

Epping Forest District Council

Dr James Riley

Habitats Regulations Assessment

SUMMARY PROOF OF EVIDENCE

EPPI NG FOREST DISTRICT COUNCIL

Town and Country Planning Act 1990 (as amended)

Section 78

Appeal against the non-determination of planning application EPF/2905/19
for the redevelopment of a site to provide 139 no. residential units in 3 buildings ranging from 3-5
storeys, car parking spaces, communal landscaped amenity areas, secure cycling parking & other
associated development

and

planning application EPF/0379/20 for the redevelopment of the site to provide 285 residential
dwellings (Use Class C3) in a series of blocks ranging from 2 to 5 storeys in height, a new Wellness
Centre (Use Class D1), creation of a new public park, car parking, communal landscaped amenity
areas, secure cycle parking and other associated development.

at

Borders Lane, Loughton, Essex, IG10 3SA

Planning Inspectorate References: APP/J1535/W/20/3258787
and APP/J1535/W/20/3263876

SUMMARY PROOF OF EVIDENCE OF DR JAMES RILEY

1. Introduction

- 1.1 My name is Doctor James Daniel Riley and I appear at this Public Inquiry on behalf of Epping Forest District Council to provide evidence on Habitats Regulations Assessment and air quality related reasons for non-determination of planning applications EPF/2905/19 and EPF/0379/20.
- 1.2 I am a Technical Director with AECOM Limited. I am a Chartered Environmentalist from the Institute of the Environment and a Member of the Chartered Institute of Ecology and Environmental Management. I lead AECOM's UK and Ireland Habitats Regulations Assessment (HRA) business. In that capacity I have supervised the HRA for the Epping Forest Local Plan.
- 1.3 I have a specific interest in the effects of changes in air quality on wildlife sites. In that capacity I am a lead or contributing author to recent guidance on the matter from both the Institute of Air Quality Management and the Chartered Institute of Ecology and Environmental Management.

2. Epping Forest Interim Air Pollution Mitigation Strategy (APMS)

- 2.1 Since 2018 it has been impossible to grant new planning permissions that will lead to any net new traffic on the Epping Forest SAC network because of the resulting 'in combination' air quality effect on the SAC. The Interim APMS is the mechanism agreed with Natural England by which the Council will protect the SAC from an adverse air quality effect on integrity due to net new housing and employment development.
- 2.2 In order to satisfy Natural England over the efficacy of the APMS, there are stringent pollutant reduction targets that must be met. To achieve these the APMS must convert at least 10% of petrol cars on the SAC road network to Ultra-Low Emission Vehicles (ULEVs) by 2024 or suppress the forecast increase in traffic on the SAC network to a similar degree by strongly discouraging car ownership. This challenging target can only be met through a step-change in the effort put into encouraging uptake of electric vehicles and discouraging the use of other types of private car and van.
- 2.3 In my opinion, the two schemes as proposed will cause an adverse effect on the integrity of the SAC because they either contribute insufficiently to achievement of the APMS measures/targets, or actively undermine them.

3. Excessive parking provision

- 3.1 In order to suppress the increase in vehicles on the SAC network as much as possible, and thus maximise achievement of the challenging APMS air quality targets for 2024 and beyond, it is vital that new development in settlements surrounding the SAC minimises parking (unless that parking is reserved for ULEVs) and that Controlled Parking Zones are introduced to prevent people parking on the road instead.

- 3.2 The appeal proposals represent two of the three largest allocations within 2km of the SAC and are likely to undermine achievement of the APMS targets due to their level of parking provision. On appeal Site B the appellant is providing more than twice the amount of parking that the Essex Parking Standards indicates would normally be appropriate to provide for visitors and blue badge holders. On appeal Site A the parking provision is below that indicated by the Epping Parking Standards, but the scale of provision still represents 'business as usual', which will not be sufficiently stringent to protect the SAC, as it does not provide a strong enough incentive for residents to minimise car ownership.
- 3.3 This will undermine the air quality objectives of the APMS by making it easy for people to own and drive cars in the settlements surrounding the SAC. This will put greater pressure on the APMS to double-down on other initiatives to drive 10% petrol car to electric vehicle conversion, an already challenging target, thus increasing the possibility that the APMS will not be effective in protecting the SAC, leading to a freeze in granting new permissions and undermining the Local Plan.

4. Inadequate mitigation

Inadequate mitigation for the Wellness Centre

- 4.1 The APMS states that '*Other trip generating development proposals* [besides residential] *will be considered on a case by case basis*'. There was no SAC mitigation package proposed at all in application EPF/0379/20 for the Wellness Centre. Table 5 of the Epping Air Quality Transport Note submitted to the Inquiry by Mott MacDonald and dated February 2021 does include a list of other mitigation measures. Some of these measures will contribute in broad terms to delivery of the APMS but they are passive measures and the benefits not quantifiable.
- 4.2 Since the appeals were lodged, the appellant has proposed some further mitigation in the form of a payment to the Council. However, this will not fund any meaningful activity. It would be more appropriate to devise a proportionate but effective active mitigation measure (such as an Awareness Raising Campaign) and determine the contribution based on the cost.
- 4.3 Since the mitigation for the Wellness Centre is unknown or inadequate the Inspector cannot be satisfied beyond reasonable scientific doubt that it will not have an adverse effect on the integrity of the SAC 'in combination' with other planned growth.

Insufficient electric vehicle charging points

- 4.4 Paragraph 4.7 of the APMS states that '*Development proposals will need to be able to demonstrate that all [emphasis added] new parking spaces can have direct access to a charging point*'. The Epping Air Quality Transport Note submitted by Mott MacDonald and dated February 2021 mentions that '*Electric vehicle charging facilities will be provided as part of the development. This will include a minimum of 10% active provision with further facilities in the podium areas safeguarded with passive provision for future use*'. This falls far short of the APMS requirement.
- 4.5 Since the appeal was lodged the appellant has offered to increase the number of electric vehicle charging points. However, they are only proposing to increase the proportion from 10% to 20% active provision, which is still considered inadequate to address the issue of perceived or actual lack of charging infrastructure.

5. Conclusion

- 5.1 The extent of parking provision at these two sites will undoubtedly contribute to undermining the ability of the APMS to achieve its air quality targets. To remove reasonable scientific doubt over any conclusion of no adverse effect on integrity these developments must be redesigned to reduce their parking provision, and this cannot be resolved simply through imposition of a planning condition.
- 5.2 It therefore follows that the appeal proposals will likely have a significant effect on the Epping Forest SAC (either alone or in combination with other plans and/or projects) and it cannot be concluded that the appeal proposals do not adversely affect the integrity of the SAC.