

REPORT TO: CABINET

DATE: 8 DECEMBER 2016

TITLE: HARLOW LOCAL PLAN UPDATE

PORTFOLIO HOLDER(S): COUNCILLOR DANNY PURTON, PORTFOLIO HOLDER FOR ENVIRONMENT

LEAD OFFICER(S): GRAEME BLOOMER, HEAD OF PLACE, (01279) 446270

DIANNE COOPER, PLANNING & BUILDING CONTROL MANAGER (01279) 446595

This is not a Key Decision

It is on the Forward Plan as Decision Number I001170

This decision is not subject to Call-in procedures for the following reasons:

The report is for noting only.

This decision will affect no ward specifically.

RECOMMENDED that Cabinet notes:

- A** The progress towards submission of the Council's Regulation 19 draft Local Plan.
- B** The response from East Hertfordshire District Council on its formal position regarding the capacity and delivery trajectory of housing development at Gilston Park to the north of Harlow.
- C** The allocation of sites to the south and west of Harlow in the Epping Forest District Council Regulation 18 consultation and the Portfolio Holder for Environment signalling of the Council's objection to such allocations.
- D** The work being undertaken by Essex County Council to complete traffic modelling and traffic calming/flow interventions on the Harlow and wider roads network.

BACKGROUND

1. The Local Development Plan Panel was set up in August 2013 to oversee the preparation of the Council's Local Plan and associated Development Plan documents. As Officers move closer towards final preparation of the Plan, the Panel has been meeting fortnightly to consider the Plan's strategic policies and land use allocations. It is anticipated that the draft Local Plan will be presented to Councillors in the New Year.

2. In October 2014, the Duty to Co-operate Board (DtC Board) was constituted in response to the legal requirement for councils to '*engage constructively, actively and on an on-going basis*' on planning matters that impact on more than one local planning authority area including (inter alia) the provision of homes, jobs and transport infrastructure.
3. The four Councils comprising the Housing Market Area (HMA) (Harlow Council, Epping Forest District Council, Uttlesford District Council and East Hertfordshire District Council) have been working collaboratively to identify and deliver sites to accommodate the objectively assessed housing need (OAHN) of 51,100 up to 2033, with approximately 16,000 in and around the Harlow area.
4. Consultants AECOM were commissioned by the DtC Board to undertake an independent and objective assessment of all strategic sites around Harlow with a view to identifying the most appropriate option for growth. AECOM reported on progress regularly to both the Local Development Plan Panel and to the DtC Board, culminating in a presentation to the DtC Board in July 2016 which identified a preferred spatial option. This represented the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence. The recommended spatial option identified sites (inter alia) adjacent to Katherines, West Sumners and Latton Priory, all of which were in Epping Forest.
5. At Special Council on 31 August 2016, the Council resolved to accept the overall SHMA housing requirement (51,100) and support the spatial option of strategic sites to the north and north east of Harlow in the administrative areas of East Hertfordshire and Epping Forest. Implicit in the resolution was a rejection of sites to the south and west of Harlow.
6. Given the Council resolution, and the confirmation from Epping Forest District Council that the three sites at issue (west of Katherines, west of Sumners and Latton Priory) are included in the Epping Forest Local Plan Regulation 18 consultation (31 October 2016 until 12 December 2016), the Council's Local Development Plan Panel reconsidered, in detail, all previously identified potential housing sites within Harlow district with a view to redressing the putative loss of the 3,100 homes as a result of Harlow's implicit objection to the sites allocated by Epping Forest District Council to the south and west of Harlow. The Panel concluded, unanimously, that the number could not be found within Harlow's boundaries without sacrificing green wedge land, open spaces and playing fields. "*...there were no new sites available within Harlow to meet the strategic housing site shortfall and that it was not considered possible to change any of the policies to raise densities or reduce car parking*"

standards to increase the number of housing on the identified housing sites within Harlow.”

7. Officers have since approached East Hertfordshire District Council to establish its formal stance on capacity and build-out trajectory at Gilston Park. East Hertfordshire District Council has advised that; *“..it is the view of the Council that the delivery of 300 homes per year is a realistic build out rate for the Gilston Area. Given the complexity of the site, it is considered unlikely that development will commence before 2022/23. Development in the first two years is also likely to be less than 300 homes per year given the need to undertake significant on-site preparatory works. It is therefore expected that approximately 3,000 will be delivered with the Plan-period to 2033.”*
8. East Hertfordshire District Council goes on to say; *“...the Council considers it very unlikely that any accelerated delivery could be provided within the Plan Period and therefore there is no possibility to provide for an additional 3,100 homes before 2033.”*
9. The rejection of the sites to the south and west of Harlow, and the consequent loss of 3,100 homes proposed for those sites cannot therefore be redressed by either Harlow Council or East Hertfordshire District Council. This has implications for all HMA Councils.

NEXT STEPS

10. The Portfolio Holder has, on behalf of the Council, objected to the allocation of the sites to the south and west of Harlow as identified in the draft Epping Forest District Council Local Plan. This will be accompanied by technical representations under Officer delegated powers.
11. Officers will continue work towards completion of the draft Harlow Local Plan for a Regulation 19 consultation in the New Year. Work towards completion is dependent upon Essex County Council concluding all traffic modelling and design interventions.
12. Essex County Council is in the process of completing modelling work and revisiting all proposed design interventions and traffic management solutions in order to produce a comprehensive suite of proposals to mitigate anticipated traffic issues.
13. Upon conclusion of 11 and 12 above, Officers will then seek expert advice on legal compliance before submitting the Local Plan to Full Council for consideration.

IMPLICATIONS

Place (includes Sustainability)

As contained in the report.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

None specific.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

If the HMA councils cannot meet the target of 51,100 homes, it may prejudice the ability of all Local Plans (Harlow, Epping Forest, Uttlesford and East Hertfordshire) being found 'sound' at examination.

On the basis of independent evidence to date relating to the sites to the south and west of Harlow, it places the Council in a position clearly at odds with its Duty to Co-operate.

A failure to comply with the Duty to Co-operate is fatal to the Local Plan process.

Author: **Brian Keane, Head of Governance**