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Legal and Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Thursday 10 September 2020 at 7.00 pm

Place: Remote Meeting

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

The link to the meeting is: <https://attendee.gotowebinar.com/register/7437114651663979278>
Webinar ID:337-516-739

Telephone (listen-only): 0330 221 9922, Telephone Access code:520-455-899

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 that reads "J.C. Beldan".

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, 25 August 2020**

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, 8 September 2020**

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 on 6 August 2020 (attached) and to authorise the Chairman to sign them.

4. STATEMENT OF COMMUNITY INVOLVEMENT (SCI) ADDENDUM (Pages 9 - 42)

The report outlines the proposed addendum to the Council's Statement of Community Involvement following the safety guidance and restrictions from government to prevent the spread of Covid-19.

5. CHANGES TO THE ENGLISH PLANNING SYSTEM 2020 (Pages 43 - 62)

This report updates members on the existing and proposed changes to the planning system in England which have been introduced as a result of the COVID-19 pandemic, and more fundamental reforms which have either come into force or are proposed as part of the government's intention to reform the planning system in England.

6. COMMUNICATIONS AND ENGAGEMENT STRATEGY (Pages 63 - 76)

The Draft Communications and Engagement Strategy sets out a framework as to how the Council can publicise and inclusively involve stakeholders in the forthcoming Regulation 18 consultation for the new local Plan. The strategy takes account of the potential impacts of the Coronavirus Pandemic.

7. HOUSING DELIVERY ACTION PLAN (Pages 77 - 106)

The Housing Delivery Action Plan identifies actions to increase future housing delivery in the Borough. The Council is required to prepare an Action Plan following the Housing Delivery Test (HDT) published by Central Government in February 2020, where the Council was unable to demonstrate housing delivery necessary for in the previous three years.

8. DRAFT RESPONSE TO PROPOSED CHANGES TO THE STANDARD METHOD FOR ASSESSING LOCAL HOUSING NEED (Pages 107 - 114)

The Ministry of Housing, Communities & Local Government (MHCLG) has published a consultation titled 'Changes to the current planning system: consultation on changes to planning policy and regulations'. The consultation was published on 6 August 2020 and comments are invited by the end of 1 October 2020.

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 6 August 2020**

PRESENT -

Councillor David Reeve (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Neil Dallen, Robert Foote, Chris Frost, Liz Frost, Rob Geleit, David Gulland (as nominated substitute for Councillor Julie Morris), Phil Neale and Clive Smitheram (as nominated substitute for Councillor Monica Coleman)

Absent: Councillor Monica Coleman and Councillor Julie Morris

Officers present: Damian Roberts (Chief Operating Officer), Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Wai-Po Poon (Senior Planning Policy Officer), Rachel Jackson (Licensing, Grants and HIA Manager), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

40 QUESTION TIME

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

41 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business at the meeting.

42 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Licensing and Planning Policy Committee held on 23 April 2020 were agreed as a true record and the Committee authorised the Chair to sign them subject to the following amendment:

That Item 38 Epsom & Ewell Local Plan – Overview of Proposed Housing Strategy be amended to read:

- 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, Objectively Assessed Housing Need and 5-year Housing Land Supply.

43 PAVEMENT LICENCE POLICY

The Committee received a report outlining the proposed Council policy for implementing pavement licences following the enactment of the Business and Planning Act 2020.

The following items were raised by the Committee:

Green Agenda: Members raised ecological concerns regarding premises serving beverages in cups made of single-use plastic. It was noted that single-use cups would assist in the reduction of contamination of Covid-19 and work well in maintaining adequate hygiene levels. Members noted the prohibition of the use of patio heaters which aids the Green Agenda.

Smoking: Members spoke about the possibility of differentiating between smoking and non-smoking areas. It was noted that due to the layout of the pavement, this would be difficult to maintain.

Non-drinking areas: Members noted that for areas that drinking is prohibited due to a Public Space Protection Order, the Pavement Licence will not override this.

Policy breaches: Members spoke about the procedure for breaches. It was noted that breaches would be dealt with individually on a case-by-case basis, and that the outcome would be dependent on the nature and severity of each.

Licence times: Members highlighted the late licenses of some premises and spoke about the possibility of the pavement licence being of reduced hours to prevent issues with noise levels. It was noted that this would be discussed.

