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Legal and Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Thursday 6 August 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/2931805282652693517>
Webinar ID:708-753-579

Telephone (listen-only): 0330 221 9922, Telephone Access code:836-800-654

The members listed below are summoned to attend the Licensing and Planning Policy Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor David Reeve (Chair)
Councillor Clive Woodbridge (Vice-Chair)
Councillor Monica Coleman
Councillor Neil Dallen
Councillor Robert Foote

Councillor Chris Frost
Councillor Liz Frost
Councillor Rob Geleit
Councillor Julie Morris
Councillor Phil Neale

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Beldan". The signature is fluid and cursive, with a long, sweeping underline.

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Public information

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Licensing and Planning Policy Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 23 July**

Registration for oral questions is open until noon on the second working day before the day of the meeting. For this meeting this is **Noon, 4 August**

AGENDA

1. QUESTION TIME

To take any questions from members of the Public

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held 5 March 2020 (attached) and to authorise the Chairman to sign them.

4. PAVEMENT LICENCE POLICY (Pages 9 - 34)

The report outlines the proposed Council policy for implementing pavement licences following the enactment of the Business and Planning Act 2020.

5. REVISED LOCAL PLAN PROGRAMME (Pages 35 - 56)

The Local Plan Programme sets out the timetable for the new Local Plan. It has been updated following the Coronavirus Pandemic, which has caused unexpected delay to the existing published Local Plan work programme.

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**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 5 March 2020**

PRESENT -

Councillor David Reeve (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn (as nominated substitute for Councillor Rob Geleit), Monica Coleman (Items 37 to 39 only), Neil Dallen, Chris Frost, Liz Frost, Lucie McIntyre, Julie Morris and Humphrey Reynolds

Absent: Councillor Rob Geleit

Officers present: Amardip Healy (Chief Legal Officer), Karol Jakubczyk (Planning Policy Manager) and Wai-Po Poon (Senior Planning Policy Officer)

34 QUESTION TIME

No questions were submitted or were asked at the meeting by members of the public.

35 DECLARATIONS OF INTEREST

The following declarations of interest were made in relation to the business to be considered at the meeting:

Declarations of Interest

Councillor Chris Frost BSc, Other Interest: In the interests of openness and transparency, Councillor Chris Frost declared that he is a member of the Epsom Civic Society.

Declarations of Interest

Councillor Liz Frost MSc FCOptom, Other Interest: In the interests of openness and transparency, Councillor Liz Frost declared that she is a member of the Epsom Civic Society.

Declarations of Interest

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of the Epsom Civic Society.

36 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Licensing and Planning Policy Committee held on 23 January 2020 were agreed as a true record and signed by the Chair.

37 DUTY TO CO-OPERATE - RESPONSE TO ELMBRIDGE BC AND MOLE VALLEY DC LOCAL PLAN CONSULTATIONS

Elmbridge Borough Council (EBC) and Mole Valley District Council (MVDC) were holding public consultations on their emerging Local Plans. The consultations provided an opportunity to make comments on their emerging Local Plans. The Committee received a report summarising the contents of the consultation and setting out draft responses.

The following points were raised by the Committee:

- a) **Consistency with previous responses:** Members spoke about the importance of the Council's response not conflicting with any previous response, and it was concluded that all responses were consistent with one another. Members discussed whether the tone of the Council's response needed to be softened. Members discussed the importance of raising the issue of low density and the need for it to be increased and it was proposed to submit a figure for them to work to. It was concluded that, with the exception of a grammatical error that will be rectified, the nature of the response would remain the same in a bid for clarity.
- b) **Status of consultation:** Members noted that it was not the final opportunity to comment on the draft Plan; and that if it progressed to Regulation 19 the Council would have the opportunity to reinforce its consultation responses.
- c) **Over-delivery of housing:** Members discussed the risk of the Borough being forced into a situation of having to deliver unmet housing need displaced from neighbouring authorities in addition to the Borough's own needs. Such a scenario could be avoided by maintaining a continuous dialogue with neighbours to ensure that they pursue strategies that meet their needs and do not prejudice our emerging strategy
- d) **Evolving process:** Members noted that the Duty to Co-operate is an evolving process. The Committee noted that the recent examination of Wealdon District Councils Local Plan highlighted the importance of the Duty to Co-operate as it was a key reason why their Plan was found unsound.

Following consideration, it was resolved:

- (1) **That the Committee considered the proposed draft responses and subject to minor typographical and stylistic changes agreed their submission to the respective authority's consultation.**

38 EPSOM & EWELL LOCAL PLAN - OVERVIEW OF PROPOSED HOUSING STRATEGY

The Committee received a report detailing the proposed Housing Strategy which would form a key part of the forthcoming public consultation on the emerging new Local Plan.

The following matters were considered by the Committee:

- a) **Sound Housing Strategy:** Members discussed the importance of having a Local Plan Housing Strategy that is demonstrably sound in order to ensure that the Borough Council remains in control of future growth. The soundness criteria were: Sustainable, optimising, OAHN, 5YHLS.
- b) **Necessary infrastructure:** Members noted the factors which have made it necessary to consider larger site allocation options. It was noted that larger sites have greater capacity to provide and secure investment in infrastructure. In contrast, smaller sites have limited capacity to deliver necessary investment. Larger sites were also more likely to deliver necessary infrastructure such as transport corridors and education provisions.
- c) **National Planning Policy Context:** National planning policy requires local planning authorities to undertake a review of their local plans every five years. This approach ensures that housing delivery performance is monitored effectively and if necessary, policy interventions introduced to improve delivery.
- d) **Potential sites:** Members noted that the majority of the proposed site allocation options for the Borough are sustainable locations. However, due to the nature of the allocation options, many were unlikely to supply the immediate supply of homes needed to demonstrate a deliverable Five Year Housing Land Supply.

Following consideration, it was resolved:

That the Committee:

- (1) **Noted the overview content of the proposed Housing Strategy; and**
- (2) **Endorsed the Strategy approach that will be used in the preparation of the Local Plan Regulation 18 public consultation.**

39 EPSOM & EWELL LOCAL PLAN - OVERVIEW OF PROPOSED INFRASTRUCTURE STRATEGIES

The Committee received a report detailing the proposed Strategies relating to new infrastructure, which would form a key part of the forthcoming public consultation on the emerging new Local Plan.

The following matters were considered by the Committee:

- a) **Infrastructure Delivery Plan:** Members discussed how the Infrastructure Delivery Plan identified details of schemes and their delivery in the Borough (including water supply, details of flood risk, sewage connection, education, health, green infrastructure, and utilities).
- b) **Transport networks:** Members spoke about the work that was underway with regards to sustainable transport improvements and this will support future growth support. It was noted that work was also being conducted with the rail operators and there was evidence of positive improvement regarding access at a number of stations.
- c) **Use of motor vehicles:** Members spoke about the need for road networks to remain efficient. Cars remain a popular choice of transport and therefore need to be accommodated.

