

Representation form: Consultation on the Main Modifications to the emerging Local Plan

This form should be used to make representations on the Main Modifications to the Epping Forest District Local Plan Submission Version 2017 to the Local Plan Inspector. The Main Modifications Schedule, online response form and all required supporting documentation can be accessed via the Examination website at www.efdclocalplan.org. Please complete and return representations by Thursday 23rd September 2021 at 5pm.

Please note, the content of your representation including your name will be published online and included in public reports and documents.

It is important that you refer to the [guidance notes](#) on the Examination website before completing this form.

The quickest and easiest way to make representations is via the online response form at www.efdclocalplan.org.

If you need to use this downloadable version of the form please email any representations to MMCons@eppingforestdc.gov.uk

Or post to: MM Consultation 2021, Planning Policy, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ

By 5pm on Thursday 23rd September 2021

This form is in two parts:

Part A – Your Details

Part B – Your representation(s) on the Main Modifications and/or supporting documents. Please fill in a separate Part B for each representation you wish to make.

The Main Modifications Schedule and supporting documents to the Main Modifications can be accessed online at www.efdclocalplan.org. The supporting documents to the Main Modifications are listed below. Representations concerning their content will be accepted to the extent that they are relevant to inform your comments on the Main Modifications. However, you should avoid lengthy comments on the evidence/background documents themselves.

- A. Council's response to Actions outlined in Inspector's post examination hearing advice (Examination document reference number ED98), July 2021 (ED133)
- B. Sustainability Appraisal Report Addendum, June 2021 (June 2021) (ED128/ EB210)

- C. 2021 Habitats Regulations Assessment, June 2021 (ED129A-B/EB211A-B)
- D. Epping Forest Interim Air Pollution Mitigation Strategy, December 2020 (ED126/ EB212)
- E. EFDC response to Inspector's Post Hearing Action 5 and supplementary questions of 16 June 2021, July 2021 (ED127)
- F. Epping Forest District Council Green Infrastructure Strategy (ED124A-G/ EB159A-G)
- G. Harlow and Gilston Garden Town Latton Priory Access Strategy Assessment Report, July 2020 (ED121A-C/EB1420A-C)
- H. Revised Appendix 2 to the Epping Forest District Council Open Space Strategy (EB703), July 2021 (ED125/EB703A)
- I. IDP: Part B Infrastructure Delivery Schedule 2020 Update (ED117/EB1118)
- J. EFDC Consolidated and Updated Viability Evidence 2020 (ED116/ EB1117) Consolidated
- K. Statement of Common Ground Addendum East of Harlow, September 2020 (ED122A-B)
- L. South Epping Masterplan Area Capacity Analysis (Sites EPP.R1 and EPP.R2), March 2020 (ED120/ EB1421)
- M. In addition to the above there are a number of Examination Documents, which include Homework Notes produced by the Council as a result of actions identified by the Inspector at the hearing sessions as well correspondence between the Council and the Inspector following hearings. These Examination Documents can all be accessed on the [Local Plan website](#).

Please only attach documents essential to support your representation. You do not need to attach representations you have made at previous stages.

Part A – Your Details

1. Are you making this representation as? (Please tick as appropriate)

- a) Resident or Member of the General Public ☒ or
- b) Statutory Consultee, Local Authority or Town and Parish Council ☐ or
- c) Landowner ☐ or
- d) Agent ☐

Other organisation (please specify)

--

2. Personal Details

3. Agent's Details (if applicable)

Title	<input type="text" value="Dr"/>	<input type="text"/>
First Name	<input type="text" value="Melissa"/>	<input type="text"/>
Last Name	<input type="text" value="Pepper"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text" value="[Redacted]"/>	<input type="text"/>
Line 2	<input type="text" value="[Redacted]"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text" value="[Redacted]"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text" value="[Redacted]"/>	<input type="text"/>

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

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.

