

Our Ref: LS/9969
(Please reply to Banbury office)



22 September 2021

MM Consultation 2021
Planning Policy
Epping Forest District Council Civic Offices
323 High Street
Epping
Essex CM16 4BZ

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION ON MAIN MODIFICATIONS, TO THE EPPING FOREST DISTRICT LOCAL PLAN
SUBMISSION VERSION (2017)**

1. The letter forms part of the representations to the Main Modifications and should be read as such.

Introduction

MM78 Policy P 1 New part after Part L as follows

2. This note sets out a detailed response to MM78 Policy P1 New part after Part L as follows, which states:

"Any application for planning permission made subsequent to the endorsed Strategic Masterplan should be accompanied by an assessment of potential air quality impacts demonstrating compliance with J. above, Policy DM2 and Policy DM22 and the Council's adopted Air Pollution Mitigation Strategy. Such an assessment must take into account the results of monitoring in 2024/2025 which is to be undertaken in accordance with the Council's adopted Air Pollution Mitigation Strategy. Accordingly, no application for permission should be determined prior to such monitoring results being available."
3. This new proposed supporting text to policy DM2 delays development on the EPP.R1 and EPP.R2 sites until post 2025, once air quality monitoring has been undertaken in accordance with the Epping Forest Interim Air Pollution Mitigation Strategy (IAPMS) December 2020. The current published IAPMS is labelled 'Interim' and was produced to help clear a backlog of planning applications.

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4. The IAPMS (ED126/212) does not appear to have been formally consulted on as part of the EIP process, although in December 2020 the Interim document was approved by Members at Committee and is intended by the Council that it is Adopted after the Local Plan has been Adopted. The IAPMS was uploaded onto the Evidence Documents webpage on 15th July 2021 as Document Reference ED126 (in addition to also comprising Document Reference EB212).

5. The purpose of the IAPMS is set out in paragraph 1.3 which states that;

‘This Strategy has been developed to provide a strategic approach to mitigating the effects of development on the integrity of the Epping Forest SC in relation to atmospheric pollution. It has been developed to support the implementation of policies contained within the emerging Local Plan and specifically policies DM2 and DM22. In doing so it reflects the evidence base (the evidence) developed to support the HRA process. This Strategy will therefore support the conclusion of the Local Plan HRA process and facilitate the determination of individual planning applications which have the potential to have an adverse effect on the integrity of the Epping Forest SC in relation to atmospheric pollution without mitigation’.

6. There are no references within the IAPMS to the SEMPA needing to be subject to delayed delivery on its own separate from other allocated strategic sites. Indeed page 29 of the IAPMS refers to several strategic sites being identified as needing financial contributions to be secured towards the provision of monitoring and comparative assessments, yet none of these sites have been required to delay site delivery. The Garden Communities will contribute £232 per dwelling, North Weald and Bassett Masterplan Area, and the SEMPA will contribute £641 per dwelling, and windfall sites and the Waltham Abbey Masterplan Area will contribute £335 per dwelling. So if the impact of the SEMPA is equal to impact at North Weald and Bassett Masterplan Area when considering financial contributions then the Local Plan policy needs to be aligned to consider these sites on a similar basis.
7. Section 6 of the IAPMS deals with Monitoring and Review. This specifies that a continuous air quality monitoring unit will be provided and that:

“... The same sites and methodology as that undertaken for the air quality monitoring undertaken over the period May 2018 – February 2019 will be used to ensure consistency in the data used and its analysis for comparative purposes. The next period of on-site monitoring will be undertaken for a period of 9 months and will commence in May 2024 [until February 2025]. This approach is in accordance with Policy D8 of the emerging Local Plan.

The results of the online monitoring will be used to assess progress towards the ‘predicted’ air quality conditions as set out in the current evidence base...On the basis of the most up-to-date modelling outputs the Council will undertake an assessment as to whether the Local Plan should be updated in relation to the level and location of development across the District in consultation with Natural England as the statutory body responsible for the oversight of internationally designated sites (paragraphs 6.2-6.3).

8. In effect, this Monitoring and Review as set out in the IAPMS triggers the same effect as a Local Plan Review as it would review - in the light of updated Air Quality - revisions to **the level and location of Development across the District**. The rationale for linking Local Plan

Policy for allocated strategic site delivery to the IAPMS which has prepared without proper scrutiny and is queried and is not supported. Linking the delay of development on a strategic site allocation based upon a document that is not part of the Development Plan is untenable.

9. The EPP.R1 and EPP.R2 sites (the SEMPA sites) are the only sites which are caught by this proposed delay in delivery and proposed requirement for this further assessment. The policy wording makes the delivery of the SEMPA reliant on the Council doing the monitoring/survey work in 2024/5, which is a flawed approach and makes the Plan unsound. Linking the delivery of the site to the IAPMS requirement for air quality monitoring survey work which is outside of the control of the landowner and site promoters is a potential significant deliverability issue. There is no reference or recommendation for delaying development specifically on the SEMPA within the IAPMS and this approach is strongly objected to as a mitigation strategy that is unnecessary, unjustified and not sound. The Inspector's Letter post Hearings dated 2 August 2019 Ref ED98 referred to providing robust habitat-specific evidence, or seeking to avoid the effects of atmospheric pollution altering or reducing the pattern of growth proposed in the Plan (Action 5) which has been done. Further, the Inspector advises in para 45 *that 'I anticipate a reduction in the number of dwellings proposed and / or a delay in the projected timing of their delivery'*. The associated Action 19 directs a site capacity review for EPP.R1 and R2 and the number of dwellings proposed was halved. The restrictive part of the policy preventing development from coming forward on the SEMPA site is unnecessary as mitigation on this site from air quality, and site capacity and constraints issues have been addressed.
10. There is concern that, the proposed policy wording in policies DM2 (proposed MM47 paragraph B1) and DM22 (proposed MM74, new paragraph 4.163) and MM75 (amendment to part c), potentially enables unallocated sites to come forward as speculative development in advance of the EPP.R1 and EPP.R2 sites. This scenario is contrary to the plan-led system for planning development on appropriately assessed sites and the SEMPA site has undergone appropriate scrutiny in terms of air quality sufficient to warrant site allocation. Allowing speculative development to come forward and potentially take up the Air Quality capacity considered in relation to the SEMPA site allocation would undermine the entire plan led approach and makes the Local Plan unsound. We strongly urge that the restrictive policy wording requiring additional air quality monitoring to be undertaken in 2024/2025 in relation to any planning application on the SEMPA site be removed.
11. We have reviewed the supporting documents to try and understand the rationale to this change in policy wording and have set out comments below on the supporting documents:

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

12. Having reviewed ED127 'EFDC response to the Inspector's Post Hearing Action 5 & supplementary questions of June 2021, July 2021, this attempts to provide an explanation as to why this restriction has been put in place, page 1 paragraph 5 states: *"In addition, a Main Modification (MM) has been proposed to the South of Epping Masterplan Area in relation to the timing of development on this site linked to further air quality modelling and monitoring results."*

13. It is noted that Page 3 paragraph 4 (under point 1.), which is a response to the Inspector's question states:

"1. How much development is expected to come forward until the proposed/potential introduction of the CAZ from 2025? (Can this be taken from the trajectory?)

The Council's response is: *"The amount of development that has been modelled for the Interim Year (2024) has been informed by the Housing Trajectory (as set out in Appendix 5 to the proposed Main Modifications)."*

14. Page 4 (last paragraph) and 5 (first paragraph) the Council note that if following monitoring that the air quality targets within the EFSAC are not met the Council, in consultation with Natural England, will need to review the most appropriate course of action to address any underachievement, this could include further mitigation measures to be put in place and *"if necessary whether the granting of new consents must cease. That is the ultimate fallback to ensure protection of the EFSAC."*

It is not understood therefore why the SEMPA is being singled out by a delay in delivery, surely further mitigation or the ultimate fallback of 'no new consents' are the appropriate catch all for all sites.

