

Name:

Part B – Your representation on the 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 **Main Modification number and/or supporting document** does your representation relate to? (Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2 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 Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

MM no. Supporting document reference

5. Do you consider this **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 **Main Modification and/or supporting document** is not legally compliant or is unsound. Please be as precise as possible. 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.

ED 127 is the EFDC response to the Inspector's Post Hearing Action 5 & supplementary questions of 16 June 2021, July 2021 (ED127).

Residents don't want Clean Air Zone (CAZ) charging in 2025 (even with the caveat should monitoring show it necessary);
-it will cause 'rat-running' through non-forest roads, affecting not only those living near/beside them, but those making the more indirect journeys;
-they don't want the quantities of development being imposed on them, although realising that there is a need for new homes when;
CONTINUED ON NEXT PAGE above 7...there are...

-there are other patterns and other locations for development available that would be more sustainable, environmentally, socially and even economically, that would reduce harmful pollution and should avoid the need for a CAZ; and
-the 'trajectory' / phasing of development could be more 'back-loaded' to avoid pollution pressures over the next few years - the most critical time for pollution- especially as the longer ahead development happens the more likely electric vehicles will be in wider usage. (One understands that Government wants short term housing delivery, achievable in most other areas of the country but the SAC is a special case that might mean revisiting the Duty to Cooperate (if alternative patterns and locations for development are not sufficient.))

The Council's response to Action 5 includes:

"The inclusion of a phased release of a quantum of development would, in the Council's view, undermine the point of having the IAPMS. This reflects the fact that the purpose of the IAPMS is to identify the mitigation measures required to mitigate the effects of Local Plan development to 2033."

But, given the unwelcome prospect of a CAZ and doubts about the effectiveness *{as below} – in the timescale needed- of other proposed anti-pollution measures, this is the wrong way around when better local planning are available and more precautionary (including plan phasing rather than phased release).

The precautionary approach including not allowing for lapsed permissions and existing vehicle trips generated from sites in the plan to be redeveloped, is good as far as it goes. But changes to permitted development (PD) rights, including the redevelopment of vacant non-residential/commercial buildings for housing over more storeys than existing presumably has not been accounted for. The more onerous the planning requirements/conditions placed on planning applications for new residential development (the Council has given examples of recent permissions) the more attractive it will be for landowners to e.g. keep premises vacant for 6 months and utilise recent PD rights, and the greater the profit to be made from such redevelopment (even if this is not the most they might gain, for now, through the planning application route; and a combined PD now and planning application later tactic could realise that).

Obviously it is "ultimately the total quantum of development allocated in the Local Plan to 2033 that is considered to be the maximum that can be developed without an adverse effect on the EFSAC".

But this averages-out the ups and downs in between.

I think it is wrong to state (as in the response to Action 5 (page 7)):

"In reality, strict phasing of development is not required because, if a greater number of dwellings were to be completed and occupied by 2024 than has been modelled, their effects on the EFSAC would be temporary due to the implementation of the CAZ, should the future monitoring demonstrate that it is required, and to maximise certainty of no adverse effect on the EFSAC an update to the Local Plan could be undertaken in line with Policy D8 to ensure the quantum of overall development to 2033 does not exceed that allocated/modelled."

Some pollution effects on the SAC might be temporary. But (even with a veteran tree strategy) if mature beech trees in the SAC are killed or terminally poisoned before and during 2024, they are not going to come back alive, nor any replacements planted grow to the same maturity by 2033, whatever Local Plan Review, CAZ, or other policy levers are engaged.

One pollution mitigation in the Appendix 3 table reproduced in ED127 is "Initiatives to support walking,

cycling and increased public transport use”.

However, as pointed out at the various Inquiry Hearings, there are things the Draft Plan does that to against these and against reducing use of petrol and diesel cars:

- new employment land allocations have been made e.g. in Waltham Abbey, while existing local employment uses in sustainable locations e.g. EPP. R8 and R9 are to go for housing, effectively separating new housing from new jobs, with the SAC in between (it is know the development industry favours B1/B2/B8 allocations to give them flexibility, but where there are environmental sustainability pressures like on the SAC, restricting B1 to that ancillary to B2 and B8 is logical);

- while housing can assist the economic viability, there is a reason why they haven't been included in the category of 'main town centre uses'. (Housing is better than peripheral vacant near-edge of town centre shops). So central town centre sites in Epping should be allocated for all the main town centre uses rather than housing; which will better sustain the economy of the centre and reduce the need to travel and help active travel. Site EPP. R11 provides employment, through the library, Registrar and Brambles family centre (as well as providing these useful services). Even if these move to vacant space in Epping Civic Offices, there is a site/buildings that could easily convert to B1 use (easier than building new B1 at say Waltham Abbey) to provide local job opportunities to new Epping residents, e.g. from EPP.R5, R1 and R2. (I know other retained Epping employment sites could be redeveloped more intensively, but I haven't seen anything to show that such more intensive redevelopment would provide local jobs for the number of new residents being planned for, nor achieve a jobs:workers balance as was argued at the Inquiry);

- there are alternative housing land sites that could far a variety of reasons do less harm in their occupation to the SAC. I know a major expansion of Theydon Bois was put forward, being a sustainable location on the London Underground, and the unexplained reason this was dropped after an earlier consultation was queried (it could in the near-term produce some new dwellings and ramp-up building over time). A further part of Harlow and Gilston Garden Town was also identified at the Inquiry, and while being outside the current Plan area, it does illustrate how a more sub-regional approach (via Duty to Cooperate) could deliver much-needed development without necessitating harmful polluting journeys through the SAC; and

- there are major landowner/developers (e.g. Hallam Land Management) who have promoted a mix of business and housing on suitable large sites, to help provide for local workers next to the new jobs, and to help cross-subsidise site infrastructure costs where jobs premises demand may lag behind housing demand. But the Plan splits major new housing and major new jobs allocations between different towns with a forest in between, not just across different parts of the same town.