Inclusivity: Members noted the close proximity in which Swail House is situated in comparison to the area for which the Pavement Licences have been applied, and spoke about how the Application for Pavement Licenses will not impede on residents with sight issues.

Following consideration, it was resolved that the Committee:

- (1) Approved the Pavement Licence Policy as set out in Appendix 1 to the report subject to the following amendment:**

That Condition 23 reads as follows:

The licence must be displayed prominently at or on the premises where it can be conveniently read from the exterior of the premises.

and delegated to the Head of Housing and Community any minor amendments to the Policy, in consultation with the Chairman of Licencing & Planning Policy Committee;

- (2) **Agreed to set a fee of £100 for per pavement licence application;**
- (3) **Delegated to the Head of Housing and Community the determination and enforcement of Pavement Licences made under the Business and Planning Act 2020.**

44 REVISED LOCAL PLAN PROGRAMME

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.

The Committee received an introduction from the Head of Planning.

The following items were raised by the Committee:

Green Agenda: It was noted that the revised Local Plan is essential in picking up the Council's corporate agenda on climate change.

Governance: Members noted the possibility of the Committee being updated on progress regarding the revised Local Plan.

Following consideration, it was resolved that the Committee:

- (1) **Had considered and approved the revised Local Plan Programme August 2020 attached at Appendix 1 to the report.**

The meeting began at 7.30 pm and ended at 8.50 pm

COUNCILLOR DAVID REEVE (CHAIR)

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STATEMENT OF COMMUNITY INVOLVEMENT (SCI) ADDENDUM

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.SCI Addendum Appendix 2. Community Involvement 2019.

Summary

The report outlines the proposed addendum to the Council's Statement of Community Involvement following the safety guidance and restrictions from government to prevent the spread of Covid-19.

Recommendation (s)

The Committee is asked to:

- (1) Approve the addendum to the Statement of Community Involvement (Appendix 1) for the purpose of a public consultation and delegate powers to the Head of Planning to publish the Addendum with any minor amendments following consideration of consultation responses.**

1 Reason for Recommendation

- 1.1 As a result of the COVID-19 pandemic, the Council need to make some temporary amendments to the Statement of Community Involvement (SCI) (2019). The National Planning Practice Guidance advises that Local planning authorities review their SCI and update it in line with government guidelines around social distancing and staying safe during the COVID-19 pandemic.

2 Background

- 2.1 The Statement of Community Involvement sets out the approach to ensure that communities and stakeholders are involved in planning matters. The SCI aims to enable efficient engagement on all planning matters including planning applications, new planning policy documents and Neighbourhood Plans.

- 2.2 The current Statement of Community Involvement was adopted in November 2019. In March 2020, Covid-19 restrictions to reduce the spread of the virus has necessitated changes in legislation and consequently, the way in which Local Authorities have been able to undertake certain aspects of engagement with communities with regard to planning matters.
- 2.3 In recognition of the changeability of the restrictions and safety guidance from government, it is anticipated that the addendum will need to be used flexibly to respond to the changes in restrictions which may evolve quickly and in line with the national and local changes in legislation as they arise.

3 Risk Assessment

Legal or other duties

- 3.1 Impact Assessment
- 3.2 The Council values the contribution that the community and stakeholders provide in planning matters, however Government restrictions associated with preventing the spread of COVID-19 will affect the ability of the Local Authority to engage in the same way that it did prior to COVID-19. The pandemic has required the Local Authority, communities and stakeholders to be able to adapt to changes with flexibility. The Addendum will enable the Council to continue to move forward with planning matters in consultation with its community and stakeholders in line with government legislation and reform.
- 3.3 COVID-19 creates challenges in respect to balancing the safety of communities, stakeholders and employees with keeping the planning department on track and in line with changes in legislation, reform and targets.
- 3.4 The speed at which changes to government legislation have taken place require officers to adjust swiftly and it is anticipated that this will continue to be the case for some time. As such, the addendum seeks to ensure that all our parties and interested parties have a clear understanding of the changes and why they are being made.
- 3.5 Anticipated changes to how the planning service consult with the stakeholders will require staff to be adequately trained and resourced.
- 3.6 Crime & Disorder
 - 3.6.1 None arising
- 3.7 Safeguarding
 - 3.7.1 The safety of the communities, interested parties and employees requires temporary amendments to the SCI to reduce the risks and spread of COVID-19