15. In Page 5, the fourth paragraph, the Council attempts to explain why the restriction on the timing of development has been included (emphasis added):

*"The Council recognises that a different approach has been taken to the South of Epping Masterplan Area as per the Council's **response to Action 19** of the Inspector's post Examination hearing advice. This outlines a **delay on the delivery of any dwellings within the Masterplan Area 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.** The Council proposes that the timescales for delivery of the site is managed through a Main Modification to Policy P1. **This approach has not been adopted elsewhere having given consideration both to the proximity of sites to the EFSAC and to reflect the fact that there are other factors that need to be taken into account in terms of, for example, the quantum of development needed to support necessary infrastructure, and the opportunities provided at these other sites for greater modal shift.**"*

16. With regards to this explanation as to why a different approach has been taken for the SEMPA, we comment as follows:

- a. Action 19 of the 'Inspector's Advice After Hearings' (ED98) states:

*"To review the site capacity work for EPP.R1 and R2 (South Epping Masterplan Area) taking detailed account of constraints, and to consider the delivery of the bridge. It is likely that the number of dwellings proposed should be reduced **and/or** that the projected timing of delivery should be delayed."*(emphasis added), at no point in this Action or the supporting text does the Inspector relate to the timing of delivery to air quality. Furthermore, the capacity of the site has been significantly reduced in the proposed MM.

The supporting text for this change (paragraphs 42 to 45 in ED98) deals with site capacity issues and overcoming site constraints in relation to delivery, not in relation to air quality. With paragraph 45 stating:

*“Therefore the Council should review its capacity work, preferably in conjunction with the site promoters, with the above concerns in mind together with the need for SANG provision as outlined above. It should also set out clearly how the bridge is intended to be delivered and what contingencies will be in place of this does not happen. I am open to this allocation remaining in the Plan but, at this stage, I anticipate a reduction on the numbers of dwellings proposed **and/or** a delay in the projected timing of their delivery.” (emphasis added)*

The MMs reduced the quantum of development in response to this request and therefore there is no need for a further delay to delivery.

Having reviewed ED98 further, pages 3-7 deal with the ‘Habitats Regulation Assessment’ and ‘Housing: Requirement, Distribution & Delivery’ there is reference to “... or seek to avoid the effects by altering (or potentially reducing) the pattern of growth proposed in the Plan” (Action 5) and that the capacity of certain allocations might need to be reduced (paragraph 21 but there are no references to delays in delivery of the SEMPA.

- b. It is acknowledged the SEMPA site is in close proximity to EFSAC but other developments and proposed allocations will generate traffic on network through the EFSAC, therefore it is not a strong enough reason to treat the site differently;
- c. The ‘other factors’ are not clearly explained it is difficult to understand what is meant by these.

17. Page 5 under point 5 asks: **“3. Is the amount of development expected to come forward before the introduction of the CAZ a “maximum” amount? If it is, how will the Plan impose this limit?**

18. Interestingly the Council’s response as to why the amount of development expected to come forward before the introduction of the CAZ is not a “maximum” amount provides many reasons (although not in relation to the SEMPA) as to why development should not be restricted/delayed on the SEMPA, for example the response states (emphasis added):

*“The quantum of development that has been modelled to 2024 is the maximum that is considered likely to come forward based on the evidence provided to inform the Housing Trajectory and has been used as a way of ‘sense-checking’ the air quality part of the way through the Plan period as a precautionary measure rather than the maximum that can be delivered for HRA purposes. **This is because it is the Local Plan in its entirety up to 2033 that is required to be assessed for HRA purposes.**”*

*“In considering the amount of development that can come forward it is **important to recognise that it is the Plan as a whole that is being assessed in terms of any adverse effect on the EFSAC rather than phases of development within it. The testing of an interim (2024) level of development was introduced in order for the Council to be able to monitor the***

effects of development on the Epping Forest Special Area of Conservation (EFSAC) to inform the five-year review of the Local Plan rather than to specifically provide a point at which no further development could come forward."

"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."

"Flexibility has been built into the emerging Local Plan to enable the Council to respond to changing circumstances/the findings of monitoring in its approach to protecting the Epping Forest Special Area of Conservation (EFSAC). As such it would not be appropriate for the emerging Local Plan policies to specify precise amounts of development that can come forward at particular periods of time based on any "milestones". This is for a variety of reasons including:

- **potential changes in background air quality in due course** (this could worsen or improve as a result of COVID or improve if the take up of electric vehicles or modal shift happens faster than anticipated or if assumed traffic growth is lower in reality).
- **reflects the reality that not all development that is consented is implemented** (which is an accepted planning principle as evidenced by the need to include a "lapse rate" when assessing housing supply) and that **taking the "milestone" approach could potentially limited the ability of the Council to consent development which would not adversely affect the integrity of the EFSAC whilst helping to meet its other duties/requirements.**
- **that there are other mechanisms which can be brought to bear which do not require the phasing of development to be established within the emerging Local Plan including through Policy D8 and the Monitoring and Review Section of the IAPMS."**

"The HRA 2021 and the IAPMS include targets against which the effectiveness of the range of mitigation measures can be monitored. The purpose of this is in order to track the actual change in pollutant concentrations against the projections in the modelling rather than leaving any assessment until the end of the Local Plan period. This reflects, in part, the fact that for HRA purposes not all of the mitigation measures can be directly modelled with reasonable scientific certainty (as acknowledged within both the HRA 2021 and the IAPMS). The on-site monitoring proposed to be undertaken in 2024/25 is therefore a key mechanism by which any potential adverse effect on the integrity of the EFSAC can be further assessed and the Plan updated should this be necessary. This approach also enables the combined effectiveness of the mitigation measures (i.e. both those that are capable of being modelled and those which cannot) to be better understood."

"Considering the level of development at the 2024 'point in time' gives the Council the opportunity to be able to examine the effects of development based on a known number of dwellings that have been completed across different parts of the District to then ascertain through on-site monitoring whether the predicted air quality improvements that have been forecast are or are not as anticipated. In addition, the air quality modelling is based on a range of assumptions which could be considered precautionary (as set out in paragraph 6.35 page 134 of the HRA 2021) and monitoring air quality at 2024 therefore allows those changes to be taken into account. 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. It is therefore 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, based on the current evidence (again recognising the precautionary approach that has been taken). For completeness, a summary of the range of required measures, when they will be delivered and by who is set out in Appendix 3 of the IAPMS and replicated below

*“In reality some of those measures may have the same effect as the 10% conversion from petrol to ULEV by 2024 but cannot be modelled with sufficient scientific certainty for HRA purposes. Furthermore, as set out above, no account has been taken in the modelling of sites which have existing uses on them. **This is an important point in that some sites (whether allocated or which come forward for development through the Prior Approval Route) when assessed on a site-specific level have demonstrated that the existing authorised use generates a greater proportion of AADT than that proposed. Therefore, it would be an oversimplification to apply a straight line correlation and apply a policy in the Plan that only a defined number of dwellings can be permitted up to 2024.**”*

*“Even with the traffic and air quality measures identified in the IAPMS to be introduced by 2024, there are specific locations in Epping Forest SAC where medium or large residual nitrogen doses are still forecast by 2024 (as documented in the HRA). As a result, to ensure that the delivery of mitigation measures over the plan period keeps pace with delivery of development, there are also specific habitat management interventions included in the IAPMS to improve resilience of the SAC, particularly regarding the production and implementation of Veteran Tree Management Plans for certain roadside trees in the SAC and the improvement of habitat management around sundew populations in the SAC. **Some limited additional further growth prior to introduction of a CAZ, should the future monitoring demonstrate that it is required, could potentially be allowed provided additional mitigation was secured but each application would need to be scrutinised to determine whether it could be addressed without delivery of development outstripping the pace of delivery of necessary mitigation.**”*

19. In summary, these development of the SEMPA should not be treated differently and delivery should be not be delayed because:

- **the Local Plan in its entirety up to 2033 has been assessed for HRA purposes** and it is the Plan as a whole that has been assessed in terms of any adverse effect on the EFSAC rather than phases of development within it or an individual site within it.
- The testing of an interim (2024) level of development was introduced in order for the Council to be able to **monitor the effects of development on the Epping Forest Special Area of Conservation (EFSAC) to inform the five-year review of the Local Plan** rather than to specifically provide a point at which no further development could come forward.
- The inclusion of a phased release of a quantum of development or restricted delivery on one site would undermine the purpose of having the IAPMS.
- **Flexibility has been built into the emerging Local Plan** to enable the Council to respond to changing circumstances/the findings of monitoring in its approach to protecting EFSAC. As such it would not be appropriate for the Local Plan policies to specify precise amounts of development that can come forward at particular periods of time based on any “milestones” or restricted delivery on one site. This is for a

variety of reasons including: potential changes in background air quality in due course; reflects the reality that not all development that is consented is implemented; that there are other mechanisms which can be brought to bear which do not require the phasing of development to be established within the emerging Local Plan including through Policy D8 and the Monitoring and Review Section of the IAPMS.

