

Epping Forest District Council

Dr James Riley

Habitats Regulations Assessment

REBUTTAL 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

REBUTTAL 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 the two Borders Lane planning applications, with Local Planning Authority reference numbers EPF/2905/19 and EPF/0379/20.
- 1.2 Since my original Proof of Evidence, the appellant has offered further mitigation to address the effect on the SAC. This is set out in the Mott MacDonald documents entitled 'Wellness Centre – AQ Awareness Raising Campaign: Proposed Specification' and 'AQ Private Vehicle Travel: Proposed Mitigation Measures', both received on 1<sup>st</sup> April 2021 and appended to this proof.
- 1.3 Some of this mitigation I consider to be sufficient to address my concerns, while other mitigation I consider inadequate. The purpose of this rebuttal proof is to outline my residual concerns.

## 2. Appellants further mitigation proposals for electric vehicle charging and Wellness Centre

- 2.1 The further mitigation for these two elements over which I raised concerns in my original proof consists of:
  - Meeting the Council's requirement for 50% active electric vehicle charging provision, rather than the 10% active provision that originally constituted their calculations.
  - Detailing the specification for an Awareness Raising Campaign to mitigate the Wellness Centre.
- 2.2 I agree that 50% active provision addresses my concern over the extent of active vehicle charging provision. I also agree that the Awareness Raising Campaign will be a satisfactory bespoke mitigation package for the Wellness Centre in line with APMS requirements.

## 3. Appellants further mitigation proposals related to the scale of parking provision

- 3.1 The appellant has proposed the following additional mitigation proposals:
  - 20% of parking spaces across the two sites to be 'Ultra-Low Emission Vehicles (ULEVs) only', coupled with support for a Controlled Parking Zone
  - incentives to residents for purchasing ULEVs or e-bikes; and
  - (for Site B) an Awareness Raising Campaign aimed at residents.

- 3.2 This is a positive step, since making parking spaces 'ULEVs only' is equivalent in air quality terms to removing them entirely. However, the proposed proportion of 'ULEVs only' spaces across the two sites is insufficient to offset the excess parking, even with the proposed incentive scheme.
- 3.3 While zero parking for diesel or petrol cars would provide the greatest assurance that the scale of parking provision would not undermine the delivery of the APMS targets for 2024, I accept that literal zero parking is unreasonable. However, for the scale of 'ULEVs only' provision to be sufficient to protect the SAC and thus minimise the likelihood these developments would undermine the APMS targets for 2024, there must at least be sufficient provision of 'ULEV only' spaces to offset the excess provision of parking across the sites and reduce them both to the equivalent of applying the Council's reduced parking standards.
- 3.4 Applying the Council's reduced parking standards (visitors and blue badge holders only) to Site B equates to approximately 76 spaces. The appellant is proposing that 18.7% of the 184 spaces they wish to deliver on Site B will be 'ULEVs only' effectively removing those spaces from the equation in air quality terms. However, that still leaves 150 spaces on Site B available for petrol or diesel cars ( $184 \text{ spaces} \times 18.7\% = 34 \text{ 'ULEV only' spaces}$ ;  $184 \text{ spaces} - 34 \text{ spaces} = 150 \text{ residual spaces}$ ). This is still approximately double the number considered appropriate by the Council.
- 3.5 Applying the same 'reduced parking' requirement to Site A for the purposes of SAC protection would result in approximately 38 spaces being appropriate. The appellant is proposing 22% of the 118 spaces they wish to deliver on Site A to be 'ULEVs only'. However, that still leaves 92 spaces on Site A available for petrol or diesel cars ( $118 \text{ spaces} \times 22\% = 26 \text{ 'ULEV only' spaces}$ ;  $118 \text{ spaces} - 26 \text{ spaces} = 92 \text{ residual spaces}$ ). This is still more than double the number that would be appropriate if applying the 'reduced parking' requirement that I consider to be the minimum necessary to protect the SAC.
- 3.6 If the percentage of 'ULEVs only' spaces across the two sites was increased from an average of 20% to 60% that would offset the parking on both Site A and Site B, as it would leave 121 spaces across the two sites available for petrol or diesel cars ( $302 \text{ spaces total} \times 0.6 = 181 \text{ spaces ULEVs only}$ ;  $302 - 181 = 121$ ). This would be broadly equivalent from an air quality perspective to the 114 spaces that would be delivered for petrol or diesel cars when applying the Council's reduced parking standards to both Sites. However, this is far above what the appellant is offering.
- 3.7 While the appellant is also offering a financial incentive to purchase ULEVs and an Awareness Raising Programme at Site B, and those are positive features, they do not provide certainty equivalent to actually removing parking spaces (or making them ULEVs only).

## 4. Conclusion

- 4.1 Taking the appellant's current mitigation proposals into consideration I remain of the view that the extent of parking provision available to petrol and diesel cars at these two sites will 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, or significantly increase the percentage that is 'ULEVs only'.
- 4.2 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.