Following consideration, it was resolved:

That the Committee:

- (1) **Noted the content of the proposed Strategies relating to new infrastructure; and**
- (2) **Endorsed them in respect of the preparation of the Local Plan Regulation 18 public consultation.**

The meeting began at 7.00 pm and ended at 8.15 pm

COUNCILLOR DAVID REEVE (CHAIR)

PAVEMENT LICENCE POLICY

Head of Service:	Rod Brown, Head of Housing & Community,
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	Yes
If yes, reason urgent decision required:	Legislation is in effect
Appendices (attached):	1: Draft Pavement Licensing Policy

Summary

The report outlines the proposed Council policy for implementing pavement licences following the enactment of the Business and Planning Act 2020.

Recommendation (s)

The Committee is asked to:

- (1) To approve the Pavement Licence Policy as set out in Appendix 1 and delegate to the Head of Housing and Community any minor amendments to the Policy, in consultation with the Chairman of Licencing & Planning Policy Committee;
- (2) Set a fee of £100 for per pavement licence application;
- (3) Delegate to the Head of Housing and Community the determination and enforcement of Pavement Licences made under the Business and Planning Act 2020.

1 Reason for Recommendation

- 1.1 Following the enactment of the Business and Planning Act 2020, the Council will be required to determine applications for pavement licences. The Business and Planning Act 2020 received Royal Assent on 22nd July 2020.
- 1.2 The recommendation seeks Committee's approval of the Pavement Licencing Policy to ensure the Council is able to set out how it intends to determine applications. This includes the imposing of standard Council conditions. The Council also need to set a fee and delegate authority for the determination and enforcement of licence applications.

2 Background

- 2.1 On 25 June, the Government announced proposals to relax planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown.
- 2.2 The Business and Planning Act 2020 introduces a new “fast track” time limited pavement licence scheme, which will be the responsibility of the Local Authority to administer. The licence will enable premises to place furniture outside their premises to maximise their capacity whilst adhering to social distancing guidelines. It also introduces changes to alcohol licensing, to allow off premises sales without the need for an application or an additional licence being issued, including the delivery of alcohol.
- 2.3 Currently, tables and chairs permissions are granted as Pavement licences by Surrey County Council, in their capacity as the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28 day consultation period ahead of any decision to grant permission.
- 2.4 The provisions on pavement licences have come into force.

3 Business and Planning Act 2020

- 3.1 The Business and Planning Act includes temporary measures to support businesses selling food and drink through economic recovery, as lockdown restrictions are lifted but social distancing guidelines remain in place.
- 3.2 The Act and the accompanying guidance details the process for applications including the applicable fee, which can be any value up to a maximum of £100. The determination period is limited to 14 days which includes a 7 day consultation period.
- 3.3 Any application has to be applied for electronically and there are prescribed formats for the relevant notices that are to be used by the local authority. The Council is able to impose only those conditions which it has published before an application for a licence is made. Hence the importance of having a policy in place in readiness for the Act coming into force.
- 3.4 If the local authority do not determine the application with 14 days of it being made the licence will be deemed to have been granted subject to the applied activity meeting any national conditions including avoidance of obstruction and smoke free seating provision.

- 3.5 The period for which a licence can be granted cannot be shorter than 3 months or exceed 30th September 2021. There is an expectation from central government that unless there are reasonable grounds most licences will be granted for a period of at least 12 months.
- 3.6 The local authority can attach conditions to a licence it grants and these will include national conditions as well as local conditions which must be set out in the authority's relevant policy.

4 Proposals

- 4.1 The Council's draft Pavement Licence Policy, is attached as Appendix 1 to this report and sets out how the Council proposes to manage the applications for Pavement Licences.
- 4.2 The Policy includes the imposition of standard conditions to any licence. The need to publish standard conditions is to ensure that all licences granted are to be undertaken with clear guidelines of operation around access and obstruction, prevention of nuisance, public safety, use of furniture and times of use. This will also ensure that where licences are 'deemed granted' they will be granted for 12 months subject to the standard conditions published by the Council. This is particularly important given the short timescales allowed under the Act for the Council to determine an application.
- 4.3 The policy includes a proposed application fee charged for each application of £100 and a list of consultees for each application.
- 4.4 As with some other statutory licensing regimes such as Licensing Act 2003, this charge would not cover the cost of administering or enforcing the pavement licence regime. More it is a nominal fee, with the aim to make it easier and cheaper for businesses to apply to use the pavement as part of their everyday activities whilst social distancing measures are in place.
- 4.5 Applications will be administered by the Council's Licensing Service, and where an application is for the Market Place, consultation with the Head of Operations will take place. The temporary permission granted through a pavement licence will not impact the current Highways Licensing undertaken in the Market Place for those premises which already benefit from consents under other legislation.
- 4.6 It is not possible at this stage to identify how many applications are likely to be submitted, but the geographical layout in many parts of the borough provides limited pavement space.
- 4.7 The Act provides enforcement provisions which will enable additional conditions to be imposed following any representations received, additionally, a licence may be revoked if appropriate.

- 4.8 If a condition imposed on a licence is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs. The Licence can also be revoked.
- 4.9 There is no statutory appeals process for Pavement Licences under the Business and Planning Act 2020. In light of the very short time period for determination, it would be impractical to implement any internal appeal process. Instead the decision making process will contain the necessary safeguards to ensure robust and safe decision making.

5 Risk Assessment

Legal or other duties

5.1 Impact Assessment

- 5.1.1 There are no impact assessment implications for this report. The legislation has considered equality issues and has imposed a national condition to ensure access.

- 5.1.2 The second national condition relates to smoking.

5.2 Crime & Disorder

- 5.2.1 The application of relevant local Pavement Licence conditions, the power to evoke licences and the existing controls available through the current licencing legislation will enable crime and disorder issues to be managed.

- 5.2.2 The nature of the pavement licence is to enable activities that often take place indoors to occur outside of premises on the highway. Therefore it is expected that there is likely to be issues with neighbouring properties being affected by an increase in noise and other disturbances from the activities within the footprint of the licence, which in turn could be exacerbated by the cumulative effect of the number of pavement licences operating in any one area at any one time.

- 5.2.2 The standard conditions proposed to be added to all granted licences include conditions to address public nuisance.

5.3 Safeguarding

- 5.3.1 None.

5.4 Dependencies

- 5.4.1 None.

5.5 Other

5.5.1 None.

6 Financial Implications

6.1 The scheme would be administered using existing financial resources within the Licensing Service. It is envisaged income arising from the modest application fee will cover the costs of administering the licences.

6.2 **Section 151 Officer's comments:** None for the purposes of this report.