- Restricted delivery on one site 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. **It is therefore 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, based on the current evidence (again recognising the precautionary approach that has been taken).**
- Finally, the ED127 response states that some limited additional further growth prior to introduction of a CAZ, should the future monitoring demonstrate that it is required, could potentially be allowed provided additional mitigation was secured but each application would need to be scrutinised to determine whether it could be addressed without delivery of development outstripping the pace of delivery of necessary mitigation.

Interim APMS (IAPMS)

20. Comments on the IAPMS are set out below:

21. Paragraph 2.1 confirmed that *“To support an understanding of the likely significant effects of the emerging Local Plan on the **Epping Forest SAC bespoke traffic and air quality modelling has been undertaken based on observed data and on-site monitoring.**”* (emphasis added). The paragraph refers to a link which contained the technical notes explaining the methodology undertaken and the results used to inform the development of this Strategy and the emerging HRA, however no link is inserted in the document.
22. Paragraph 2.2 confirmed a cumulative and predicted analysis was undertaken and states *“The predicted change in vehicle flows and mean maximum queue length and duration was modelled on a series of roads in close proximity to the Epping Forest SAC. **This took account of all expected growth over the plan period, including Local Plan development and extant planning permissions, background traffic growth arising from development in surrounding local authority areas (including extant planning permissions) and predicted background growth in traffic generally as derived by national traffic growth projections.**”* (emphasis added). Therefore, the subject site was included in part of the modelling for the strategy.
23. Paragraph 2.4 confirms that using the generated traffic scenarios, information on the vehicle fleet mix, average vehicle speeds and queue lengths (all of which influence the emissions profile), air quality specialists calculated expected concentrations, for oxides of nitrogen and ammonia as well as nitrogen deposition rates for the modelled links. Therefore, as stated above the site was assessed and predictions made so why is there a need to survey again as set out in the proposed MMs?

24. Paragraph 3.5 states that ***“The outputs of modelling undertaken showed that growth in Epping Forest District up to 2033 (i.e. the end of the Local Plan period) is the primary source of additional ammonia and NOx emissions on the modelled road sections and all other plans and projects would appear to make a negligible contribution to the ‘in combination’ effect. This is thought to be because the average daily traffic flow on all the modelled sections of road is dominated by people who either live or work in Epping Forest District, particularly the settlements that surround the Epping Forest SAC, including Epping itself.”*** If the modelling gave outputs until 2033 it is not understood why there needs to be further assessment in 2024/25.
25. Paragraph 3.6 confirms that the evidence demonstrates that the effects of Local Plan development on air quality on the Forest will require mitigation measures to be implemented and paragraph 3.7 sets out that mitigation will be secured by the use of planning conditions and/or legal agreements to secure financial contributions for the implementation of off-site measures as part of the determination of planning and other development related applications; the development of strategic Masterplans; and strategic initiatives to be implemented by the Council and its partners.
26. Paragraph 3.8 states that the policy context against which planning and other development related applications will be assessed in relation to addressing atmospheric pollution is set out in Section 4 below. In particular policies DM2 and DM22 provide the Framework by which the effects on the Epping Forest SAC will be mitigated to such an extent that an adverse effect on site integrity can be avoided and states ***“The measures relied upon to avoid adverse effects to the Epping Forest will be secured through the implementation of this Strategy, which identifies a number of measures that will be need to be delivered over the course of the Local Plan period. Appendix 3 to this strategy provides a summary of the measures that will be delivered, how they will be delivered, and when.”***
27. Paragraph 5.2 states that the evidence base modelled a number of scenarios which assessed future development growth in the District ‘in combination’ with other plans and projects (i.e. the Local Plan plus growth in surrounding authorities). A number of potential measures were initially considered, including the implementation of a Clean Air Zone encompassing the roads within close proximity to the Epping Forest SAC and the closure of roads to HGVs. In addition, consideration was given to what beneficial effects a shift from Large Goods Vehicles (LGVs) to Ultra Low Emission Vehicles (ULEVs or simply newer Euro standards) would have. Ultimately, two approaches were selected as being quantifiable in the air quality modelling and the most likely to be sufficiently effective in order to be able to reach a conclusion of no adverse effect on the integrity of the Epping Forest SAC. These were as follows: 1. The introduction of a Clean Air Zone; and 2. Increasing the percentage of the vehicle fleet that constitutes ULEVs to 12-15% by 2033, with a focus on the conversion of petrol cars (these being a major source of ammonia) to ULEVs (e.g. electric cars).
28. Paragraph 5.4 states that here are other measures which would also have a beneficial role in achieving an improvement in air quality within the Epping Forest SAC and beyond and states ***“Regular on site air quality and traffic monitoring are also key elements of this Strategy so that we can use data which is specific to the Epping Forest SAC to help us understand the effectiveness of the measures identified in this Strategy or if we need to look at other approaches. The approach to monitoring is set out in Section 6 of this Strategy. The outputs***

will be used to inform the requirement to regularly review the Local Plan and in particular the indicators set out in Policy D8 of the emerging Local Plan."

29. Therefore, the additional monitoring relates to the effectiveness of the strategy and the Local Plan review, and not a mechanism relating to the restriction on timing of releasing the SEMPA sites.
30. Paragraph 5.22 states that the air quality modelling that has been undertaken to support the development of this Strategy and to inform the Habitats Regulations Assessment for the emerging Local Plan and ***"has demonstrated that, based on current information and assumptions, in order to avoid adverse effects to the integrity of the EFSAC a key mitigation measure will be the need to implement a Clean Air Zone (CAZ) in 2025"***
31. Paragraph 5.37 states that based on the current evidence a CAZ would need to be put in place in 2025. Prior to that date a significant amount of practical work needs to be undertaken which the Council will need to do in partnership with Essex County Council as the highway authority. Key activities that need to be undertaken in developing the CAZ are set out at Appendix 2. An indicative programme of delivery is provided at Appendix 3 which provides more detail on the indicative dates to support the implementation of the CAZ and its commencement, which is currently anticipated to be in September 2025. Therefore, the requirement for further monitoring also appears to relate to justifying the need for the CAZ, this is also confirmed in ED127.
32. Paragraph 6.1 confirms that the Council, as local planning authority, is legally required to undertake a review of its Local Plan every five years. Paragraph 6.2 states that in this regard, undertaking a planned approach to air quality monitoring to assess progress on improvements to air quality across the Epping Forest SAC is a necessary and key component of the Strategy as ultimately the success of all the mitigation measures collectively will be better understood through monitoring in order to assess the progress being made towards improving air quality. This will involve a number of elements as follows:
 - Provision of a continuous air quality monitoring unit.
 - Undertaking on-site passive monitoring of Ammonia and NO₂ (primarily through the use of diffusion tubes but also using Alpha Samplers on transects which the evidence has indicated are the subject of the greatest impacts from ammonia concentrations within the Epping Forest SAC. The same sites and methodology as that undertaken for the air quality monitoring undertaken over the period May 2018 – February 2019 will be used to ensure consistency in the data used and its analysis for comparative purposes. The next period of on-site monitoring will be undertaken for a period of 9 months and will commence in May 2024. This strategy states that date has been proposed as it will provide more up-to-date information to inform the final scheme design of the CAZ and give an early indication of the progress toward achieving the Strategy's objectives. This approach is in accordance with Policy D8 of the emerging Local Plan. There is also a need to provide sufficient time for some development to come forward recognising that very little development has been consented across the District since 2018. The nine-month period will allow for an analysis of conditions with and without leaf cover and provides significant periods where traffic levels are not reduced as a result of school and public holidays. This monitoring will build on the outputs from the continuous air quality monitoring station.
 - The results of the on-site monitoring will be used to assess progress towards the 'predicted' air quality conditions as set out in the current evidence base

- Undertaking traffic monitoring using Automatic Traffic Counts and Automatic Number Plate Recognition will enable comparisons to be made at key parts of the road network in close proximity to the Epping Forest SAC which aligns with the air quality monitoring. This will provide a comparable basis for undertaking a review of progress and indicate whether there is a need to update the Local Plan in order to be able to continue to demonstrate that it will not have an adverse effect on the integrity of the Epping Forest SAC.