3.8 Dependencies

3.8.1 None arising

3.9 Other

3.9.1 None arising

4 Financial Implications

4.1 The Statement of Community Involvement is associated with the wider approach to communication with all interested parties and stakeholders. In this regard, wider teams across the Council including legal services, procurement and communications are likely to be involved and assisting with various aspects detailed within the Statement of Community Involvement. External specialists with expertise in communications and digital platforms will be engaged to assist to provide appropriate online presence and information facilities.

4.2 **Section 151 Officer's comments:** The cost of any engagement of external specialists should be met from within the service's existing 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: Opportunity and Prosperity and Safe and Well

6.2 The Statement of Community Involvement sets out the Council's approach to ensure that communities and stakeholders are involved in planning. This contributes towards delivering the Council's Visions and objectives identified in its Four Year.

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

6.4 **Climate & Environmental Impact of recommendations:** No direct impact

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

As a result of the COVID-19 pandemic, Epsom and Ewell Borough Council are making some temporary amendments to the Statement of Community Involvement (2019). The temporary changes outlined are being made to protect the health of Epsom and Ewell's communities, residents and staff in response to the Government's advice.

6.6 Partnerships:

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:

- Report to LPP 14 November 2019 to approve Statement of Community Involvement

<https://democracy.epsom-ewell.gov.uk/documents/s14478/Statement%20of%20Community%20Involvement%202019.pdf>

Other papers:

- Community Involvement 2019



Epsom and Ewell Borough Council

Addendum: Statement of Community Involvement (SCI), September 2020.

Temporary changes to the publicity of planning policy documents and planning applications during the Coronavirus (COVID-19) pandemic.

1 Introduction

- 1.1 The Statement of Community Involvement (SCI) sets out Epsom and Ewell's approach to ensure that communities and stakeholders are involved in planning matters. The SCI aims to enable efficient engagement on all planning matters including planning applications, new planning policy documents and Neighbourhood Plans.
- 1.2 As a result of the current COVID-19 pandemic, Epsom and Ewell Borough Council are making some temporary amendments to the Statement of Community Involvement (2019). The temporary changes outlined are being made to protect the health of Epsom and Ewell's communities, residents and staff in response to the Government's advice and primarily in relation to public meetings and events. The UK's COVID-19 alert level has been at level three since the 19th June which means that the virus is still considered to be in general circulation. Whilst the government continues to ease restrictions in England, government guidance remains in place for people to stay safe and local lockdowns in various parts of the UK have taken place where there have been local outbreaks. Measures including social distancing and limitations on businesses continue to remain to reduce the spread of the virus.
- 1.3 The National Planning Practice Guidance has been updated following the pandemic and it advises that Local planning authorities review their SCI and update it in line with government guidelines around social distancing and staying safe during the COVID-19 pandemic. Epsom and Ewell's *Community Involvement 2019* document was adopted in November 2019.

- 1.4 Epsom and Ewell will retain most of the engagement and publicity methods outlined in the SCI therefore this addendum should be read in conjunction with Epsom and Ewell's SCI *Community Involvement 2019* document. The addendum addresses the specific paragraphs within the SCI which are impacted by Covid-19 restrictions and safety guidance and as such does not seek to amend every individual section or paragraph within the SCI.
- 1.5 The following headings outline the amendments to the approaches set out in the [Community Involvement 2019 document \(SCI\)](#). The following headings outline the sections within the SCI which will be temporarily amended to comply with government safety guidance to keep people safe by reducing the spread of Covid-19. The addendum will need to be used flexibly to respond to the changes in restrictions which may evolve quickly and in line with the national and local changes in legislation. The Community Involvement 2019 document (SCI) is available to read in full on Epsom and Ewell Borough Council's website or by clicking [here](#).

2 Proposed temporary amendments to Statement of Community involvement, *Community Involvement 2019*:

- 2.1 The proposed changes are set out under the relevant headings of the SCI Community Involvement 2019.

Section 2: Planning Policy Documents: 2.3 Local Plans and 2.4 Supplementary Planning Documents.