7 Legal Implications

7.1 The Business and Planning Act has been introduced as a range of measures to support the recovery process. The two key changes to licensing regimes is to:

7.1.1 Create a new temporary 'pavement licence' to be issued by district councils authorities controlling the use of the public highway by pubs, cafes, bars, and restaurants and

7.1.2 Allowing any premises holding a licence authorising on-sales of alcohol to be able to authorise off-sales.

7.2 The introduction of a temporary pavement licences process, has been designed to introduce a streamlined consent route to allow businesses to obtain a licence to place temporary furniture, such as tables and chairs outside of cafes, bars and restaurants quickly. The licence fee is fixed at no more than £100. Licences can remain in place for one year but not beyond 30 September 2021.

7.3 A pavement licence will authorised the licence holder to put removable furniture on part of the public highway for one of two reasons:

7.3.1 for the licence holder to sell or serve food or drink from their premises

7.3.2 for customers to consume food or drink from the licence holder's premises

7.4 It is important for the Council to have in place an operational process for the determination of application for such licences in light of the deemed consent provisions. The Council will need to have in place a standard electronic application form, run a public consultation exercise, make determinations and adopt standard conditions and have in place schemes of delegation to make decisions on the issue and enforcement of pavement licences.

- 7.5 There are standard conditions of no obstruction and smoke free seating and these can be supplemented by the Secretary of State. These extra conditions relate to smoke free seating and to clear routes of access. This later condition is important as it addresses the needs of those with disabilities.
- 7.6 Any breach of a licence can be enforced with remediation notice and or revocation of the licence.
- 7.7 **Monitoring Officer's comments:** None arising from the contents of this report.

8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The following Key Priorities are engaged: The following Key Priorities are engaged: Opportunity and prosperity – supporting the local economy during Covid19.
- 8.2 **Service Plans:** The matter is not included within the original Service Delivery Plan for this year but does reflect a key priority emerging from the pandemic which is actively supporting the local economic recovery.
- 8.3 **Climate & Environmental Impact of recommendations:** None.
- 8.4 **Sustainability Policy & Community Safety Implications:** The use of local conditions will enable effect management of any implications on community safety.
- 8.5 **Partnerships:** The determination of applications requires consultation with a range of partners, listed in the draft policy attached as Appendix 1.

9 Background papers

- 9.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Guidance: pavement licences (outdoor seating proposal)

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal#national-conditions>



Pavement Licensing Policy

Business & Planning
Act 2020

Version number 1
Date August 2020

Tracking

Policy Title	Pavement Licensing Policy		
LT sign off	N/A		
Committee	Licensing & Planning Policy	Date approved	
Review due date		Review completed	
Service	Housing & Community		

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date
Chief Legal Officer			

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1. Introduction

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from Epsom & Ewell Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by Surrey County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28 day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding to their financial recovery.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.4 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form

- the required fee of £100, paid by credit or debit card (either prior to submission or on receipt of application)
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- a risk assessment demonstrating how the applicant will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises,
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises (e.g. the lease);
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process is set locally, but is capped at £100. The Council has determined that the fee for applications will be £100.

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day after the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.epsom-ewell.gov.uk

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the Council will consult with:

- Surrey Police
- Surrey Fire & Rescue Service
- Epsom & Ewell Borough Council's Covid 19 Team
- Epsom & Ewell Borough Council's Operational Services Department (Market Place applications only)
- Epsom & Ewell Borough Council's Planning Department
- The appropriate Local Ward Councillor(s)

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of compliance with the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be taken into account by the Council in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that users conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;

- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles,
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access,
 - the impact of access and egress to the premises ○ the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation period has ended.

If the local authority determines the application before the end of the determination period, the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, impose conditions on any licence granted, or refuse the application.

If the local authority does not determine the application within the 14 day period, the application will be deemed to have been granted subject to any published local or national conditions.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement licences between 09:00 and 22:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be specified, subject to a minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

The national no-obstruction condition applies to all Licences. The National 'no obstruction condition is shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to operating.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Policy Review Procedures

This Policy covers the Temporary Permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2021.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement licences generally, relevant social distancing measures or as a result of local considerations within the Borough.

Site Notice Template for display by an applicant for a Pavement Licence.

[Section x] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Epsom & Ewell Borough Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink))

Any person wishing to make representations to this application may do so by writing, by email to licensing@epsom-ewell.gov.uk

by: *(last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays))*

The application details can be viewed on the Council's website **www.epsom-ewell.gov.uk**.

Signed by the Applicant

Dated *(date the notice was placed which must be the same date as the date of application)*



BUSINESS AND PLANNING ACT – APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE

APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address:		
Phone (Business):	Phone (Mobile):	
e-mail address:		
Date of Birth:	NI number:	

BUSINESS PREMISES DETAILS	
Trading Name:	
Postal Address:	
Which of the following is the above premises used for? (please tick one)	
Use as a public house, wine bar or other drinking establishment	
Other use for the sale of food or drink for consumption on or off the premises	
Both of the above uses	

RIGHT TO OCCUPY THE PREMISES

If the premises does not currently hold a licence under the Licensing Act 2003, please detail the lease/rental arrangements or supply a copy of the agreement.

AREA OF HIGHWAY PROPOSED TO BE USED

Please provide a description of the area of the highway to which this application relates: **(You must submit a scale plan of this area with your application showing the location of the premises outlined in red so the application site can be clearly identified. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.**

SOCIAL DISTANCING

Please details how you will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises. You may provide a separate risk assessment with this application. Guidance is available at [COVID-19 Secure: safer public places guidance](#).

RELEVANT PURPOSE THE APPLICATION RELATES TO:

Which of the following relevant purposes do you wish to put furniture on the highway for?
Tick one

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
---	--

For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	
---	--

Both of the above purposes

DATE APPLICATION IS MADE

DAYS AND TIMES

During what times do you propose to place furniture on the highway on each of the following days:

Please use the 24hr clock.

Mondays	To	Fridays	to
Tuesdays	To	Saturdays	to
Wednesdays	To	Sundays	to
Thursdays	To		

DURATION OF LICENCE

Please specify the duration of licence you are seeking. This can be for a period of 3 months or until 30 September 2021.

FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and numbers of the furniture you proposed to place on the highway, and include photographs with this application.

ADVERTISEMENT OF APPLICATION

Please detail where the notice has been displayed on the premises, and the date the notice was first displayed. A photograph of the notice must be submitted with this application.

DECLARATIONS BY APPLICANT

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £10million.

I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee of £100 has been paid (payment will be taken prior to or on receipt of the application).