33. These paragraphs therefore again confirm that the additional monitoring relates to the Local Plan review, and does not relate to restricting the release of the allocated SEMPA sites. These paragraphs also make reference to monitoring in 2024.

34. In summary therefore the interim strategy states:

- The modelling took account of all expected growth over the plan period, including Local Plan development and extant planning permissions, Therefore, as stated above, the site was assessed and predictions made so why is there a need to undertake surveys and modelling again in 2025?
- If the modelling gave outputs until 2033, it is not understood why there needs to be further assessment in 2024/25
- The additional monitoring proposed in the AQMS relates to the effectiveness of the strategy and the Local Plan review, and the possibility of needing a CAZ and is not proposed as a mechanism to control the release of the SEMPA site.

Conclusions

35. Having reviewed the supporting documents, it is clear that there is no justified rationale for the SEMPA site being singled out for delayed delivery.

36. The proposed additional wording is not positively prepared and so is not sound and should be amended as follows:

" Any application for planning permission made subsequent to the endorsed Strategic Masterplan should be accompanied by an assessment of potential air quality impacts demonstrating compliance with J. above, Policy DM2 and Policy DM22 and the Council's adopted Air Pollution Mitigation Strategy. Such an assessment must take into account the results of monitoring in 2024/2025 which is to be undertaken in accordance with the Council's adopted Air Pollution Mitigation Strategy. Accordingly no application for permission should be determined prior to such monitoring results being available."

Yours faithfully



Louise Steele

TOWN AND COUNTRY PLANNING ACT 1990

**REPRESENTATIONS IN RESPONSE TO
THE EPPING FOREST DISTRICT LOCAL PLAN
SUBMISSION VERSION 2017 (LPSV) MAIN
MODIFICATIONS CONSULTATION (ED130)**

AUGUST 2021

ON BEHALF OF BARWOOD LAND

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1.0 INTRODUCTION

- 1.1 This statement has been prepared on behalf of Barwood Land as incumbent land promoter on behalf of the landowners at allocation EPP.R1, in response to the Epping Local Plan Post-Examination Hearings Main Modifications for public consultation which were published for public consultation by the Council in August 2021.
- 1.2 The statement is submitted on behalf of parties who all have land interests at the proposed allocation of EPP.R1, which forms part of the South Epping Masterplan Area (SEMPA).
- 1.3 Submissions have been made at previous consultations on the draft Local Plan and these representations should be viewed in the context of our previous comments.

2.0 REPRESENTATIONS IN RESPONSE TO MAIN MODIFICATIONS

In the following tables we set out our response to each of the modifications proposed:

M46 Supporting text to Policy DM 2

Proposed Modification	Response: comment / proposed re-wording
<p>Paragraph 4.20 split to create new paragraph as follows:</p> <p>“x.xx Furthermore, In terms of air quality, detailed modelling and analysis undertaken to inform the HRA 2021 has demonstrated that changes in atmospheric pollution would not lead to an adverse a likely significant effect on the integrity of these Lee Valley SPA/ Ramsar sites either alone or in combination with other projects and plans (including those plans being developed by neighbouring local authorities). However, the Epping Forest SAC is currently assessed as being of ‘unfavourable conservation status’. in part as a result of the effects of Concerns exist in relation to both increasing recreational use and air-borne pollutants, including from traffic. This latter point concern arises from relates to an underlying traffic/air quality issue as a result of existing substantial baseline traffic flows, and the resulting queues, combined with the age and mix of vehicle types that currently use roads in close proximity to the Forest. Standard impact assessment The modelling undertaken for the HRA-2021 methodologies shows that development proposed through neighbouring authorities the Local Plans being developed within the West Essex/East Hertfordshire Housing Market Area would not result in an adverse effect on the roads modelled. The primary contributor which would add to this existing problem is from those developments in the District allocated through this Plan as well as background growth in the District which would result in any increase in traffic using roads in close proximity to the Forest. due to an Whilst it is expected that there will be some improvement in air quality through the introduction of new technologies, and contributions to any retardation of that improvement is extremely small the HRA 2021 modelling concludes that this on its own will not be sufficient to reduce the level of air pollution to acceptable levels by the end of the Plan period. However, addressing the underlying issue is a matter of good stewardship.”</p> <p>Amend Paragraph 4.23 as follows:</p>	

~~“4.23 In addition to the above t~~The Council, through this Local Plan, recognises the need to provide confidence that new development does not result in any ~~likely significant~~ adverse effects on the integrity of the Forest and the Lee Valley SPA/Ramsar sites. Policy T 1 (Sustainable Transport Choices) and DM 22 (Air Quality) As well as Policy DM2 a range of other policies within this Plan provide the mechanisms policy framework by through which the Council will seek secure the delivery of specific measures to address the underlying issue of negative effects on the Forest as a result of air pollution arising from additional traffic/ air quality issues and recreational pressures arising from new homes. In addition, provision is made in relation to the Forest, and provide for monitoring the effectiveness of those measures.

These measures form part of a mitigation framework for managing the effects of new development on the Epping Forest SAC.

~~In addition, As well as~~ Policy DM2 these policies include:

- Policy SP2 (Place Shaping);
- Policy SP3 (Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town);
- Policy SP4 (Garden Town Communities);
- Policy SP6 (The Natural Environment, Landscape Character and Green and Blue Infrastructure);
- Policy T1 (Sustainable Transport Choices);
- Policy DM1 (Habitat Protection and Improving Biodiversity);
- Policy DM5 (Green and Blue Infrastructure);
- Policy DM9 (High Quality Design);
- Policy DM22 (Air Quality);
- the Places Policies in Chapter 5 and the site specific requirements in Part Two of this Plan;
- and
- Policy D8 (Local Plan Review).

~~provides the mechanisms for managing future recreational pressures on the Forest in particular The Council's approach is to facilitate the development of a green infrastructure network. Through improved links to other green spaces, and to the quality of those green spaces and links, the human pressure on these assets is intended to be more widely spread, with the aim of being less harmful to biodiversity.”~~

New Paragraphs following Paragraph 4.23:

“x.xx In relation to air pollution the Council has adopted an Air Pollution Mitigation Strategy (APMS) which sets out the actual measures that the Council will implement during the lifetime of the Plan. These measures 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 also includes 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 inform any necessary changes that may need to be made to the targets and measures and identified in the APMS or the Local Plan in terms of the quantum and location of development being proposed.”

Footnote 1 to read:

“1 The HRA 2021 concludes that a Clean Air Zone will be required, but it is possible that improvements in air quality may proceed more quickly than has been assumed in the modelling underlying the HRA and in that eventuality the need for a CAZ can be reviewed in response to air quality monitoring data.”

x.xx The Council recognises that additional residential development within parts of the District is likely to give rise to further visitor pressure on the Forest that needs to be either avoided or mitigated. These parts of the District are defined by a ‘Zone of Influence’ which has been established using evidence from visitor surveys in 2017 and 2019. The current ‘Zone of Influence’ is 6.2km but this may change over the course of the period of this Plan as a result of future visitor surveys that are scheduled to be undertaken as part of the Monitoring Framework for the Forest. In order to protect the vulnerable habitats within the Forest the Council will secure the provision or enhancement of alternative spaces and corridors that can relieve the recreational pressure on the Forest. This can be achieved by increasing public access to land that is not in the Forest, and altering the character of existing open spaces and the links between open spaces. These approaches are intended to improve access for walkers, dog walkers, cyclists and horse riders to recreational spaces other than the Forest as well as provide for additional space for wildlife and plant species. In order to achieve this objective the Council has adopted a

The supporting text to policy DM2 refers to the Air Pollution Mitigation Strategy (APMS). The current published APMS is labelled ‘Interim’ and was produced to help clear a backlog of planning applications. There is no date for the final strategy and the IAPMS does not appear to have been formally consulted on as part of the EIP process. It is noted here that the Monitoring Framework in the IAPMS could impact on the quantum and location of development proposed. There is no clarity on when the next APMS will be published. Plans should only contain policies that provide a clear indication of how a decision maker should react, the proposed wording is imprecise. The proposed wording is not positively prepared and is therefore not sound.