- 2.2 Where Epsom and Ewell Borough Council have set out the stages involved in preparing a new development plan document and Supplementary Planning Documents, outlining the opportunities for stakeholder engagement, we will seek to retain the process in line with the existing flow chart within Figure 2¹ and Figure 3, with the exception that Epsom and Ewell Borough Council will not be able to provide hard copies of documents for inspection at libraries across the borough where these locations are closed to the public due to COVID-19 restrictions. When it is safe for these locations to reopen and in line with government safety guidance, documents will be placed back in these locations.
*Information will continue to be made available online via our website and we encourage people to access information this way.

Section 2: Planning Policy Documents; 2.5 Neighbourhood Plans and Neighbourhood Development Orders

- 2.3 Where consultation is being carried out by the borough council referred to in point 2.5.6 and further detailed in figure 4¹ of Epsom and Ewell's Community Involvement 2019 document, we will seek to retain the majority of this approach except that Epsom and Ewell council will not be able to provide hard copies of documents for inspection at the town hall or at libraries across the borough where these locations are closed to the public due to COVID-19 restrictions. When it is safe for these locations to reopen and in line with government safety guidance, documents will be placed back in these locations. Information will continue to be made available online via our website and we encourage people to access information this way.

Section 2: Planning Policy Documents; 2.6 Other documents: Community Infrastructure Levy

- 2.4 Our approach to CIL will remain in line with points 2.6.1 and 2.6.2 and further sections regarding CIL as detailed within the Community Involvement 2019 document. Epsom and Ewell adopted CIL in 2014. Where reference is made within figure 5² to copies of the draft charging schedule being made available in libraries, our approach to making consultation material referenced within the process (Figure 5) will remain as detailed. However Epsom and Ewell council will not be able to provide hard copies of documents for inspection at the town hall or at libraries across the borough where these locations are closed to the public due to COVID-19 restrictions. When it is safe for these locations to reopen and subject to government safety guidance and government legislation, documents will be placed back in these locations. Documents will continue to be made available online on the Council's website and microsite; and we encourage people to access documents electronically to reduce the spread of Covid-19.

Section 2: Planning Policy Documents; 2.8 How will we consult in plan-making? Para 2.8.3 Face-to-face engagement

- 2.5 Epsom and Ewell values the contribution that the community and stakeholders provide in developing planning policy. Government restrictions associated with preventing the spread of COVID-19 however will affect the ability of the Local Authority to hold face to face meetings, workshops, focus groups and exhibitions safely. Our approach to face to face engagements as set out within our *Community Involvement 2019* document (see-para 2.8.3) will be considered at the appropriate time and will reflect proportional engagement that follow safety measures relating to Covid-19.

¹ *Note - Figure 2, 3 and 4 are detailed in full within the [Community involvement 2019](#) document

² *Note - Figure 5 is detailed in full within the [Community involvement 2019](#) document

- 2.6 In order to protect the health of our communities and staff, Epsom and Ewell will seek to engage with communities and interested groups virtually via online platforms or exhibitions as an alternative to face to face meetings. Where online methods cannot be accessed by individuals, alternative approaches will be used such as phone calls where appropriate.

Section 2: Planning Policy Documents; 2.8 How will we consult in plan-making? Para 2.8.4-5 Written notifications

- 2.7 Our approach to written notifications will remain as detailed in paragraph 2.8.4 although Epsom and Ewell will seek to communicate by email in the first instance due to Covid-19.

Section 2: Planning Policy Documents; 2.8 How will we consult in plan-making? Para 2.8.8 Making consultation material available

- 2.8 Our approach to making consultation material available will remain as detailed 2.8.8 except that Epsom and Ewell council will not be able to provide hard copies of documents for inspection at the town hall or at libraries across the borough where these locations are closed to the public due to COVID-19 restrictions. When it is safe for these locations to reopen and subject to government safety guidance and government legislation, documents will be placed back in these locations. Documents and consultation material will continue to be made available online and we encourage people to access documents electronically to reduce the spread of Covid-19.

Section 3: Planning Applications; 3.2 Pre-application Advice.