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

I confirm I have the right to remain and work in the United Kingdom

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

Applicant's Signature:

Date:

Please return this form with all relevant documents to licensing@epsom-ewell.gov.uk



BUSINESS AND PLANNING ACT - Standard Pavement Licence Conditions

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Epsom & Ewell Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The licence holder must hold Public Liability Insurance for the operation of the Pavement Licence. This must indemnify Epsom & Ewell Borough Council and Surrey County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £10 million in respect of any one incident. Evidence of the insurance must be provided to the Council on request.
3. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
4. Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the conditions are not fulfilled and maintained.
5. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that the Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc. or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
6. Tables and chairs must not be placed in position outside of the permitted times stated on the licence. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
7. Epsom & Ewell Borough Council and/or Surrey County Council are empowered following the service of the appropriate statutory notice, to remove and store or dispose of furniture

from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.

8. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
9. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
10. Emergency routes to the premises and adjacent buildings must not be obstructed by the operation involved in the Pavement Licence, which should not, unless otherwise agreed, extend beyond the width of the premises frontage.
11. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used. Where umbrellas are used they must be at a minimum height of 2 metres.
12. Any furniture used must be arranged to comply with any Government Guidance including around Covid-19 and social distancing.
13. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
14. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
15. The operation of the area must not interfere with highway drainage arrangements.
16. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
17. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and remove litter and rubbish on pedestrian walkways, left by persons using the premises, for a distance of up to 10 metres from the boundary of the premises. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.

18. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
19. At no time is the playing of music allowed for customers using the licensed area under this Licence, nor is the use of speakers or other music equipment allowed to ensure noise nuisance is kept to a minimum for neighbouring properties.
20. The licence holder is not permitted to affix any fixtures, or make excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by the Council or Surrey County Council.
21. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the licensed area.
22. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the premises outside the hours in force for the premises itself.
23. The licence must be displayed on the premises with a plan of the agreed layout of the operation involved in the Pavement Licence and available for inspection by Authorised Officers of the Council
24. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, the latest government requirements concerning coronavirus and social distancing and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

Other conditions may be added at the discretion of the Council on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence.

National Conditions

1. The Secretary of State publishes this condition in exercise of his powers under **Section 5(5)** of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

2. The Secretary of State publishes this condition in exercise of his powers under **Section 5(6)** of the Business and Planning Act 2020:

Condition relation to Smoke Free seating:

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Guidance on the effect of this condition

The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

Businesses must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Public Health England has published [guidance for smokers and vapers during the COVID pandemic](#).

REVISED LOCAL PLAN PROGRAMME

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Draft Local Plan Programme (August 2020)

Summary

The Local Plan Programme sets out the timetable for the new Local Plan. It has been updated following the Coronavirus Pandemic, which has caused unexpected delay to the existing published Local Plan work programme.

Recommendation (s)

The Committee is asked to:

- (1) consider and approve the revised Local Plan Programme August 2020 attached at Appendix 1**

1 Reason for Recommendation

- 1.1 The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's Key Priorities. The new Epsom & Ewell Local Plan is critical because it will set out how sustainable growth will be delivered during the forthcoming plan period.

2 Background

- 2.1 The purpose of the Local Plan Programme is to set out the processes and timetable for the preparation and production of the Borough Council's Local Plan. Typically, the Council's Programmes have set out a rolling three-year project plan - that seeks to inform both the process and all of the interested parties and partners about how and when the Local Plan will be brought forward.

- 2.2 Progress against the milestones identified in the Programme is monitored through our Annual Monitoring Report. In the past we have amended and revised our Local Plan programme to take account of circumstances that have brought about a change in our plans. Revisions have normally been triggered by changes in national planning policies, such as the revocation of regional plans and the publication of an update to the National Planning Policy Framework (NPPF); and the consequential changes in our approach to plan-making.
- 2.3 Our last Local Plan Programme was published during January 2020. That Programme identified milestones that would have seen further public consultation under Regulation 18 in May-June 2020.
- 2.4 However, timescales have slipped. This is due to the Coronavirus Pandemic, which has had a significant impact on all aspects of day to day life. In relation to the Planning system, it has required different process and procedures being adopted and temporary relaxations of some permitted development. The Pandemic has also highlighted other issues in relation to the environment (e.g.sustainable travel and climate change) and economy (e.g retail) which may need further consideration.
- 2.5 The updated timetable reflects the impacts of the pandemic and provides a project plan for moving forward. However it is important to be aware that the government has announced it's intention to reform to the planning system in England. The details and implications of this are unknown at present.

Local Plan Programme

- 2.6 The updated programme attached as Appendix 1 outlines a project plan for the preparation, production and consultation of the new Plan and associated supporting evidence. The timetable identifies key milestones during document production. We will use these milestones to monitor the performance of our Programme.
- 2.7 In order to be successful, we will need to manage the process and our resources (both internal and external) carefully. The adoption of this timetable will provide a clear project plan for preparing the new Local Plan.
- 2.8 The key milestones over the next twelve months are:
- Winter 2020 - Final Issues & Options Consultation (Regulation 18 Part 2)
 - Summer 2021 - Pre-Submission Public Consultation
 - Autumn 2021 - Submission to the Secretary of State
 - Winter 2021 - Public Hearing
 - Autumn 2022 - Estimated date of Adoption

- 2.9 Member engagement will form a key part of the process mapped out by the key milestones identified above. Both consultation documents will be the subject of reports coming before the Licensing & Planning Policy Committee, as will the decision to progress to submission to the Secretary of State.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.2 In the absence of an up-to-date Local Plan we face a number of risk areas. These include the continued absence of a 5 year housing land supply and the additional measures introduced through the outputs of the Housing Delivery Test.

- 3.3 Having an up-to-date Local Plan Programme is a key measure in mitigating the possible risk of direct government intervention. The government encourages local planning authorities to up-date their Local Plan Programmes as often as necessary.

- 3.4 Recent experiences have demonstrated that the Local Plan process is susceptible to unanticipated impacts that are outside of our control. When unforeseen matters arise, we will need to respond clearly, quickly and decisively. We will need to ensure that all our partners and interested parties (in the Local Plan) have a clear understanding of actions and why we have taken them. We will need to communicate the impact of such actions on our programme in a timely manner.

- 3.5 The Coronavirus pandemic remains a risk to the program and forthcoming planning reforms will be monitored closely.

- 3.6 The other notable risk to our Local Plan Programme is the retention of experienced staff, and the recruitment of their replacements. The Planning Policy Manager post is currently vacant.

3.7 Crime & Disorder

- 3.7.1 None arising

3.8 Safeguarding

- 3.8.1 None arising

3.9 Dependencies

3.9.1 The Council's Local Plan timetable continues to be dependent on the continued path of the Covid-19 pandemic, in particular for the Regulation 18 consultation process, and any future changes to the National Planning Policy Framework that impact on local authority plan making,

3.10 Other

3.10.1 None arising

4 Financial Implications

4.1 The preparation and production of our new Local Plan involves the Planning Policy team and various external specialists engaged to assist with the production of the evidence base. Wider teams across the Council, including legal services, procurement and communications are key to assisting with the various elements of the work programme. Contributions from these sources will be particularly valuable during the public consultation and Duty-to-Cooperate stages of the process.

