 additional jobs over the plan period 2011-33 for the FEMA as a whole and within this 13,400 for Harlow district. The four Councils have entered a MoU to deliver the agreed distribution of employment growth.

88. The assessment of the implications for provision of employment land across the four districts indicates that a substantial proportion of forecast jobs growth would lie outside the B use class. Within the B uses, the greatest growth falls within B1a offices with growth also in the B1b, B1c and B8 categories and an overall reduction in jobs forecast within class B2. Taking account of the need to replace existing property and an uplift to allow for choice and flexibility, the estimated requirement for additional employment land across the FEMA as a whole is 10-24 ha for offices (B1a) and 68 ha for industrial uses (B1b, B1c, B2 and B8). The figures for Harlow are 2-4 ha for offices (B1a) and 16 ha for the same range of industrial uses. As submitted, paragraphs 8.10 and 8.11 of the HLDP do not split the B1 use class and for clarity this is corrected in **MM5**.
89. Policy ED1 in the HLDP allocates three sites for employment use to meet the necessary land requirement, Harlow Business Park at the Pinnacles, London Road and East Road Templefields. The Business Park is a greenfield site suitable for research and development purposes and London Road, part of the Harlow Enterprise Zone, is the subject of a Local Development Order which also promotes high quality employment uses. Harlow's economic strategy is to maintain and enhance investment in key growth sectors to diversify the current mix of jobs and it is important to protect key sites for that purpose.
90. The policy to retain these sites for B1 use is therefore justified and other uses would require strong justification, but over the plan period this may arise and for effectiveness this flexibility should be included in Policy ED1. The site at East Road is suitable for a wider range of industrial uses including B8 and for clarity this should also be made more explicit in the policy. To ensure the plan is effective **MM5** is therefore necessary to clarify Policies ED1 and ED2 to promote and protect the most appropriate uses on the available employment sites. Modified in this way I am satisfied that the HLDP provides the necessary provision and flexibility to meet the employment needs of the district and to enhance Harlow's sub-regional role within the M11 corridor.
91. The implementation of the economic policies in the plan will be affected by the changes to the Use Classes Order as explained in paragraph 28 above.
92. The Pearson site near Harlow Town station within the area of employment land protected under Policy ED2 has recently been redeveloped for residential purposes. The site should now be excluded and the necessary change to the policies map has been proposed by the Council.
93. In conclusion, subject to **MM5**, the economic policies in the plan and the areas to which they relate are justified, consistent with national policy and effective.

**Issue 6 – Whether the environmental policies in the plan and the areas to which they relate are justified, consistent with national policy and effective**

94. Despite its importance in protecting the setting of the town and restricting its outward expansion, the submitted plan only makes a limited reference to the Green Belt in Policy WE1 relating to strategic green infrastructure. To ensure the HLDP is consistent with national policy and effective, **MM8** expands Policy WE2 to refer to the Green Belt and its five purposes (see also issue 7 and MM15 which inserts a new development management policy into the plan). Changes to Green Belt boundaries are dealt with under issue 2.

95. The locally designated Green Wedges, dating back to the original new town masterplan, were the subject of the Green Wedge Review dated April 2014. This confirmed their importance as part of the heritage of the town, their contribution to its unique environment and strong support for their protection. The HLDP thus carries forward most of the land designated as Green Wedge from the predecessor local plan adopted in 2006. However, the review identified scope for the removal of some relatively small areas, for example the footprints of secondary school buildings which were built up rather than open, green spaces. Other linear areas were reclassified as Green Fingers, narrower green corridors often incorporating roads or footpaths linking wider areas of open space, and some additional Green Fingers were identified. These proposals are justified by the evidence in the Green Wedge Review.
96. As explained above, the submitted plan proposed the removal of four areas of land designated as Green Wedge and their allocation for housing under Policy HS2. In one case (Site 6) this is justified, in one case (Site 15) it is justified to remove the Green Wedge designation but not to allocate the site for housing, and in two cases (Sites 3 and 11) the designation should be retained. In addition to reinstating these sites the important area of amenity grassland west of Broadley Road/Little Cattins should be designated as Green Wedge following its deletion from the Green Belt (see issue 2). The necessary changes to the policies map have been proposed by the Council.
97. The layout of the Gilden Park housing development has now been finalised and includes an east-west linear park within the site and a strip of informal open space along the western boundary adjacent to the open space to the east of Old Road. To apply policy protection to these important areas of green space consistently with others in the district their designation as Green Finger is justified. The necessary change to the policies map has been proposed by the Council.
98. Policy WE2 sets out the roles of Green Wedges and Green Fingers as part of the network of strategic green infrastructure in the town but omits to include water bodies. To ensure the plan is effective **MM8** adds these features to recognise their contribution to Green Wedges and Green Fingers.
99. Policy WE3 aims to preserve and enhance biodiversity and geodiversity assets. However, **MM9** is necessary to amend the policy to reflect the hierarchy of the different levels of protection afforded to international, national and local sites for consistency with paragraph 113 of the NPPF.
100. As submitted the HLDP is silent on the need to take any necessary steps to safeguard the integrity of wildlife sites which lie beyond the district boundary. The HRA establishes that the development proposed in the plan could cause, in the absence of mitigation, adverse effects on the integrity of Epping Forest SAC as a result of increased air pollution and recreational pressure. In addition, emerging evidence now suggests that development could adversely affect the integrity of Hatfield Forest SSSI as a result of increased recreational pressure. To ensure the plan is effective and new development in Harlow takes these impacts into account **MM10** is necessary to add a further policy, WE3a, to the plan. This will also ensure the requirements of the Conservation of Habitats and Species Regulations 2017 are satisfied.