The Planning Inspector highlighted in her advice after hearings report dated 2 August 2019 (ED98, paragraph 43) that the sites proposed for the South Epping Masterplan Area (SEMPA), EPP.R1 and EPP.R2, are subject to numerous constraints including Green Belt and Habitats Regulation Assessment (HRA) considerations, noise and air quality associated with the M25, the presence of overhead powerlines and the need for a bridge over the railway to connect them. My representations focus on Main Modifications (MM) proposed around the SEMPA (MM78) and why these are unsound with reference to four key areas: traffic and transport; Suitable Alternative Natural Greenspace (SANG); air quality; and sustainable infrastructure.

(Continue on a separate sheet if necessary)

Traffic and transport

In her advice after hearings report dated 2 August 2019 (ED98, paragraph 44) the Planning Inspector highlighted that site developers have confirmed that it would not be financially viable to fund a vehicular bridge over the railway line that connects the two sites in the SEMPA (EPP.R1 and EPP.R2). MM78 (part K, vi, page 107) confirms this, removing wording around a planned ‘vehicular, pedestrian, and cycling bridge’ over the railway line, and replacing it with ‘vehicular access/egress which provides safe access to the local highway network’. This will make moving throughout the SEMPA increasingly challenging, with an effective internal road layout impossible to achieve. Relying on the existing road network to ‘join up’ the two sites (by exiting EPP.R1 on to Ivy Chimneys or EPP.R2 on to Brook Road – or vice versa - in order to access the other part of the SEMPA) will exacerbate already congested and, at times, dangerous roads.

The roads bordering EPP.R1 and EPP.R2 (Brook Road, Bridge Hill, and Ivy Chimneys) form one of only two entry/exit roads in to and out of Epping. Drivers use the roads to avoid the busy high road area and many parts are single track, compounded by parked cars (few houses have off-street parking). The Central Line bridge running across the SEMPA (between Brook Road and Bridge Hill) is on a bend and creates a dangerous bottleneck. Ivy Chimneys Primary School is positioned at one end of the road and Coopersale Hall Primary School (a private fee-paying school) at the other, and there is particularly heavy traffic at drop off/pick up times. Construction traffic couldn’t use the existing road network to access the site. Additional roads and access points would need to be in place before construction started.

Failing to join EPP.R1 and EPP.R2 with a vehicular bridge essentially leaves the SEMPA as two separate sites, moving away from the benefits that a single joined-up site could bring – most notably, a bus corridor offering greener, more sustainable travel and reducing reliance on private vehicles in order to reach the high road, station, shops, healthcare etc. Indeed, these facilities are some distance from the SEMPA - the greatest distance of all initially proposed sites for consideration - with a hill gradient exceeding those set out in the Sustrans Guidance.

With the National Planning Policy Framework (NPPF) stating that ‘*local planning authorities should plan for development in locations and ways which reduce greenhouse gas emissions*’, and MM77 stating that a key consideration for development proposals is that there should be viable alternatives to private car use, preventing the establishment of unsustainable travel behaviour, the SEMPA **is not positively prepared, not effective, and not consistent with national policy** as it will not enable the delivery of sustainable development.

Suitable Alternative Natural Greenspace (SANG)

Given that the SEMPA is close to Epping Forest, the requirement for Suitable Alternative Natural Greenspace (SANG) is enhanced in order to divert people away from the forest. The forest has become increasingly over-crowded throughout the Covid-19 pandemic with people driving considerable distances to visit. Car parks are busy (despite the recent decision to now enforce paid parking restrictions) and the pathways in the forest are rapidly deteriorating in quality. The MMs do not make clear how SANG requirements will be met in the SEMPA – a challenging task given the ‘*numerous constraints, including Green Belt and HRA considerations, noise and air quality associated with the M25, the presence of overhead powerlines and the necessary acoustic bund adjacent to the motorway*’ on the sites highlighted by the Planning Inspector in her advice after hearings report (ED98, paragraph 43-44).

These constraints significantly reduce the land available for SANG, which is required with urgency due to the proximity of the site to an already congested Epping Forest. The SEMPA **is not positively prepared, not effective, and not consistent with national policy** and, as such, will not enable the delivery of much needed SANG.