The wording of the text should therefore be amended as follows:

“This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and inform any necessary changes that may need to be made to the targets and measures and identified in the APMS ~~or the Local Plan in terms of the quantum and location of development being proposed.~~”

<p><u>Green Infrastructure Strategy which provides the District wide framework for providing new areas of Suitable Alternative Natural Greenspace (SANG) related to a number of the Masterplan areas together with identified opportunities to provide an alternative recreational offer to the Forest, including through enhancements to existing open spaces. These measures will be implemented by developers of relevant sites or through securing financial contributions for the implementation of measures by the Council and its partners.</u></p> <p><u>x.xx The Council does, however, recognise that there are no mechanisms for preventing new residents from using the Forest and that there is therefore a need to address this by working with the Conservators of Epping Forest to implement Site Access Management and Monitoring (SAMM) measures within the Forest itself. The Council has adopted an 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' which identifies a range of measures to be implemented and monitoring activities to be undertaken over the course of the period of the Plan. The Interim Approach also identifies the level of financial contributions that will be secured from relevant residential developments within the 'Zone of Influence.' The Council will continue to work with neighbouring authorities and the Conservators of Epping Forest to update and refine these projects and programmes and the approach to securing financial contributions over the course of the Plan period.</u></p>	
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MM47 Policy DM2

Proposed Modification	Response: comment / proposed re-wording
<p>Amend Parts A, B and C and remove Parts D and E as follows:</p> <p>"A. The Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of the Epping Forest Special Area of Conservation (SAC) and the Lee Valley Special Protection Area (SPA). <u>The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation (SAC) and the Lee Valley Special Protection Area (SPA).</u></p> <p>B. New residential development that will have an adverse effect on integrity, likely to have a</p>	

significant effect, either alone or in combination with other development in these areas plans or projects, will not be permitted unless sufficient will be required to demonstrate that adequate measures are secured and delivered to ensure there put in place to avoid or mitigate any potential adverse effects will be no harm to the integrity of the protected sites. For the Epping Forest SAC, the need for a strategic approach has been identified and such measures will therefore be expected to include those identified in the Mitigation Strategies adopted by the Council relating to air pollution and recreational pressure, which will be reviewed and updated where monitoring indicates this is necessary as required over the Plan period. For the avoidance of doubt, the relevant strategies for the Epping Forest, which have been adopted by the Council as a material consideration in the determination of planning and other relevant development related applications, are as follows:

- i) An Air Pollution Mitigation Strategy;
- ii) An Approach to managing Recreational Pressure on the Epping Forest Special Area of Conservation (SAMM Strategy); and
- iii) A Green Infrastructure Strategy.

B1 – Epping Forest Air Pollution Mitigation Strategy – To mitigate for potential or identified adverse effects on air quality arising from additional development in the District, all development giving rise to a net increase in average annual daily traffic, will be required to be mitigated in accordance with appropriate measures including those identified in the most up to date Air Pollution Mitigation Strategy adopted by the Council as a material consideration in the determination of planning and other relevant development related applications and proposals. Measures have been specifically identified in the Strategy to ensure no adverse effect on the integrity of the Epping Forest SAC. Development which is required to deliver measures on site or contribute to the delivery of off-site measures and the undertaking of monitoring will not be consented until such those measures, and any necessary financial contributions required for their delivery, are secured.

B2 – Epping Forest SAMM Strategy - To mitigate for potential or identified adverse recreational effects of additional residential development within the Epping Forest SAC Zone of Influence development proposals will be required to make a financial contribution towards the implementation of the be mitigated through SAMM strategy, measures. in accordance with

Comment: The proposed text here allows mitigation in accordance with the APMS as is states “To mitigate for potential or identified adverse effects on air quality arising from additional development in the District, all development giving rise to a net increase in average annual daily traffic, will be required to be mitigated in accordance with appropriate measures including those identified in the most up to date Air Pollution Mitigation Strategy”, therefore there is no need for a delay in delivery on development on allocated sites of EPP. R1 and EPP.R2 the SEMPA sites.

the most up-to date strategy adopted by the Council.

B3 – Epping Forest District Green Infrastructure Strategy - To mitigate for potential or identified adverse recreation effects of additional residential development in the Epping Forest SAC Zone of Influence, including from strategic developments, the Council will ensure both provision of and access to sufficient Suitable Alternative Natural Greenspace (SANGs) and/or the implementation of enhancements to existing Green and Blue Infrastructure assets. Such provision and enhancements should be in accordance with the site-specific policies contained within this Plan and the most upto-date adopted Green Infrastructure Strategy. These measures include:

- (i) providing new natural greenspaces; or
- (ii) improving access to natural greenspaces; or
- (iii) improving the recreation facilities, naturalness, and habitat quality of existing greenspaces; or
- (iv) improving the connectivity between greenspaces where this would not result in an adverse effect on the integrity of any designated site.

Relevant development proposals will be required to make a financial contribution towards the delivery of off-site projects in accordance with the adopted Green Infrastructure Strategy.

C. All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell and Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed. In recognition of the risks posed to the Epping Forest SAC from urbanisation effects over and above that resulting from recreational pressures (including from fly tipping, the introduction of non-native plant species and incidental arson) planning applications for development will not be permitted within 400m perpendicular to the boundary of the Epping Forest SAC, unless it can be demonstrated through project level HRA that the development would not generate any such impacts [INSERT FOOTNOTE 2 AS BELOW].

D. To mitigate against potential or identified adverse effects of additional development in the District, in particular from strategic developments, on the Epping Forest SAC, and Lee Valley SPA the Council will ensure the provision

<p><u>of a meaningful proportion of Natural Green Space or access to Natural Green Space. This could involve:</u></p> <p><u>(i) providing new green spaces; or</u></p> <p><u>(ii) improving access to green space; or</u></p> <p><u>(iii) improving the naturalness of existing green spaces; or</u></p> <p><u>(iv) improving connectivity between green spaces</u></p> <p><u>where this would not contribute to a material increase in recreational pressure on designated sites.</u></p> <p><u>E. Planning applications on sites within 400m of the Epping Forest SAC will be required to submit a site level Habitats Regulations Assessment setting out how any urbanisation effects (including from fly tipping, the introduction of non-native plant species and incidental arson) will be mitigated against.”</u></p> <p>Footnote 2 to read:</p> <p><u>“2 Note that this is not a ‘no development’ buffer but rather a trigger for application level further consideration of each proposal within that zone.”</u></p>	
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MM74 Supporting Text to Policy DM 22 Page 95-98

Proposed Modification	Response: comment / proposed re-wording
<p>Combine Paragraphs 4.158 and 4.159 as follows and amend Paragraph 4.159 (LPSV para 4.160):</p> <p><u>“4.158 The local air quality management (LAQM) regime requires every district local authority to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date. If national objectives for human health are not met, or at risk of not being met, the local authority concerned must declare an an Air Quality m Management Area (AQMA) and prepare an an Air Quality a Action Plan (AQAP). This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning. <u>The Council was required to declare an AQMA in the area of Bell Common, Epping in 2010. The AQMA is still in place due to very localised NOx levels and the Council is continuing to monitor the situation and work towards reducing these levels such that there is no longer a need to declare an AQMA.</u></u></p> <p><u>“4.159 The effect of Air quality pollution can also affect biodiversity on ecologically sensitive habitats of international importance and may therefore impact on our international obligations is required to be considered under the Habitats Regulations Directive. As set out in the supporting text to Policy DM2 the health of the</u></p>	

Epping Forest SAC is sensitive to, amongst other things, air-borne pollutants, including those generated as a result of traffic and the Council cannot consent plan or projects that would either alone or in combination with other plans and projects would have an adverse effect on the integrity of the Epping Forest SAC. In addition the Council was required to declare an Air Quality Management Area (AQMA) in the area of Bell Common, Epping in 2010. This is still being monitored as nitrogen dioxide levels are still elevated and the Council is required to reduce them by 2020."