101. In relation to recreational pressure as a result of additional population living near the two wildlife sites, the most recent visitor surveys demonstrate that 75% of visitors to Epping Forest live within 6.2 km of its boundary, the area generally accepted to be its core catchment or zone of influence. This includes only the southern fringe of the district comprising for the most part open space and woodland. With the deletion of Policy HS2 Site 9 there are no housing allocations within this area, and the strategic site East of Harlow lies 9.5 to 12 km away. The equivalent visitor surveys for Hatfield Forest however demonstrate that the catchment area extends to 16.6 km which includes the whole of the district and indeed all four proposed garden communities.
102. In order to avoid potentially adverse effects on these two sites as a result of 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. Harlow Council is committed to adopt and implement these mitigation strategies insofar as they affect the district, and if necessary new development 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 strategic site east of Harlow, which lies 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. It would not be reasonable to require the mitigation strategies to be in place prior to adoption of the HLDP as they are not within the direct control of the Council.
103. In the case of increased air pollution due to traffic generation, it is estimated that 99% of all additional movements through Epping Forest SAC will arise from growth in Epping Forest district rather than in nearby authorities including Harlow. Natural England agree that growth in Harlow will have a small or negligible effect and in this instance it would be reasonable for air quality mitigation measures to be the responsibility of Epping Forest district.
104. To ensure consistency with national policy and the effectiveness of the plan **MM10** is therefore necessary to add a new policy, Policy WE3A. This will ensure impacts on wildlife sites outside the district are properly considered with a project level HRA prepared if required. The policy requires adherence to relevant mitigation strategies as and when adopted and sets out the potential avoidance and mitigation measures that may be required.
105. In conclusion, subject to **MM7, MM8, MM9** and **MM10** the environmental policies in the plan and the areas to which they relate are justified, consistent with national policy and effective.

**Issue 7 – Whether the development management policies in the plan are justified, effective and consistent with national policy**

106. The HLDP includes 42 development management policies set out in 5 chapters to provide a framework for the determination of planning applications in the district.

107. In relation to placemaking, Policy PL1 requires a high standard of design for all development but in the interests of effectiveness should refer to the Essex Design Guide and to ensure consistency with paragraph 60 of the NPPF should not restrict style or stifle innovation. **MM13** makes the necessary changes to Policy PL1 to ensure that the plan is effective.
108. Policy PL3 requires high standards of sustainable design and efficient energy usage but the requirement to meet building regulation standards unnecessarily duplicates other legislation. **MM14** corrects this but also in the interests of effectiveness encourages development to standards recommended by the UK Green Building Council in order to respond to the need to reduce greenhouse gas emissions under the Climate Change Act 2008 and to comply with Section 19 (1A) of the 2004 Act.
109. The submitted plan contains no replacement for Policy NE3 in the 2006 Local Plan setting out how proposals in the Green Belt will be dealt with. To ensure the HLDP is consistent with national policy and will be effective **MM15** is necessary to insert a new development management policy for the designation based on the policies in the NPPF.
110. Policy PL4 sets out the policies that apply to protect Green Wedges and Green Fingers but to be effective this needs to ensure that proposals for the replacement, alteration or extension of existing buildings do not detract from the role or function of the designation or result in a disproportionate addition to the original building. **MM16** is necessary to make these changes.
111. Policy PL8 deals with biodiversity and geodiversity assets but as submitted is not fully consistent with paragraphs 109, 113, 117 and 118 of the NPPF. **MM17** is therefore necessary to seek a net gain in biodiversity, to recognise the hierarchy of designated sites, to conserve and enhance such assets and if necessary for proposals to include mitigation or compensatory measures.
112. Policies PL9 and PL10 relating to pollution, contamination, flooding and sustainable drainage require clarification and strengthening to be effective and to be consistent with national policy. **MM18** and **MM19** make the necessary changes. Similarly Policy PL11 dealing with heritage assets and their settings requires **MM20** for consistency with national policy in relation to the significance of assets, heritage statements, archaeological sites, heritage assets at risk and enabling development.
113. Turning to housing policies, an increasing number of properties in the district have been converted to Houses in Multiple Occupation (HMOs) and in response Policy H3 seeks to introduce a limit on the number of HMOs to one in a row of five units. HMOs provide valuable accommodation and increase housing choice but an undue concentration in any area may have a detrimental impact and reduce the availability of family housing. Given current evidence a one in five limit is justified as the right balance at the outset but to ensure the plan is effective **MM21** is necessary to require an early review of the policy.
114. The characteristics of Harlow with its aging population and the difficulties of adapting the new town housing stock for those with mobility difficulties justify the requirement in Policy H5 for all new dwellings to be built to Building Control Part M4(2) (accessible and adaptable homes) standard. However, the requirement for major developments to include homes to Part M4(3)

