

Name:

**Part B – Your representation on the further Main Modifications and/or supporting documents**

If you wish to make more than one representation, please complete a separate [Part B form](#) for each representation and clearly print your name at the top of this form.

4. Which **further Main Modification and/or supporting document** does your representation relate to? (Representations are only invited on further Main Modifications within the Schedule. These are denoted by red text. The reference number can be found in the first column in red i.e. **MM2**, **MM11** and each Supporting Document has a reference number beginning with ED).

Any representation on a supporting document should clearly state (in question 6) which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific further Main

MM no.

Supporting document reference

5. Do you consider this **further Main Modification and/or supporting document**:  
(Please refer to the Guidance notes for an explanation of terms)

- a) Is Legally compliant      Yes       No
- b) Sound      Yes       No

If no, then which of the soundness test(s) does it fail

Positively prepared       Effective

Justified       Consistent with national policy

6. Please give details of why you consider the **further Main Modification and/or supporting document** is not legally compliant or is unsound. Please be as precise and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments.

**The amendment to Part B** does not require the Council to ensure that any mitigation measures are in place *before* work starts on an approved development. At present, the Council has produced only an Interim Air Quality Mitigation Strategy (IAPMS). This contains merely a list of speculative proposals, which may or may not ameliorate the damage to the SAC; none of them have yet been put into effect (and indeed some of them, like the introduction of a Clean Air Zone, are not within the Council’s sole remit to bring into effect).

Nevertheless, the Council has approved developments close to Epping Forest on the basis of the IAPMS,

knowing that work on these will commence *before* there are any effective measures to prevent harm to the Forest. These approvals by the Council appear to be in breach of the law (such as the Holohan judgment); we have made a formal complaint to the Office for Environmental Protection about this, and can cite specific cases if required.

The Council approved the IAPMS on 04/12/2020; nearly two years later there is no sign of the Council making any progress towards implementing any of its proposals. In order to ensure the Council properly addresses its responsibilities under the Habitats and Species Regulations, the APMS (together with a strict timetable for its implementation and monitoring) ought to be agreed before the adoption of the new statutory plan, rather than being left to the later discretion of the Council. However, as the Plan needs to be adopted as soon as possible, we have suggested below an alternative which we think will rectify the position.

Finally, the draft Plan appears to contain no mechanism to prevent the Council granting further damaging development approvals if the monitoring of the APMS shows that the mitigation measures are failing.

7. Please set out what change(s) *(Continue on a separate sheet if necessary)* **to the Main Modification and/or supporting document** legally compliant or sound, making reference to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with national policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words.

#### **Amendment (in blue)**

B. New development that would have an adverse effect on the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area, either alone or in combination with other plans or projects, will not be permitted unless mitigation measures, on-site and off-site as appropriate, are put in place **before any development work on the site commences** to ensure that there will be no harm to the integrity of these areas. Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.

#### **Justification**

This change will make the Submission Version Legally Compliant and Sound because it will ensure that appropriate mitigation measures are in place to protect the integrity of the Epping Forest Special Area of Conservation or the Lee Valley Special Protection Area *before* any work can start on the development of a site.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not

normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

*(Continue on a separate sheet if necessary)*

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8. Have you attached any documents with this representation which specifically relate to a further MM or supporting document?

Yes

No

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Signature:

....Redacted....

Date

01/12/22