Amend Paragraph 4.161 as follows:

"4.161 Local Plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Consideration of air quality issues at the plan-making stage can ensure a strategic approach to air quality and help secure improvements in overall air quality where possible. Therefore in plan making, it is important to take into account AQMAs air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality and its effects on both human and ecological health."

Amend Paragraphs 4.162 and 4.163 as follows:

"4.162 The approach to the location of development in the Local Plan has included the consideration of the sustainability of sites in respect to accessibility, or potential accessibility to facilities, services and jobs, by means other than the car. The reduction in levels of car use can have a significant positive effect on the air quality in an area, as can the provision of infrastructure which supports the use of new technologies, such as electric vehicles. This approach is taken forward through a number of policies in the Local Plan including:

- Policy SP1 (Spatial Development Strategy);
 - Policy SP2 (Place Shaping);
 - Policy SP3 (Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town);
 - Policy SP4 (Garden Town Communities); and
 - Policy T1 (Sustainable Transport Choices).
- Policy SP2 (Spatial Distribution) and Policy T 1 (Sustainable Transport Choices). As set out within the Memorandum of Understanding the Council is working with the City of London Corporation,

Natural England and other Housing Market Area authorities to address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan led development and the requirement to prevent deterioration of the SAC features.

4.163 In addition to the above policies It is important that the effects from development, both individually and cumulatively, are assessed where they have a potential effect on the health of people and biodiversity within the District, and that appropriate mitigation and monitoring measures are secured. As traffic is a major contributing factor to effects of humans and habitats, all new development which requires the submission of a Transport Assessment or Transport Statement (as set out in the Council's Local Validation Checklist) will be required to submit an assessment of air quality impacts which may arise as a result of the development.

This is in addition to other developments which will require the submission of such assessment where the proposal has the potential to impact on air quality."

New Paragraphs following 4.163 as follows:

"x.xx The Council has adopted an Air Pollution Mitigation Strategy (APMS) which provides a District-wide approach to managing the effects of new development on the Epping Forest SAC. As required by Policy DM2 all planning applications for development in the District which give rise to a net increase in traffic flows will be required to adopt or make financial contributions to the relevant measures set out in the adopted APMS. In addition to addressing the air pollution impacts on the SAC, the APMS will have wider air quality benefits across the District, including the Bell Common AQMA."

"x.xx In addition to traffic related effects on the Epping Forest SAC considerations that may be relevant to determining a planning application include whether the development would:

- Lead to changes (including any potential reductions) in vehicle-related emissions in the immediate vicinity of the proposed development.
- Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels within or close to an AQMA or introduce relevant combustion within a Smoke Control

Comment: This wording appears to allow developments that come before the allocated sites of EPP. R1 and EPP.R2 (SEMPA) sites not to be restricted on their delivery as they do not need to wait for the proposed 2024/25 monitoring, such sites just have to adopt or make financial contributions to the relevant measures as set out in the APMS.

<p><u>Area; or extraction systems (including chimneys) which require approval or permits under pollution control legislation;</u></p> <ul style="list-style-type: none"> • <u>Expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality;</u> • <u>Give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations.”</u> <p><u>“x.xx The Council’s Local List of Validation Requirements sets out the type and scale of planning application that will be required to be supported by an air quality assessment. It is important that applicants engage early on in the development of their scheme with both the Council’s planning and environmental health departments to establish the need and scope of any assessment to support an application. For large and complex industrial processes, the Environment Agency should also be engaged at an early stage.”</u></p>	

MM75 Policy DM 22 Page 98 - 99

Proposed Modification	Response: comment / proposed re-wording
<p>Amend Part B and Part C as follows:</p> <p>“B. Any <u>required</u> mitigation measures required will be determined by the scale of development, its location, the potential to cause air pollution, and the presence of sensitive receptors in the locality. <u>Such requirements will include, where appropriate, measures identified within the most up-to-date Air Pollution Mitigation Strategy for Epping Forest adopted by the Council as a material consideration in the determination of planning and other relevant development related applications and proposals. With regard to the measures specifically identified in the Strategy to ensure no adverse effect on the integrity of the Epping Forest SAC, development which is required to deliver measures on site or contribute to the delivery of off-site measures and the undertaking of monitoring will not be consented until such measures and any necessary financial contributions required for their delivery are secured.</u></p> <p>C. <u>The Council has undertaken a detailed strategic modelling exercise assessing the effects of all planned housing and employment growth in the District on the Epping Forest SAC. Larger</u></p>	<p>Comment: This wording appears to allow developments that come before the allocated sites of EPP. R1 and EPP.R2 (SEMPA) not to be restricted on their delivery as they do not need to wait for the proposed 2024/25 monitoring,</p>

<p>Proposals or those on sites that are not allocated in the Local Plan, or which have not been accounted for in the strategic modelling undertaken by the Council, that have the potential to produce affect air pollution, will be required to undertake an air quality assessment that identifies the potential impact of the development in combination with existing baseline pollution and other plans and projects., together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation measures that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals together with financial contributions to support the implementation of off-site measures and the monitoring of their efficacy in accordance with the Council's Air Pollution Mitigation Strategy."</p> <p>Remainder of C to become two new parts after C as follows:</p> <p>". Development proposals which will result in air quality impacts on sensitive receptors other than the Epping Forest SAC This will include be required to undertake an assessment of the emissions (including from traffic generation) created and identify the mitigation measures that will address any deterioration in air quality as a result of the development. and calculation of the cost of the development to the environment.</p> <p>". All assessments for of air quality impacts shall be undertaken by competent persons."</p>	<p>they just have to undertake an assessment, mitigate and make financial contributions. There is no reason for the SEMPA site to be treated differently, there is no need for a delay in delivery on development on allocated sites of EPP. R1 and EPP.R2 the SEMPA sites.</p>
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MM78 Policy P 1 Pages 102 - 108

Proposed Modification	Response: comment / proposed re-wording
<p>Amend Part B title as follows: Residential and Mixed Use Sites</p> <p>Amend Policy P 1 Part B as follows:</p> <p>B. In accordance with Policy SP12 the following sites are allocated for residential or mixed use development:</p> <p>Amend Policy P 1 Part B as follows:</p> <p>(i) EPP.R1 Land South of Epping West and Approximately 450 homes EPP.R2 Land South of Epping, East –</p>	<p>We consider the proposed modifications unnecessarily restrictive. The capacity plan produced jointly by the promoters of the two site shows that the site is capable pf providing 735 to 829 dwellings. Therefore to provide an appropriate level of flexibility to make the plan sound by</p>

<p>approximately 500 <u>450</u> homes <u>and appropriate uses</u></p> <p>“(ii) EPP.R3 Epping London Underground Car Park – Approximately 89 homes “(iv) EPP.R5 Epping Sports Centre – Approximately 432 homes” “(ix) EPP.R10 Land to rear of High Street – Approximately 6 homes”</p> <p>Amend Policy P 1 Part B as follows:</p> <p>“(iii) EPP.R4 Land at St Johns Road – Approximately 34 homes <u>and appropriate uses</u>”</p> <p>New Part following Part C as follows:</p> <p><u>“Sustainable Transport Choices</u></p> <p><u>In accordance with Policy T1, all development proposals must demonstrate opportunities to access jobs, services, education and leisure opportunities by means other than the car have been addressed, both within Epping and to the Harlow and Gilston Garden Town. This includes the need to make provision for, improve, enhance and promote use of existing cycling and walking networks and access to passenger transport services.”</u></p> <p>Amend Part D as follows:</p> <p>“Infrastructure Requirements D. Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan <u>Schedule unless subsequent iterations of the Infrastructure Delivery Plan Schedule or discussions with providers determine that these requirements have changed.</u>”</p> <p>Remainder of D to become new Part after D and specified elements amended as follows:</p> <p>“. Specifically, Development proposals in Epping will be expected to <u>deliver and/or</u> contribute proportionately towards the following infrastructure items <u>as required, including:</u></p> <p>(ii) new primary school <u>education provision including early years, primary school and secondary school places;</u></p> <p>(iii) appropriate <u>provision of health facilities;</u> () <u>provision of walking and cycling facilities and linkages both within the site and to key destinations;</u></p>	<p>being positively prepared, the numbers of dwellings should be expressed as a minimum. All other Masterplan and Concept Framework Areas in the plan are expressed as a minimum and they should all be expressed as a minimum for consistency and to align with the NPPF.</p> <p>It is therefore requested that the text is amended as follows:</p> <p>(i) EPP.R1 Land South of Epping West <u>and Approximately 450 homes</u> EPP.R2 Land South of Epping, East – a minimum of approximately 500 <u>450</u> homes <u>and appropriate uses</u></p>
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() enhancements to public transport provision or other initiatives which reduce the need to travel by car;