4.2 **Section 151 Officer's comments:** The Local Plan budget was last updated and agreed at Strategy & Resources Committee in September 2019. Officers should ensure that the revised Local Plan Programme is completed within the agreed budget envelope.

5 Legal Implications

5.1 None arising from the contents of this report.

5.2 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

6.2 The new Local Plan will contribute towards delivering the Council's Visions and objectives identified in its Four Year Plan.

6.3 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.4 **Climate & Environmental Impact of recommendations:**

6.5 The Local Plan itself has a key role in implementing a number of key objectives that are set out in our Climate Change Action Plan.

6.6 **Sustainability Policy & Community Safety Implications:**

6.7 In order to comply with government safety guidance due to COVID-19, consultation procedures may need reviewing. Consultation procedures are outlined in a separate document the Statement of Community Involvement. The Statement of Community Involvement was published in 14 November 2019 and will need reviewing in the context of COVID-19.

6.8 **Partnerships:**

6.9 The Council has a duty to cooperate with relevant stakeholders in the preparation of a Development Plan. The Committee will receive information on progress with the Duty at appropriate points in the process.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Revised Local Plan Programme 23 January 2020

Other papers:

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Epsom & Ewell Local Plan Programme



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1. Introduction

The form and content of the Local Plan Programme

- 1.1 The Local Plan Programme sets out a rolling project scheme for the production of the new Epsom & Ewell Local Plan. It identifies a timetable for the preparation and production of the new Local Plan that serves as a framework for monitoring and managing progress. The Programme identifies and allocates proportionate resources necessary to achieve our targets; and possible risks and constraints.
- 1.2 The Programme is designed to provide a rolling three-year project plan - that informs the process and all of the interested parties and partners¹ about how and when the Local Plan will be brought forward. We periodically review and revise the Programme in response to circumstances necessitating a change in our plans.
- 1.3 Previous Local Plan Programmes and Development Schemes have typically been reviewed after being in place for two years or so. Revisions have normally been triggered by significant changes in national planning policies, such as the revocation of regional plans and the publication of the National Planning Policy Framework (NPPF); and consequential changes in our approach to plan-making. Our progress against the milestones in the Programme is monitored each year in the [Annual Monitoring Report \(AMR\)](#).
- 1.4 In accordance with good project management practise we continue to monitor and review the Local Plan Programme annually and update it accordingly. It is this monitoring process that has triggered this current review of the Programme.

The current statutory Development Plan for the Borough

- 1.5 The Development Plan for the Borough is comprised of the following documents:

The Local Plan

- Epsom & Ewell Core Strategy 2007
- Plan E Epsom Town Centre Area Action Plan 2011
- Epsom & Ewell Development Management Policies Document 2015
- Upper High Street, Depot Road and Church Street Development Brief 2012
- Revised Developer Contributions Supplementary Planning Document 2014
- Parking Standards for Residential Development 2015
- Revised Sustainable Design Supplementary Planning Document 2016

Surrey-wide Documents

- Surrey Waste Plan 2008
- Surrey Minerals Plan Core Strategy 2011

¹ Our partners in this process may include neighbouring local planning authorities, more distant authorities that either have or will in the future have an interaction with our housing market area, the County Council and strategic infrastructure providers.

- 1.6 In addition to the above documents we have also prepared and produced a number of useful and valued supplementary planning guidance documents. These amplify the policies and proposals of the Local Plan. Such additional local guidance is considered necessary and for that reason is believed to be consistent with national planning policy. The main role of these documents is to clarify and support local policy and it may be taken into account as a material consideration in relation to the determination of planning applications. These include the following documents:
- Single plot and other types of residential infill development 2003
 - Householder Applications 2004
 - Solar Panel Guidance for Domestic Installation 2011
 - Biodiversity and Planning in Epsom & Ewell 2012
 - Shopfront Design Guide 2012
- 1.7 In parallel to our new Local Plan we have prepared a Masterplan for Epsom & Ewell that explores how the Borough could positively transform to respond to the significantly higher scale of housing demand calculated through the government's standard method. It will initially sit alongside our emerging Local Plan – providing supporting evidence and information during the examination in public process. It is possible that following the adoption of our new Local Plan that it could provide a supplementary planning framework that will contribute towards the sustained transformation of the Borough into the 2040s.

2. The new Epsom & Ewell Local Plan

Proposed Content

2.1 We anticipate that the new Epsom & Ewell Local Plan will include the following policy components:

- A Borough-wide growth strategy that brings together how we will positively plan for growth across all of our land uses – including new housing, employment, retail, green infrastructure, sustainable travel and other essential infrastructure networks. The emerging strategy will also incorporate six key principles that have been identified as being essential for securing sustainable growth;
- An appropriate approach to housing that responds to the government's assessment of objectively assessed housing need²;
- Revision of the Borough wide housing target to take account of objectively assessed housing need³; taking account of the relevant constraints affecting the ability of the development industry to deliver the scale of housing during the plan period;
- An overview of how the Borough Council will work with its housing market area partners and others to address unmet need⁴;
- A strategic review of the Green Belt⁵;
- A review of our affordable housing delivery policy⁶;
- New policies setting out our approach towards heritage assets – specifically in relation to the identification and designation of locally listed buildings and structures;
- An approach to economic development which encompasses the continued evolution of Epsom Town Centre and the Borough's other retail centres;
- An appropriate approach to infrastructure that responds and complements the scale of new housing identified by the government's objectively assessed housing need calculation. This will seek to bridge the gaps in capacity and funding that currently serve to constrain the necessary scale of new housing delivery required to meet the government's assessment of need⁷.

2.2 We also anticipate that the new Local Plan will include new site allocation policies relating to:

- Green Infrastructure⁸

² As set out in Core Strategy Policy CS8, which currently states that new housing will be located within the defined built up area and within the then remaining Hospital Cluster development sites, which have subsequently been largely built-out.

³ As currently set out in Core Strategy Policy CS7.

⁴ It is anticipated that this will take the form of a separate strategy or agreement siting outside of the Local Plan

⁵ As currently set out in Core Strategy Policy CS2.

⁶ As currently contained within Core Strategy Policy CS9

⁷ A new policy that will replace the approaches set out under Core Strategy Policies CS12 and CS16.

⁸ Green Infrastructure is a term we use to describe a wide variety of assets that among other things contribute to our local biodiversity, our visual character and appearance, help to mitigate the adverse impacts of climate change and provide vital open space for our residents and those of adjoining areas.