(wheelchair users) standard should be more flexible, refer to affordable housing only and both requirements made subject to practical or viability constraints to accord with national policy. To be justified and consistent with national policy **MM22** is necessary to make these changes to the policy and to update the text to recognise the need for extra care housing.

115. Policy H6 is justified to require a suitable housing mix but in the interests of effectiveness **MM23** is necessary to specify the full range of housing types and to apply the latest SHMA figures flexibly.
116. Policy H8 sets the requirement for 30% affordable housing in major housing developments but to accord with national policy **MM24** is necessary to apply this to sites of over 10 dwellings and to allow flexibility for viability reasons. To ensure effectiveness **MM24** also clarifies the presumption for provision on site with a suitable layout, to have regard to evidence of tenure mix and to be secured for first and subsequent occupiers.
117. The Policy H9 requirement for 5% of housing sites over 50 dwellings to be available as serviced self or custom build dwellings is not justified by the modest number of registrations for such plots and flexibility is required given the long-term nature of the strategic site east of Harlow. To ensure the plan is effective **MM25** is therefore necessary to remove the 5% figure in favour of a phase by phase negotiation to secure a continuous supply of plots based on the number of registrations over the plan period.
118. Amongst the prosperity policies, the two-year marketing period in Policy PR7 as submitted is inflexible and may lead to undesirable vacant units. **MM26** is necessary to allow developers and the Council to agree an appropriate marketing period for large town centre retail units prior to any sub-division to ensure the effectiveness of the plan.
119. In relation to lifestyle policies, to be justified the requirements in Policy L1 for recreation facilities in major development should be subject to demonstrable need and may include the upgrading of existing facilities. **MM27** makes the necessary changes. Public art is integral to the character of the new town so the requirement in Policy L3 for its provision within major developments is justified but **MM28** is necessary to make exception where impractical or for viability reasons and to encourage discussion as to its form in each case.
120. The evidence base for the plan including local health profiles demonstrates that Harlow faces a number of significant health and wellbeing issues including an aging population, health deprivation and health inequalities. Paragraphs 69, 70 and 171 of the NPPF require such matters to be addressed in local plans and the addition of a new policy covering these issues, Policy L4, is thus necessary for consistency with national policy and justified given the local circumstances. **MM29** sets out the new policy to deliver growth which has a positive impact in terms of encouraging physical exercise, health care and community facilities, healthy eating and good quality design.
121. Finally, the HLDP includes several infrastructure policies. The strategy of the plan is predicated on promoting sustainable transport options and Policy IN1 provides a suitable policy framework. However, for effectiveness **MM30** is necessary to set out the modal hierarchy and strengthen the policy to reduce the use of the car and provide public transport services. Policy IN2 deals with

the impact of development on the highway network but **MM31** is necessary to ensure the severe residual impact test is applied in line with national policy in paragraph 32 of the NPPF. Policy IN4 promotes broadband infrastructure to help reduce the need to travel and in the interests of effectiveness **MM32** seeks to ensure major developers provide high quality broadband links.

122. Policy IN6 is an important overarching policy to ensure the provision of related infrastructure as part of new development and is consistent with paragraphs 203-206 of the NPPF. However, to ensure its effectiveness **MM33** is required to clarify when financial contributions are acceptable and how viability issues will be taken into account in decision making.

123. In conclusion, subject to **MMs 13 to 33**, the development management policies in the plan are justified, effective and consistent with national policy.

## Overall Conclusion and Recommendation

124. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

125. However, the Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Harlow Local Development Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Reed*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.