*CAZ and effectiveness of mitigation measures.
There must be doubts about these.
People don't want the CAZ, as explained above.

The end of EB212 (EF Interim Air Pollution Mitigation Strategy) gives a table of itemised costing for each Measure, but no corresponding figures alongside of where the funds for each would come from and the amounts (together with any shortfall or even surplus); only some words with EB212 about possible

sources.

Mention is made of the sorts of £ amounts per new dwelling, some £300-£600 that could be levied. But there is no mention of what the £ amount of an incentive to existing car users would be. If it were, say, of the same order it appears unlikely to get many people to change to an electric car. In any case, as non-electric cars become more unfashionable, even less acceptable, the money one may get for selling a non-electric car-to change it for an electric model- will decline: this I understand from those who drove them has already happened with diesel cars. While the prices of new electric cars may decline, the value of second hand ones almost certainly will: meaning a greater gap that any incentive would have to try to cover.

Assumptions of a minimum 10% conversion of cars in the short term to 2025, even if the more than 20% to 2029 and more than 30% to2033 relied on in the IAPM Strategy do occur, seem very unlikely. And 2025, the critical year -with the peak of the housing trajectory in 2024- is only just over 3 years away.

A CAZ, of an amount to make it effective, I think would be extremely unpopular. But it appears little known about among the general population. Saying if monitoring shows it to be necessary, when it appears pretty obvious it will be, doesn't help when public anger arises.

I take the legal point that a competent authority does not have to be completely certain, beyond any doubt at all, about the effectiveness of measures to protect the SAC. But it seems EB212 doesn't even provide reasonable certainty.

This representation includes MM78, but is not exclusive to that.

7. Please set out what change(s) you consider necessary to make the Main Modification and/or supporting document legally compliant or sound, having regard 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 as possible.	
See below section 8 -for section 7 text in full, as I had formatting problems putting it here.	
(Continue on a separate sheet if necessary)	
8. Have you attached any documents with this representation which specifically relate to an MM or supporting document?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Signature:

Henry Stamp

23/9/21

Section 7. text

Section 7 text

- A) Re-designate sites EPP. R8 and R9 for employment uses as they are respectively within the town centre and very close to Epping Underground Station and withdraw PD rights for residential conversion/redevelopment for these sites and for EPP.E1, E2, E3, and E4.

Reasoning; to better encourage and facilitate journeys by means other than the car; and to reduce journeys through the most vulnerable parts of the SAC. Also to promote sustainability.

- B) Designate sites EPP.R4, R6, R7, and R.11 for mixed use, comprising main town centre uses (and reiterate these to make clear that housing isn't one (although some elements may be ancillary)). And to better encourage and facilitate journeys by means other than the car; and to reduce journeys through the most vulnerable parts of the SAC.
Also remove PD rights for EPP.R11.

Reasoning: to promote sustainability of town centres. And to better encourage and facilitate journeys by means other than the car; and to reduce journeys through the most vulnerable parts of the SAC.

- C) To do similarly for other towns in the district where it has been assumed that residential redevelopment would generate less trips within and between settlements by petrol and diesel engine cars than would be by redevelopment/more intensive development for main town centre uses and/or employment uses.

Reasoning: as for (A) and (B) above.

- D) Reduce or remove, correspondingly, B1 allocations from new employment sites of (two of 1ha. and two of 10ha.) from the current B1/B2/B8 allocations, while still allowing some B1 or ancillary B1 to B2 and B8 developments there.
And to provide for some live/work and residential development within these allocations where environmentally appropriate to absolutely minimise distances for walking and cycling to work. By contrast to each of the two new 1 ha. Business class allocations, each in other towns, sites EPP. R8 and R9 total some 1.07ha of land allocated for housing that would be better retained (possibly intensified in the case of EPP.R9) in business use.

Reasoning: to minimise the need to travel long (i.e. more-than-local) distances to work from existing and new housing, especially by petrol and diesel engine cars.

- E) In addition to (A) to (D) above, re-examine other housing sites/locations, and change phasings of development, that could deliver housing without the harmful effects on the SAC, particularly in the near future.

Reasoning: there is a need to reduce, to acceptable levels, harmful effects on the SAC, not just over the whole Plan period to 2033, but also in periods before then – as above.

There are significant concerns over the ability of the mitigation measures and their delivery.

The main objective should be to avoid the problem in the first place, not try to mitigate it later {as EFDC put it in ED127 “(recognising that some measures may emerge over time based on new technologies for example), and if necessary whether the granting of new consents must cease. That is the ultimate fallback to ensure protection of the EFSAC.”}

- F) As necessary, return to Duty to Cooperate discussions with neighbouring and sub-regional authorities.

Reasoning: to reduce effects on the SAC by re-phasing and re-profiling housing delivery and bringing in other potential site that don't so directly affect the SAC.