- 2.9 Epsom and Ewell Borough Council continues to welcome and encourage virtual discussions with applicants before planning applications are submitted. Due to Covid-19 restrictions, face to face meetings have not been available. Meetings have taken place virtually via digital platforms but physical meetings will resume in person when it is safe to do so and in line with government safety guidance. If meetings are not taking place this will be indicated on the pre-application section of Epsom and Ewell borough Council's website. The Householder service has continued to be offered as written advice only.

Section 3: Planning Applications; 3.4 How is a Planning Application determined?

- 2.10 Epsom and Ewell Borough Council continue to undertake Planning Committee meetings detailed in points 3.4.5 and 3.4.6. These have been held utilising virtual platforms and if necessary over the telephone in line with government safety guidance.

Community Involvement 2019



LOCAL
DEVELOPMENT
FRAMEWORK

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1 Introduction

- 1.1.1 The council is committed to engaging with local people, organisations and businesses to get their views on different aspects of its work. This insight helps improve council services and is a key part of making good policy decisions. Planning directly affects the places where people live and work and meaningful public consultation and engagement on all aspects of planning is vital. It allows communities to have an input in the Planning system and by maintaining community involvement at the centre of what the council does, we can gain a real understanding of our communities' priorities. This helps the council to develop the right policies and proposals for the future.
- 1.1.2 The Statement of Community Involvement (SCI) relates to planning only. It outlines the consultation and engagement methods that the council will use to involve interested residents, groups, organisations, businesses, other representatives and individuals in the planning process. It explains who will be consulted, when and how. The document describes how the council will involve the community and stakeholders in the preparation and review of planning policy documents (chapter 2) and also the consideration of planning applications (chapter 3).
- 1.1.3 The SCI complements the council's broader commitment to effective consultation and engagement, access to information, and openness. The SCI is also guided by the Government's Consultation Principles: Guidance (last updated 2018) which provides guidance on how consultations should be conducted in general, by adopting a more proportionate and targeted approach.

1.2 Policy Framework

- 1.2.1 The duties to engage the community in planning matters and to prepare the SCI arise from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017.
- 1.2.2 This legislation requires the Local Planning Authority to prepare a statement for how it will involve those with an interest in development in the area, including the preparation and review of the Local Plan and Supplementary Planning Documents, Neighbourhood Plans/Orders, Community Infrastructure Levy and the consideration of planning applications.
- 1.2.3 There is a clear emphasis through national policy on encouraging early and consistent community involvement. The National Planning Policy Framework (NPPF) refers to early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area (section 3). The NPPF also reflects the importance of community engagement before planning applications are submitted (section 4).
- 1.2.4 The role of consultation in the planning system is pivotal. The legislation sets out the minimum standards for publicity and consultation which are set out in the relevant sections below. The council will always meet these requirements and, where appropriate and resources allow, will seek to go beyond them to secure wider-ranging involvement in plan-making.

1.2 General Consultation Principles

- 1.2.5 When carrying out formal consultations, the council follows the Government's Consultation Principles guidance (2018), which give general guidance on how consultations should be carried out. Importance is placed on trusted channels of communication and consultation that should be used to engage effectively with all groups of stakeholders, including individuals.
- 1.2.6 The council also recognises that planning material is often technical in nature, so consultation documents will be as clear and concise as possible, with minimal use of 'jargon' to avoid detracting from the complexities of issues involved.
- 1.2.7 The council will ensure that it meets the public sector equality duty (Equality Act 2010), which aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender/gender reassignment, race, religion and other protected characteristics. Engaging with residents and other stakeholders is key to meeting this duty to better understand the needs of diverse groups.
- 1.2.8 The council expects and encourages its partners, relevant statutory and non-statutory bodies and applicants to undertake timely consultation which is appropriate, accessible, targeted and on-going.



