

Stakeholder Reference:
Document Reference:

Part A

Making representation as Statutory Consultee, Local Authority or Town and Parish Council

Personal Details		Agent's Details (if applicable)
Title	Mrs	
First Name	Debra	
Last Name	Paris	
Job Title (where relevant)	Planning & Licensing Committee Clerk	
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REPRESENTATION

To which further Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 46

Supporting document reference: A. Council's response to Actions outlined in Inspector's note to Epping Forest District Council (Examination Document reference number ED141), October 2022 (ED144-ED144A)

Do you consider this further Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: No

Sound: No

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

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.

New Paragraphs following split Paragraph 4.20: (pages 73/74)

The new section on Air Pollution makes reference to, and entirely relies upon, a non-existent document – “the Council’s adopted Air Pollution Mitigation Strategy for the Epping Forest”. Until such a document is produced and brought into effect, the new Part is ineffective and unlawful.

The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest SAC, only an “Interim Air Pollution Mitigation Strategy (IAPMS)”, which does not contain any measures currently capable of being applied, and gives absolutely no indication of when such measures might be effected. It has no suitable targets against which progress could be assessed, nor a “Monitoring Framework”.

This therefore is misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless it is a sham, also must allow for the possibility of particular measures being amended or not introduced.

In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest SAC. To be lawful, the new Local Plan needs to be specific on this matter. At present, when considering a new development, the Council cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any sums paid by developers towards mitigation will be adequate for that purpose.

Please set out what change(s) you consider necessary to make the further 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 and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words.

Amendments (in CAPS)

“x.xx Air Pollution Mitigation Strategy (APMS) for the Epping Forest – The COUNCIL WILL DEVELOP AN APMS WHICH WILL include specific measures and how they would be delivered to ensure that there would be no adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution. This reflects the findings of the HRA 2022 that new development within the District has the potential to increase pollutants of concern within the Epping Forest SAC, primarily arising from emissions of nitrogen dioxide and ammonia from additional vehicles using roads in close proximity to it. The APMS WILL TAKE ACCOUNT of the need for development proposals to be assessed both alone and in combination with other plans and projects and therefore PROVIDE a strategic approach to the identification and delivery of mitigation and monitoring measures. These measures MAY range from those which will help to limit the increase in the level of traffic using roads through the Epping Forest SAC and significantly increase the uptake of electric vehicles, through to the implementation of a ‘Clean Air Zone’ should the future monitoring demonstrate that it is required [INSERT FOOTNOTE 1 AS BELOW]. The APMS WILL ALSO INCLUDE targets against which progress will be assessed together with a Monitoring Framework, which includes for future on-site monitoring. This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and informs any necessary changes that may need to be made to the targets and measures and identified in the APMS. UNTIL THE APMS IS DEVELOPED AND BROUGHT INTO FULL EFFECT, THE COUNCIL WILL NOT PERMIT ANY DEVELOPMENT WITHIN 1KM OF EPPING FOREST UNLESS IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT WILL NOT OF ITSELF OR JOINTLY CREATE ANY ADVERSE EFFECT TO THE INTEGRITY OF THE FOREST”

Justification

At present the Council has not produced an APMS, only an IAPMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime.

REPRESENTATION

To which further Main Modification number and/or supporting document of the Local Plan does your representation relate to?

MM no: 79

Supporting document reference: A. Council's response to Actions outlined in Inspector's note to Epping Forest District Council (Examination Document reference number ED141), October 2022 (ED144-ED144A)

Do you consider this further Main Modification and/or supporting document of the Local Plan to be:

Legally compliant: No

Sound: No

If no, then which of the soundness test(s) does it fail? Consistent with national policy

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.

Policy P2 (page 117) "Amend Part I as follows: "

The new section on Air Pollution refers to, and relies upon, a document which does not exist – "the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest". Until such a document is produced and brought into effect, the new Part is ineffective and unlawful.

The Council has not yet produced an Air Pollution Mitigation Strategy for the Epping Forest (APMS) for Epping Forest, only an "Interim IAPMS", which does not contain any measures currently capable of being applied, and gives no indication of how and when such measures might be effected. Nor does it have suitable targets against which progress will be assessed, or a "Monitoring Framework".

The new Part therefore is highly misleading. There is no published timetable for the development of an APMS. Some of the proposal in the IAPMS (such as a Clean Air Zone) cannot be introduced by the Council without the agreement of other bodies (which may not be forthcoming), and their introduction will involve public consultation which, unless such consultation is predetermined also must allow for particular measures not being introduced or being drastically modified.

In the period before an APMS is developed and becomes effective, the Council has a duty to avoid approving any development which will harm Epping Forest SAC. The Local Plan needs to be specific on this matter. At present, when considering a new development, the Council cannot reasonably be satisfied that its mitigation measures will be brought into full force before damage to the Forest SAC is caused by the commencement of work and subsequent occupation. Nor, in the absence of detailed, costed proposals, can it be satisfied that any sums paid by developers towards mitigation will be adequate for that purpose.

Please set out what change(s) you consider necessary to make the further 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 and concise as possible. If your response exceeds 300 words please also provide an executive summary of no more than 300 words.

Amendment (amended text in capitals)

Air Pollution

"I. The development of the allocated sites within Loughton near the SAC may produce air pollution that could impact upon air quality in the District, including the Epping Forest SAC. All development proposals will need to demonstrate that they are in accordance with Policy DM2 and Policy DM22 and should have regard to the Council's adopted Air Pollution Mitigation Strategy for the Epping Forest (APMS), ONCE SUCH A STRATEGY HAS BEEN BROUGHT INTO FULL EFFECT. This includes, where necessary, the provision of financial contributions for the purposes of implementing air pollution mitigation initiatives and undertaking air quality monitoring and any necessary future air quality assessments. UNTIL THE APMS HAS BEEN BROUGHT INTO FULL EFFECT, THE COUNCIL WILL NOT PERMIT ANY DEVELOPMENT WITHIN 1KM OF EPPING FOREST UNLESS IT CAN BE FIRMLY DEMONSTRATED THAT THE DEVELOPMENT WILL NOT OF ITSELF CREATE ANY ADVERSE EFFECT TO THE INTEGRITY OF THE FOREST.

Justification

At present the Council has not produced an APMS, only an Interim APMS, which contains no provisions which have current effect, no targets and no Monitoring Framework. There is no published timetable for an APMS to be brought into effect (and indeed no external signs of any activity in this regard on the part of the Council). The Plan should therefore acknowledge that the APMS will not be in force when the Plan is approved, and make the necessary provision for the protection of Epping Forest in the meantime. We have suggested one way in which suitable protection might be achieved, and would be happy to consider other suitable solutions.

Signature: Debra Paris Date:
06/12/2022