(iv) highways and junction upgrades;

(v) upgrades to Lindsey Street electricity sub-station upgrade and improvement of utility infrastructure including water, waste water, solid waste, gas, electricity and telecommunications;
and

(vi) necessary upgrades to existing waste water infrastructure; and

(vii) appropriate provision of green infrastructure and open space throughout the settlement improvements and provision of green and blue infrastructure assets including open space.”

New Part under ‘Infrastructure Requirements’ between Part D and Part E:

“ . A new leisure centre will be provided in Epping to replace the facility currently located at site EPP.R5.”

Deletion of Part E as follows:

~~“E. Development proposals must contribute proportionately towards the delivery of those infrastructure items set out above and in the Infrastructure Delivery Plan (IDP)., unless subsequent iterations of the Infrastructure Delivery Plan or discussions with providers determine that these requirements have changed~~

Amend Part G as follows:

~~“G. The development of the allocated sites within Epping have the potential to produce air pollution that could impact upon air quality in the District, including the Epping Forest. All development proposals will need to demonstrate that they are in accordance with Policy DM2 and Policy DM22 and the Council’s adopted Air Pollution Mitigation Strategy. 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., all proposals on sites which require a Transport Assessment/Transport Statement will be required to undertake an air quality assessment that identifies the potential impact of the development, together with contributions towards air quality monitoring.”~~

Amend Part H as follows:

~~“H. Due to their proximity to Epping Forest, Developments of the allocated sites within Epping will be required to make a contribution to the access management and monitoring of visitors to the Forest which would result in a net~~

increase in dwellings have the potential to result in recreational pressure on the Epping Forest SAC. All such developments will need to demonstrate that they are in accordance with Policy DM2. This includes, where necessary, the provision of financial contributions towards mitigation and monitoring measures."

Replace Part I as follows:

"I. In accordance with Policy DM 15, development on residential allocations must be located wholly within Flood Zone 1. Except for essential infrastructure and water compatible developments, no built development on residential allocations will be permitted on land within Flood Zones 2 and 3 as shown on the Council's latest Strategic Flood Risk Assessment maps, including the appropriate allowance for climate change."

Amend Part J as follows:

"J. Development proposals in relation to sites EPP.R1 and EPP.R2 must ~~comply~~ be in general conformity with a Strategic Masterplan for the South Epping Masterplan Area which has been formally endorsed by the Council prior to the determination of any planning applications."

Amend Part K as follows:

"K. In addition to the requirements set out above, the Strategic Masterplan ~~should~~ must make provision for:

- (i) ~~a minimum of 950~~ approximately 450 homes;
- (ii) ~~a new neighbourhood centre to include~~ appropriate community and health facilities, employment and retail uses;
- (iii) a new primary school ~~and early years childcare provision (which could be accommodated through the relocation of Ivy Chimneys Primary School);~~
- (iv) ~~appropriate provision of health facilities,~~ exploring the potential for a new health hub to include an integrated GP surgery, pharmacy and any other necessary health services;
- (v) ~~new road access and internal road layout to support a bus corridor;~~

Provision or enhancement of walking and cycling facilities, Public Rights of Way and linkages both within the site, over the railway line, the footbridge over the M25, and to key destinations including Epping London Underground Station and the Town Centre;

- (vi) ~~a new vehicular, pedestrian and cycling bridge over the railway line;~~ Vehicular access/egress which provides safe access to the local highway network, does not impact on its safe and efficient operation, does not result in

We consider the proposed modifications unnecessarily restrictive and not positively prepared. The capacity plan produced jointly by the promoters of the two site shows that the site is capable of providing 735 to 829 dwellings. Therefore to provide an appropriate level of flexibility the numbers of dwellings should be expressed as a minimum.

With regards to the primary school, at present there are ongoing discussions between EFDC and ECC regarding the requirement for a new primary school provision within the SEMP. Therefore, it may be that a school is not required and therefore the text should be amended to allow the site to deliver and/or contribute proportionately to the school. This will ensure that the plan is positively prepared.

The suggested text wording is as follows:

i) approximately a minimum of 450 homes;

iii) deliver and/or contribute proportionately to a new primary school and early years childcare provision (which could be accommodated through the relocation of Ivy Chimneys Primary School);

the loss of important boundary trees and/or hedgerows, or cause material harm to the living conditions of adjoining residents as a result of noise, light pollution or privacy.

~~(vii) car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders;~~

~~(viii) minimising the impact upon preserving or enhancing the setting of the Grade II listed Gardners Farm and Grade II listed Farm Buildings;~~

New point after (x):

“() the sloping topography of the site by incorporating sensitive design responses to the level changes and by ensuring a positive relationship is established between the new development, the town and the wider landscape.”

Remove point (xi):

~~(xi) careful design to avoid or reduce impacts on the ancient woodland which may include providing a buffer zone of semi natural habitat between built development and the Ancient Woodland;~~

Amend point (xii) as follows:

“(xii) the continued protection of those trees benefitting from a Tree Preservation Order and other identified Veteran trees;”

Amend point (xiv) as follows:

“(xiv) the integration, retention and improvements to the existing watercourse and Public Rights of Way, including the retention of the existing pedestrian footbridge over the M25, and enhanced linkages to Epping station;”

Amend point (xv) as follows:

“(xv) adequate levels of high quality public open space, including the replacement retention or reprovision of Brook Road Informal Recreation Ground; and”

Remove (xvi) as follows:

~~“(xvi) contribute towards air quality monitoring within the Epping Forest.”~~

Additional point after (xvi) as follows:

“() a Suitable Alternative Natural Greenspace.”

New Parts after Part L as follows:

“ . The Strategic Masterplan must incorporate measures to promote and encourage the use of sustainable methods of transportation and provide viable alternatives to single occupancy private car use including car clubs/car sharing or pooling arrangements. Such measures are to be planned in consultation with Essex County Council (and relevant passenger transport

This proposed text is not positively prepared, the submission of a framework travel plan could secure the required modal shift.

The proposed amended wording is as follows:

providers). The proposed measures should be underpinned by feasibility evidence that comprehensively demonstrates the delivery of modal shift by way of sustainable travel measures.”

“ . Any application for planning permission made subsequent to the endorsed Strategic Masterplan should be accompanied by an assessment of potential air quality impacts demonstrating compliance with J. above, Policy DM2 and Policy DM22 and the Council’s adopted Air Pollution Mitigation Strategy. Such an assessment must take into account the results of monitoring in 2024/2025 which is to be undertaken in accordance with the Council’s adopted Air Pollution Mitigation Strategy. Accordingly no application for permission should be determined prior to such monitoring results being available.”

“ . The Strategic Masterplan must incorporate measures to promote and encourage the use of sustainable methods of transportation and provide viable alternatives to single occupancy private car use including car clubs/car sharing or pooling arrangements. Such measures are to be planned in consultation with Essex County Council (and relevant passenger transport providers). The proposed measures should be underpinned by a **Framework Travel Plan** feasibility evidence that comprehensively demonstrates the delivery of modal shift by way of sustainable travel measures.”