1.3 Planning Responsibilities of Officers and Councillors

- 1.3.1 Council officers are responsible for preparing relevant evidence in order to develop planning policies and proposals for development through planning policy documents and making a recommendation on planning applications. These must be supported by sound technical advice on matters including but not limited to; highways, drainage, and conservation. The needs of the community will also be taken into account. Planning officers work closely with other teams in the council, in order to formulate policies and development options.
- 1.3.2 The council also works closely with statutory consultees such as Surrey County Council in respect of its statutory planning functions and its role as local highways authority, local education authority and lead local flood authority.
- 1.3.3 Most planning applications are dealt with by council officers under the scheme of delegation. The Epsom & Ewell Constitution sets out the circumstances under which applications will go before the Planning Committee to be determined by councillors. Anyone can request to speak at Committee in line with the Constitution.
- 1.3.4 Elected Councillors are ultimately responsible for decision-making in the council, as set out in the Council's Constitution. They are involved in all stages of the production of planning policy documents, through the established Committees. Where appropriate, subcommittees or steering groups of members provide focused input on detailed planning matters.
- 1.3.5 Councillors make up the Licensing and Planning Policy Committee, and the Planning Committee. The Planning Committee meets to determine planning applications which are not determined under delegated powers. Both Councillors and officers are required to act within the Code of Practice which is part of the council's Constitution.



2 Planning Policy Documents

2.1.1 There are various planning policy documents prepared by the council, all with different processes for preparation and public involvement. Legislation details the minimum standards for publicity and consultation. The council will always meet these requirements and, where suitable, will seek to go beyond them to secure wider-ranging involvement. The SCI sets out the council's policy for discharging its duties by setting out how and when the local planning authority will engage and consult.

2.2 Development Plan

2.2.1 The existing Development Plan for Epsom & Ewell Borough comprises the:

- Surrey Minerals Plan,
- Surrey Waste Plan,
- Core Strategy 2007,
- Plan E 2011: Area Action Plan for the Town Centre
- Development Management Policies (2015).

Sitting alongside these are various Supplementary Planning Documents and guidance. Figure 1 sets out diagrammatically how all these documents fit together.

2.2.2 In Surrey, planning policies relating to minerals and waste are prepared by Surrey County Council. Planning applications for minerals and waste developments are determined by Surrey County Council. The County Council is responsible for preparing and maintaining a Minerals and Waste Plan, providing the policy framework for new operations in the County. Epsom & Ewell Borough Council engages with the County in this process. Further details about the programme for preparing these plans and opportunities for involvement in the process are published on Surrey County Council's website.



Figure 1 Diagram showing the hierarchy of documents within the Development Plan

2.3 Local Plan

2.3.1 Epsom & Ewell Borough Council is currently working on a new Local Plan. The Local Plan (or Development Plan Documents) is the statutory plan setting out the principal policies and proposals for land use and development in the borough. It contains the overall vision and objectives, the development strategy for the area, allocates sites for development and sets out a suite of policies used in decision making on planning matters.

2.3.2 Figure 2 provides further detail of the relevant stages involved in preparing a new development plan document and sets out the opportunities for stakeholder engagement as early as the evidence gathering stages through to adoption and implementation.