- Housing delivery
- Employment sites
- Retail centres
- Education infrastructure
- Sustainable transport networks

- 2.3 Some of these policies and site allocations were originally intended for inclusion within the Site Allocations Document⁹, which was subject to pre-submission public consultation during 2015/ 2016. It is anticipated that the draft policies and site allocations that formed part of that earlier process, and which remain sound and relevant, will be brought forward through the new Local Plan.

Coverage

- 2.4 The document covers the whole of the Borough. To date the Local Plan period has been identified as starting during 2015 and ending during 2032. This period was derived from [the Kingston and North East Surrey Strategic Housing Market Assessment \(June 2016\)](#), which provided an initial calculation of the Borough's objectively assessed housing need (in advance of the standard methodology). That document used 2015 as the baseline date for calculating objectively assessed housing needs. The Local Plan period has been reset to start at 2017, which is the baseline date for the government's standard methodology; which identifies a Local Plan period end date during 2037.

Conformity

- 2.5 The new Local Plan will be in conformity with the NPPF. It will set out the scale of local housing need and the broad areas and the specific sites across the Borough that will be brought forward to deliver future housing. It will also set out our approach to meeting local affordable housing need through the development process.

⁹ That document comprised non-housing site allocations.

Timetable

- 2.6 The review of the Local Plan Programme has introduced an additional Regulation 18 Consultation, which seeks to build-upon earlier consultation conducted during 2017. The proposed scope of the Regulation 18 Part 2 consultation will be focussed on confirming a Borough-wide growth strategy; an appropriate housing strategy; and the specific sites required to deliver its outcomes. The Final Issues & Options Consultation will also consider other aspects of growth – including economic development, retail, infrastructure provision and ensuring that our future growth is embedded with quality. At the conclusion of the proposed consultation period, we anticipate that the process will move towards the pre-submission stage.

<i>Key Stages</i>	<i>Dates</i>
Issues & Options and Call for Sites Consultations (Regulation 18 Part 1)	September – December 2017
Consideration of Consultation Responses	December 2017 – March 2018
Preparation and Production of the Masterplan for Epsom & Ewell	June 2018 – June 2019
Preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan	September – October 2018
Final Issues & Options Consultation (Regulation 18 Part 2)	November - December 2020
Consider consultation responses and prepare revised draft Local Plan	January – June 2021
Report to LPPC Reg.19 Publication Version of the Draft Local Plan	June 2021
Pre-Submission Public Consultation	July – September 2021
Date of Submission to Secretary of State	October 2021
Pre-Examination Meeting	December 2021
Public Hearing	January 2022
Estimated Date for Adoption	December 2022

Arrangement for Production

Organisational Lead
Head of Planning

Political Management

- 2.7 The review process will be managed by our Licensing & Planning Policy Committee, who are responsible for approving draft policy options for public consultation and the subsequent Pre-submission stages.
- 2.8 Full Council approval will be required for the final adoption stage.

Internal Resources

The Planning Policy team comprises of the following roles:

Planning Policy Manager x 1 FTE (vacant post)

- Senior Planning Policy Officer x 1 FTE
- Planning Policy Officers x 1.2 FTE
- Planning Policy CIL Officer x 0.7 FTE (approx. 20% time on Planning Policy administration)

Other resources as required – likely to be deployed from within the wider Planning Department, and as necessary from across the organisation.

External Resources

- 2.9 Consultants are engaged in the production of the necessary technical evidence base documents. External expertise has already been deployed in relation to housing need, an assessment of the Borough's Green Belt, retail needs and economic development. Internal knowledge and other resources will be deployed in order to optimise the value of external resources. Further studies will be produced, either in-house or by external consultants, as necessary.

Stakeholder Resources

- 2.10 We will work closely with neighbouring planning authorities and other strategic partners who have a tangible functioning relationship with the Borough to discharge our duty to co-operate. In a scenario where our Housing Strategy clearly and robustly demonstrates that it will not be possible to deliver our objectively assessed housing need in full during the plan period (potentially because of insufficient housing land supply or infrastructure capacity) we will work with our neighbours and other strategic partners to identify solutions as to how this could be addressed across a wider area. It is anticipated that this will form a critical part of the new Local Plan and will require the deployment of relevant resources from across the organisation.
- 2.11 We will work closely with local partners to ensure that the emerging policies contribute positively to meeting our strategic objectives. Specifically we will seek to ensure that future community infrastructure needs are taken into account during the preparation of new policies.
- 2.12 We will work closely and positively with landowners and the development industry to deliver the appropriate housing strategy that will be identified by the new Local Plan. Whilst we, as the local planning authority, carry the responsibility for securing housing delivery in response to the challenge of the government's objectively assessed housing need calculation, the industry is expected to shoulder some of this burden. In particular, we will require the industry to positively respond to the scale of growth in timely manner (during the plan period).
- 2.13 We will engage directly with key local community groups, local political party groupings and other local interest groups, such as the Epsom Civic Society and the Campaign to Protect Rural England. Representatives of stakeholder groups will be invited to attend regular meetings or surgery sessions

throughout the process, where they can informally discuss issues and options raised in the consultation. In order to comply with government safety guidance due to COVID-19, meetings and communications will be replaced by virtual meetings where appropriate.

Community and Stakeholder Involvement

- 2.14 The local community, specific consultation bodies and key stakeholders, including developers, will be invited to take part in the consultation process, with a view to identifying issues and working up suitable deliverable and developable options that accord with the NPPF. In order to comply with government safety guidance due to COVID-19, consultation procedures may need reviewing, specifically the Statement of Community Involvement document.

3. The Evidence Base

- 3.1 Our new Local Plan is supported and informed by new evidence and a refresh of existing technical studies. This work conforms to national planning policy and guidance. It also takes account of relevant existing technical evidence that is available across north east Surrey and south west London.

Timetable

Documents	Publication Dates
Strategic Housing Market Assessment ¹⁰	October 2016
Green Belt Study Stage 1	February 2017
Strategic Housing Land Availability Assessment (SHMA) ¹¹	July 2017
Traveller Accommodation Assessment	July 2017
Constraints Study	July 2017
Strategic Flood Risk Assessment Update	June 2018
Green Belt Study Stage 2	July 2018
SHMA version 2	September 2019
Draft Masterplan	September - October 2019
Retail Needs Study and Centre health Check	February 2020
Spatial Economic Development Strategy	February 2020
Scoping Report on the Racecourse and Equestrian Sector in Epsom & Ewell Borough	March 2020
Indoor & Outdoor Sports Facilities Assessment and Playing Pitch Strategy	September 2020
Open Space Audit Review	September 2020
Strategic Viability Assessment	November 2020 (alongside the Reg 18 consultation)
Habitats Regulations Assessment	November 2020 (alongside the Reg 18 consultation)

- 3.2 The preparation and production of the above technical studies has/will include proportionate and necessary stakeholder engagement. This is most likely to relate to the methodology used by the technical study in question, rather than the outputs or conclusions. Any party who wishes to challenge the outputs from these technical studies may do so through the Local Plan process, where they have an opportunity to present alternative evidence.