This text restricts development on the SEMPA until post 2025 once monitoring has been undertaken in accordance with the APMS. As stated above, the supporting text to policy DM2 refers to the Air Pollution Mitigation Strategy (APMS). The current published IAPMS is labelled ‘Interim’ and was produced to help clear a backlog of planning applications. There is no date for the final strategy and the APMS does not appear to have been formally consulted on as part of the EIP process. It is noted here that the Monitoring Framework in the IAPMS could impact on the quantum and location of development proposed. Plans should only contain policies that provide a clear indication of how a decision maker should react, the proposed wording is imprecise.

The EPP.R1 and EPP.R2 sites appear to be the only sites which are caught by requirement for this further assessment. The policy wording makes the delivery of the SEMPA reliant on the Council doing the survey work in 2024/5, this cannot be correct.

The proposed policy wording in policies DM2 (proposed MM47 paragraph B1) and DM22 (proposed MM74, new paragraph 4.163) and MM75 (amendment to part c), potentially allows unallocated sites to come forward in advance on the EPP.R1 and EPP.R2 sites.

The attached note sets out we the proposed additional wording is not positively prepared.

The wording of the text should therefore be amended as follows:

“ . Any application for planning permission made subsequent to the endorsed Strategic Masterplan should be accompanied by an assessment of potential air quality impacts demonstrating compliance with J. above, Policy DM2 and Policy DM22 and the Council’s adopted Air Pollution Mitigation Strategy. **Such an assessment must take into account the results of monitoring in 2024/2025 which is to be undertaken in accordance with the Council’s adopted Air Pollution Mitigation Strategy. Accordingly no application for permission should be determined prior to such monitoring results being available.”**

<p>Map 5.1</p> <p>Amend site boundary of EPP.R5 and remove EPP.R3 and EPP.R10 Amend symbology of EPP.R4 to reflect symbology change for 'mixed use' allocations</p> <p>South Epping Masterplan Area Map</p> <p>Move South Epping Masterplan from Appendix 6 (now Part Two of the Plan) (including site map and site information) to Policy P1 Epping.</p>	
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APPENDIX 5 – HOUSING, EMPLOYMENT AND TRAVELLER TRAJECTORIES MM115 Housing Trajectory

APPENDIX 3 HOUSING, EMPLOYMENT AND TRAVELLER TRAJECTORIES Housing Trajectory

Proposed Modification	Response: comment / proposed re-wording																																										
Page 181	<p>The trajectory is not set out per site so it is difficult to comment in relation to the SEMPA site. It is noted that there is a break of delivery development in the housing trajectory for Epping, we would expect continuous build time in sites across Epping.</p> <p>As set out in previous representations to the draft local plan, the trajectory of the site should be as follows (based on the SEMPA landowners capacity assessment):</p> <table><tr><td>2021</td><td>2022</td><td>2023</td><td>2024</td><td>2025</td><td>2026</td><td>2027</td><td>2028</td></tr><tr><td>0</td><td>0</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td></tr></table> <table><tr><td>2029</td><td>2030</td><td>2031</td><td>2032</td><td>2033</td></tr><tr><td>100</td><td>35</td><td>0</td><td>0</td><td>0</td></tr></table> <p>Or the trajectory should be as follows, based on the Council’s minimum 450 dwellings:</p> <table><tr><td>2021</td><td>2022</td><td>2023</td><td>2024</td><td>2025</td><td>2026</td><td>2027</td><td>2028</td></tr><tr><td>0</td><td>0</td><td>100</td><td>100</td><td>100</td><td>100</td><td>50</td><td>0</td></tr></table> <p>This is proposed on the following assumptions:</p> <ul style="list-style-type: none">• Build Out rate of 100 dwelling per year based on two outlets, one for EPP.R1 and one for EPP.R2;• Local Plan adopted by the end of 2021;• Outline planning application is submitted by Q1 2021;• Outline planning permission granted by Q3 2021;• Reserved Matters applications are submitted by Q4 2021;• Reserved Matters are approved by Q2 2022; and• Start on site Q1 2023.	2021	2022	2023	2024	2025	2026	2027	2028	0	0	100	100	100	100	100	100	2029	2030	2031	2032	2033	100	35	0	0	0	2021	2022	2023	2024	2025	2026	2027	2028	0	0	100	100	100	100	50	0
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2021	2022	2023	2024	2025	2026	2027	2028																																				
0	0	100	100	100	100	50	0																																				

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)

Agent on behalf of Barwood land as incumbent land promoter

2. Personal Details

3. Agent's Details (if applicable)

Title

Miss

First Name

Louise

Last Name

Steele

Job Title
(where relevant)

Director

Organisation
(where relevant)

Barwood Land

Framptons

Address Line 1

[REDACTED]

Line 2

[REDACTED]

Line 3

[REDACTED]

Line 4

[REDACTED]

Post Code

[REDACTED]

Telephone
Number

[REDACTED]

E-mail Address

[REDACTED]

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 supporting text to policy DM2 refers to the Air Pollution Mitigation Strategy (APMS). The current published APMS is labelled 'Interim' and was produced to help clear a backlog of planning applications. There is no date for the final strategy and the APMS does not appear to have been formally consulted on as part of the EIP process. It is noted here that the Monitoring Framework in the APMS could impact on the quantum and location of development proposed. There is no clarity on when the next APMS will be published. Plans should only contain policies that provide a clear indication of how a decision maker should react, the proposed wording is imprecise. The proposed wording is not positively prepared and is therefore not sound. Please also see attached cover letter and report.

The wording of the text should therefore be amended.

(Continue on a separate sheet if necessary)

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.

The wording of the text should therefore be amended as follows (new paragraphs following paragraphs 4.23 x.xx):

"This Monitoring Framework is necessary to ensure that progress towards the achievement of these targets is assessed and inform any necessary changes that may need to be made to the targets and measures and identified in the APMS ~~or the Local Plan in terms of the quantum and location of development being proposed.~~"

(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?

☒ Yes

☐ No

Signature:



Date

23.09.21

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.

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MM no.

Supporting document reference

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(Please refer to the Guidance notes for an explanation of terms)

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- b) Sound Yes No

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

Positively prepared Effective

Justified Consistent with national policy

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Comment on paragraph B1: The proposed text here allows mitigation in accordance with the APMS as is states "To mitigate for potential or identified adverse effects on air quality arising from additional development in the District, all development giving rise to a net increase in average annual daily traffic, will be required to be mitigated in accordance with appropriate measures including those identified in the most up to date Air Pollution Mitigation Strategy", therefore there is no need for a delay in delivery on development on allocated sites of EPP. R1 and EPP.R2 the SEMPA sites. Please see attached cover letter and report.

(Continue on a separate sheet if necessary)

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.

(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?

☒

Yes

☐

No

Signature:

[Redacted Signature]

Date

23.9.21

Name:

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

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MM no.

Supporting document reference

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(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

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Comment on new paragraph following 4.163 : This wording appears to allow developments that come before the allocated sites of EPP. R1 and EPP.R2 (SEMPA sites not to be restricted on their delivery as they do not need to wait for the proposed 2024/25 monitoring, such sites just have to adopt or make financial contributions to the relevant measures as set out in the adopted AMPS.

(Continue on a separate sheet if necessary)

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.

(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?

☒

Yes

☐

No

Signature:

[Redacted Signature]

Date

23.9.21

Name:

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

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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.

Comment to proposed amendments to part C: This wording appears to allow developments that come before the allocated sites of EPP. R1 and EPP.R2 (SEMPA) not to be restricted on their delivery as they do not need to wait for the proposed 2024/25 monitoring, they just have to undertake an assessment, mitigate and make financial contributions. There is no reason for the SEMPA site to be treated differently, there is no need for a delay in delivery on development on allocated sites of EPP. R1 and EPP.R2 the SEMPA sites.

(Continue on a separate sheet if necessary)

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.

(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?

☒

Yes

☐

No

Signature:

Date

23.09.21

Name:

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

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MM no.

Supporting document reference

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(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.

Please see attached cover letter and report.

(Continue on a separate sheet if necessary)

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.

Please see attached cover letter and report

(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?

☒

Yes

☐

No

Signature:

Date

23.9.21