Air quality

Epping Forest District Council have made clear in their response to the Planning Inspector's advice after hearings report (ED133, page 17) that, for a development to be justified, it must demonstrate that there would be no adverse impact on the integrity of the Epping Forest Special Area of Conservation (SAC) and that delivery on development would be delayed until after the results of additional traffic modelling on roads within 200m of the Epping Forest SAC which will be undertaken in 2024/25 in accordance with the adopted Interim Air Pollution Mitigation Strategy. It remains unclear whether the levels of development proposed in the SEMPA are compatible with protecting the forest (and residents) from the effects of air pollution, and if the proposals in the air pollution strategy will be deliverable. Given the reliance on private vehicles that the SEMPA will inevitably create (due to distance from facilities and the lack of integration between the two sites, as outlined above), existing traffic congestion and air quality are likely to be exacerbated under the current Masterplan proposal. As such, the SEMPA **is not positively prepared, not effective, and not consistent with national policy** as it will have a negative impact on air quality.

Sustainable infrastructure

MM78 states that *'all development proposals must demonstrate opportunities to access jobs, services, education and leisure opportunities by means other than the car'* including *'the need to make provision for, improve, enhance and promote use of existing cycling and walking networks and access to passenger transport services'*. As outlined above, the SEMPA is the greatest distance from vital facilities (the high road, station, shops etc.) of all sites initially proposed for consideration, with a hill gradient exceeding those set out in the Sustrans Guidance. It will be challenging to encourage 'active travel' to these facilities, particularly as it will not be possible to operate one bus corridor throughout the SEMPA as there will be no vehicular bridge joining up the two parcels of land. In order to avoid increased private car use to already over-subscribed services, the need for adequate infrastructure – education, health, shops, and leisure – becomes increasingly urgent on the SEMPA. However, the plan does not currently consider this adequately and there are no guarantees that such vital infrastructure will be delivered. As such, the SEMPA **is not positively prepared, not effective, and not consistent with national policy** as it will result in under resourced homes and residents in an unsustainable development.

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.

Given the significant restrictions and challenges posed on the current SEMPA, it is difficult to see how the proposal could be amended to make it legally compliant or sound.

Of the 31 sites initially put forward for consideration in Epping, 15 were not proposed for allocation. According to the site allocation report (<https://www.efdclocalplan.org/wp-content/uploads/2018/03/EB805P-Appendix-B1.6.6-Results-of-Identifying-Sites-for-Allocation.pdf> - a document initially withheld by the council until a successful legal challenge by CK Properties Theydon Bois Limited), of these 15 non-proposed sites, 12 identified no on-site restrictions or constraints to development. The justification given for not proposing sites included: complex ownership patterns; landscape sensitivity; Green Belt harm; the presence of BAP Habitats and Tree Preservation Orders which would result in reduced site capacity; and that the sites were '*less preferred by the community*'.

The justifications outlined above for not proposing sites for allocation are very much present in the SEMPA: land split across multiple owners with no infrastructure to join sites up; located on Green Belt land which the LUC Green Belt Assessment (2016) deemed the removal of would have a high level of harm; affected by a BAP Priority Habitat Area (identified by DEFRA/Joint Nature Conservative Committee as the most threatened and requiring conservation under the UK Biodiversity Action Plan); and the presence of Ancient Woodland, Tree Preservation Orders, a Grade II listed farm and buildings, and High Voltage Transmission Cables and BPA Oil Pipelines within the site.

As such, **the SEMPA is not justified** when considered against the reasonable alternatives, based on proportionate evidence, and choices made in the plan are not supported by facts.

Furthermore, the impenetrable nature of the consultation process itself – over 30 documents spanning 2,704 pages with no summary or signposting on the Main Modifications webpage – has made it incredibly challenging for residents to engage and make an informed response. As a key element of sound and legally compliant planning is evidence of participation of the local community, it could strongly be argued that **the EFDC local plan is not justified**.

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

☐

Yes

☒

No

Signature:

M. PEPPER

Date

20/09/2021