¹⁰ Originally prepared in partnership with Royal Borough of Kingston, Elmbridge and Mole Valley Borough Councils.

¹¹ Previous Local Plan Programmes have referred to Strategic Housing and Employment Land assessments. We already undertaken significant work on establishing our future employment needs into the future, so a joint study is no longer considered necessary.

4. Supporting Statement

Monitoring

- 4.1 Monitoring continues to be an important part of the planning-making process and will help gauge the effectiveness of policies and proposals. We will monitor a range of indicators to assess whether the policies and proposals are meeting the objectives set out in our Local Plan. The key findings will be published in the Annual Monitoring Report (AMR). The most recent, and previous AMRs are available to view on the Borough Council's website. The Local Plan AMR is normally the subject of a report to the Council's Licensing & Planning Policy Committee, following which it is published on the Council's website.

Reviewing the Programme

- 4.2 We will continuously monitor progress on the implementation of the Local Plan Programme. Progress will be monitored against the proposed timetable for our new Local Plan. Where milestones have not been reached, we will consider appropriate actions to ensure that positive momentum is maintained. When appropriate we will amend the Programme.

Strategic Environmental Assessments & Sustainability Appraisals

- 4.3 Strategic Environmental Assessments of policies, proposals and plans are required under the European Strategic Environmental Assessment Directive 2001/42/EC. These are required for plans and proposals that are likely to have significant effect on the environment. The UK left the EU on 31 January 2020, it is now in a transitional period up to 1 January 2021. It is anticipated that the requirements of the EU Directive will be maintained and incorporated into British law. The Environmental Bill is making its way through Parliament but due to Covid-19 the committee due to consider the Bill has been suspended with a new date scheduled for September 2020. .
- 4.4 Sustainability Appraisals differ in that they are a social, economic and environmental assessment. We believe it is important to take an integrated approach towards both the Strategic Environmental Assessment and Sustainability Appraisal and to consider the implications and alternatives at an early stage. This will ensure that our Local Plan documents reflect sustainable development objectives. The requirements of a Strategic Environmental Assessment will be incorporated into the Sustainability Appraisal, which will be undertaken on the emerging policies when bringing forward our new Local Plan.

Resources

- 4.5 In the past funding from the Housing Planning Delivery Grant was allocated to assist in the plan making process. This has helped fund external expertise to undertake specialist work on technical papers. It has been proposed that remaining Housing Planning Delivery Grant monies and other sources of funding will be used to finance future work.

- 4.6 Staffing resources for the timely production of the Local Plan remain a critical issue (see Risk Management section below). At present, the following in-house resources can be drawn upon during the period covered by the Programme:
- Planning Policy Manager x1 (vacant post)
 - Senior Planning Policy Officer x1
 - Planning Policy Officers x 1.2 FTE¹²
 - Planning Policy CIL Officer x 0.7 FTE (approx. 20% time on Planning Policy administration)
 - Other occasional staff resources to be deployed either from within the Planning Service or from other corporate services as required
- 4.7 We will continue to use external sources of expertise where appropriate, such as on specialist topics or where there is no existing capacity. It is anticipated that Surrey County Council will continue to provide assistance with transport, education and other infrastructure capacity matters. Additionally the Planning Policy Team continues to promote joint working initiatives, whenever these are practicable and relevant, with the other Local Authorities in East Surrey to help bridge the potential staff resource gap. This has worked in the preparation of technical evidence.
- 4.8 Members are kept informed of progress on the Local Plan primarily through Licensing & Planning Policy Committee meetings. Throughout the Local Plan process we will continue to run special evening sessions/ workshops for Members. These will impart additional information and opportunities for Members to feed-in their comments into the plan making process. The outputs of the sessions/ workshops will be reported to the Licensing & Planning Policy Committee.

Joint Working – The Duty to Co-operate

- 4.9 There are no proposals to set up a joint planning board with neighbouring authorities. Whilst such initiatives may provide value to the process elsewhere, there is no evidence to suggest that a joint planning board is required in northeast Surrey.
- 4.10 Nevertheless, we continue to work with other Surrey Districts and with Surrey County Council on sharing best practice, undertaking Sustainability Appraisals and where appropriate undertaking other initiatives. We have also been actively involved in joint projects with neighbouring authorities on subjects such as establishing a methodology for preparing Traveller Accommodation Assessments, preparing Strategic Housing Market Assessments, and managing flood risk (specifically in relation to the Hogsmill River). We continue to work effectively with colleagues across Surrey on strategic infrastructure planning.
- 4.11 We continue to explore meaningful mechanisms by which we can discharge our Duty to Co-operate with neighbouring local planning authorities and other

¹² There are currently two post holders in part time roles that collectively comprise the equivalent of 1.2 full time posts.

key partners. We are already working closely with our immediate neighbours in the East Surrey local authorities, and have a positive relationship with Surrey County Council and the wider Surrey local authorities. We believe that we can build upon these existing relationships to achieve a broad consensus on future plan making. We will explore the opportunities that may be available to meet the objectives of the Duty to Co-operate through our membership of the Coast to Capital Local Enterprise Partnership and Gatwick Diamond groups.

- 4.12 Many of the Surrey local planning authorities are signatories to the County-wide Local Strategic Statement. This document provides a framework for discussing, considering and potentially reaching an agreed position on strategic planning matters. It is anticipated that this will soon be expanded to include planning for infrastructure, housing growth and consideration of Green Belt related issues.
- 4.13 Our relationship with the Greater London Authority and the London boroughs that neighbour us to the north and northwest, have historically been less developed. We are forging new relationships with our neighbours to the north through continued active involvement in the London Plan process. The first stage of the Duty to Co-operate process¹³ has developed our strategic planning relationship with our immediate neighbours in Greater London. This will be evidenced in detail in the Duty to Co-Operate Position Statement, which we anticipate publishing at the Regulation 18 Part 2 stage of the process.
- 4.14 However, we highlight that the differences in national planning policy relating to London actively serve to distance us from our colleagues in London. Indeed, the strategic status of the London Plan could be interpreted as a disincentive to positive co-operation. As a consequence, whilst we may strive for a positive relationship with our neighbours to the north, the desire for fruitful co-operation may not be fully reciprocated. This continues to be an area of significant risk that lies beyond our ability to influence.
- 4.15 Finally, recent local examination reports are forcing us to reconsider how we respond to specific strategic issues through the Duty. It is becoming clear that the Duty, and how it is discharged, continues to evolve. Previous approaches to discharging the Duty no longer appear to have currency with Local Plan Inspectors – who now appear to require that neighbouring authorities prepare and adopt agreed strategies to address key issues. In particular we anticipate that we will be required to demonstrate how we will work collectively with our neighbours (including within our housing market area) to address unmet housing need. We will seek to meet this possibility.

Project Management

- 4.16 The new Local Plan is a corporate priority for the Borough Council. Consequently the Local Plan Programme is an important project management document. Progress on the Local Plan will be reported regularly to the Chief Executive, Committee Chairmen and the Borough Council's Leadership Team.

¹³ The Borough Council's Licensing and Planning Policy Committee considered a [Duty to Co-operate Engagement Plan](#) on 15 November 2018. This noted that initial meetings, starting from Autumn 2018, with the Royal Borough of Kingston; Elmbridge; Mole Valley; the Greater London Authority; the London Borough of Sutton and Reigate & Banstead would identify and confirm the strategic issues relevant to that discussion.

Council Procedures

4.17 For matters relating to the new Local Plan, the following reporting protocols will apply:

- Licensing and Planning Policy Committee will be responsible for the preparation, production and completion of all local plan documents; and
- Full Council will be responsible for the formal adoption of all local plan documents following consultation and examination.

Risk Management

4.18 The main areas of risk are considered to be:

- **Legal Challenge:** We will ensure that Local Plan documents are sound, positively prepared, justified, effective and consistent with national planning policy. However, on the basis of recent developments elsewhere in Surrey there is a risk, particularly post-examination, that our new Local Plan becomes the subject of legal challenge; such as a judicial review.
- **Staff Retention, turnover and capacity:** This continues to be an area of significant risk to the Local Plan process. The loss of experienced members of staff continues to be an issue. Nationally, there is a shortage of experienced planning policy Officers. This position is particularly acute in relation to Officers at management and senior level. There are a diminishing number of Officers with local plan inquiry or examination experience – in respect of preparing and presenting evidence to the Inspector. We remain mindful that the loss of our experienced planning policy staff will have an impact on our ability to meet our Local Plan Programme. Where it is not possible to recruit to vacant posts promptly, resources will inevitably be stretched with wider implications on timeframes likely. Staffing capacity has been affected due to the COVID-19 implications on time as a result of restrictions. In the near future, it is anticipated that where lock down restrictions ease, there are still likely to be implications on staffing capacity if staff have to self-isolate or become unwell due to COVID-19 or if lockdowns need to be locally re-imposed.
- **Changes in government:** The short lifespan of our previous Local Plan Programme serves to remind us of unanticipated and extraordinary areas of risk. The currently fluid nature of national politics is an area of risk. The continued rise of populism could result in reactionary measures that impact upon our plan-making process. By its nature this area of risk is unpredictable.
- **Changes in national Legislation:** Due to COVID-19, government legislation and guidance in England has undergone significant unanticipated adaption with respect to the economy, environment, health, social and community facilities and infrastructure. This includes changes to some planning practices and procedures and the introduction of new or proposed legislation to temporarily change of use of restaurants and cafes to allow takeaway food, extending time limits on unimplemented permissions, and fast-tracking applications to amend conditions relating

to operating hours on construction sites. Further regulations have been published that introduces new permitted development right to allow blocks of flats to be extended upward by two storeys to create new homes, effective from 1 August. In addition, other changes to planning are proposed to come in by September 2020 including;

- Amendments to the Use Class order to allow more commercial buildings to change use without requiring planning permission. For example a building used for retail could be able to be permanently used as a café or office without requiring a planning application and local authority approval
- A wider range of commercial buildings allowed to change to residential use without the need for a planning permission which can bypass aspects such as space standards
- A planning application will not be needed to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes

Further reforms to the planning system are expected to be outlined imminently by the end of July 2020 (detail are yet to be published at the time of writing this document). This is following the Budget announcements and the 'Planning for the Future' paper where government committed to modernising the planning system. The recent pandemic has likely prompted more consideration of the level of reform.

It is important that we maintain forward momentum and prepare our new Local Plan in accordance with national policy. However, amendments to national planning policy may necessitate a change of direction. We will seek to minimise any collateral impacts by consulting with Members on possible solutions, which may include revisiting the Local Plan Programme.

- **Availability of Planning Inspectors:** Early notification of our new Local Plan Programme will forewarn the Planning Inspectorate of our anticipated timetable. The Programme will be passed to the Planning Inspectorate to aid their project management of future examinations. The Inspectorate will then enter into Service Level Agreements with us to ensure that they make adequate resources available for future stages of the process. This will help minimise the risk of delays to adoption dates.
- **High Levels of Response to Public Consultation Stages:** Experience from elsewhere in Surrey has shown that this can have an impact on the Programme timetable – due to the number of responses involved. We will seek to manage this risk by ensuring that an appropriate level of resource can be deployed to manage significant number of responses. Other areas of risk associated with this issue are difficult to predict and manage. We will seek to address some of these areas by adopting a clear communication strategy, which will seek to set out the challenges that the Borough Council faces. In light of the impacts of COVID-19, it anticipated that our approach will need to be adjusted to comply with government guidance to ensure that staff and consultee engagement practices are COVID-19 safe.

- **A wildly evolving Duty to co-operate:** The absence of firm guidance and regulation relating to the Duty has always made it an aspect of the process where risk thrives. In the past an exchange of anodyne communications between authorities has proved sufficient to placate Inspectors. This is no longer the case – recent decisions suggest that Inspectors are seeking greater certainty that local planning authorities are genuinely working together to address strategic issues. We believe that this constitutes sound planning and consequently we will rise to this challenge. However, in the continued absence of guidance and regulation risk remains as the Duty may evolve in new and unexpected directions. Our proximity to greater London and the entirely different strategic regime that functions there suggests that risk from that area is high. We will continue to monitor and engage in the development of local plans in both the London Borough of Sutton and the Royal Borough of Kingston. We will try to understand and accommodate the developments in the Duty that spring from those processes. We will continue to seek to work with our partners in London – trying to establish and maintain the best relationship possible under these circumstances.
- **Unsettled economic climate:** The COVID-19 global pandemic has resulted in a sequence of rapid changes globally with immediate fundamental impacts on people's everyday lives. In the short term, lock down restrictions have had implications on most aspects of society and whilst longer-term impacts are uncertain, it is likely that the pandemic will have lasting effects on the economy. Changes to planning legislation and the planning system have begun and future significant reform has been announced by government.

There is further risk from the period following Brexit which may result in another period of uncertainty. The UK left the EU in 31 January 2020 and the UK is in a transitional period before new rules come in from 1 January 2021. Consequently, we may need to prepare new evidence and re-draft policy alongside any developments in this area. This will have an impact upon the proposed timetable. Given the unknown nature of this risk there is little that we can introduce as mitigation.