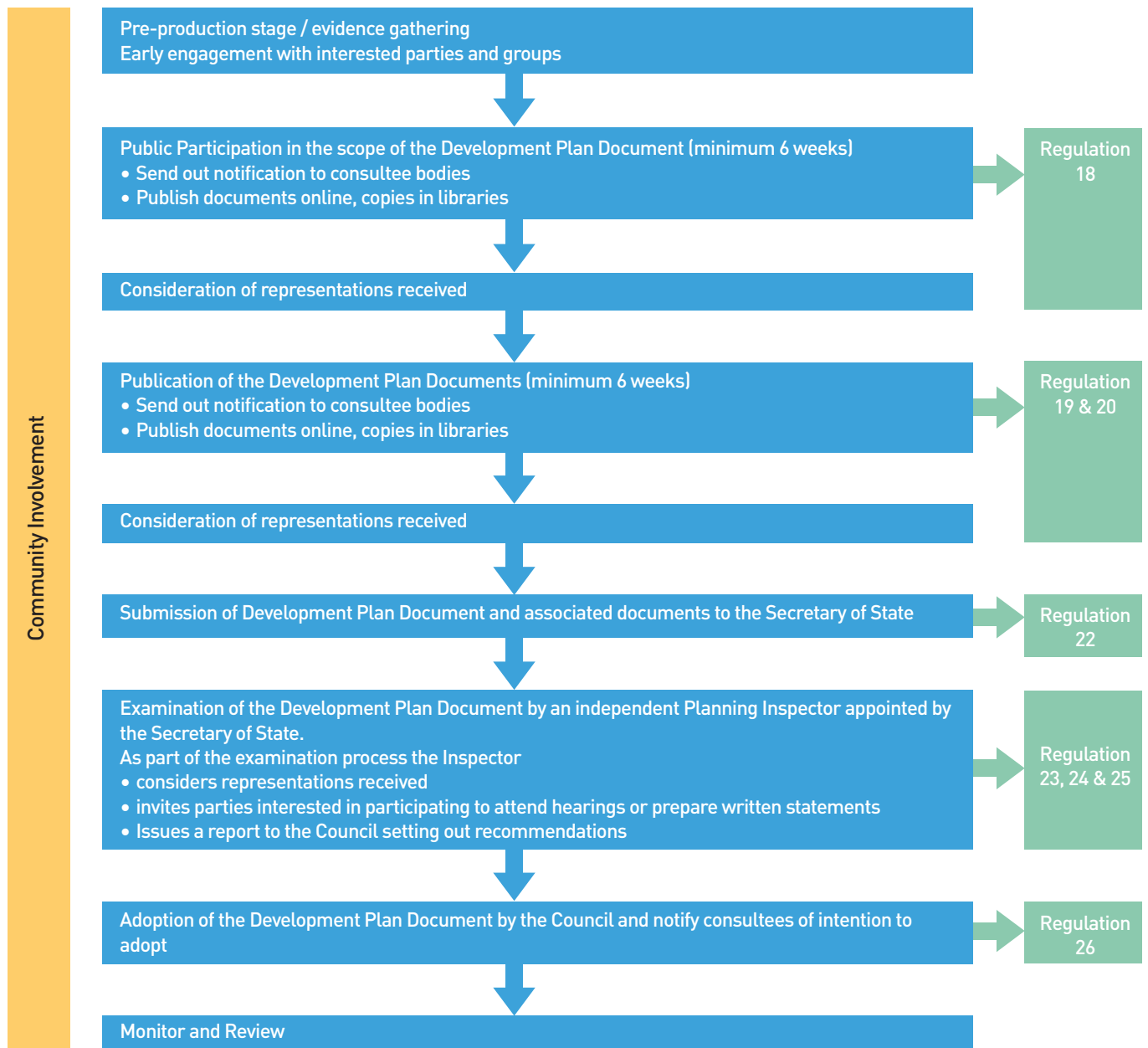


Figure 2 - Preparing Development Plan Documents ¹

¹The Town and Country Planning (Local Planning) (England) Regulations 2012

2.3.3 The programme for the preparation and review of planning policy documents is set out in a Local Development Scheme (LDS) which lists the planning documents that the council intends to produce and the timetables for their preparation. When the LDS is updated it will be published on the council's website.

2.3.4 Each Development Plan Document is accompanied by a Sustainability Appraisal (SA) /Strategic Environmental Assessment (SEA) which shows how the policies reflect sustainable development objectives. The council also prepares an Annual Monitoring Report (AMR) on an annual basis to assess whether adopted planning policies are being successfully implemented and achieving the intended aims and objectives.

2.4 Supplementary Planning Documents

2.4.1 Supplementary Planning Documents (SPDs) provide supplementary information in the form of site based or topic based guidance to support specific Local Plan policies. The council's policy for consultation and engagement on the development of new SPDs is set out in Figure 3.

2.4.2 SPDs may cover a range of issues, both thematic and site specific, which support policies in the Local Plan. They do not set new policy or allocate land. SPDs may take the form of design guides, area development briefs, masterplans or issue-based documents. Whilst there is a formal process for preparing SPDs, and are adopted formally by the council and are material considerations in the determination of planning applications; they do not form part of the development plan.

2.4.3 The level and extent of consultation required in the preparation of a SPD is generally less than that for a Development Plan Document and the methods used will vary, proportionate and relevant to its content. If the SPD is a technical document, the emphasis may be more focused, on established forms of consultation with stakeholders that are relevant to the topic involved, including statutory consultees, specialist bodies, local groups. If the matter is specific to a location, in addition to the above, the council will aim to engage with local residents and groups through meetings/workshops or via Borough wide publications. Figure 3 below sets out the key stages in preparation and the opportunities for engagement at each stage.

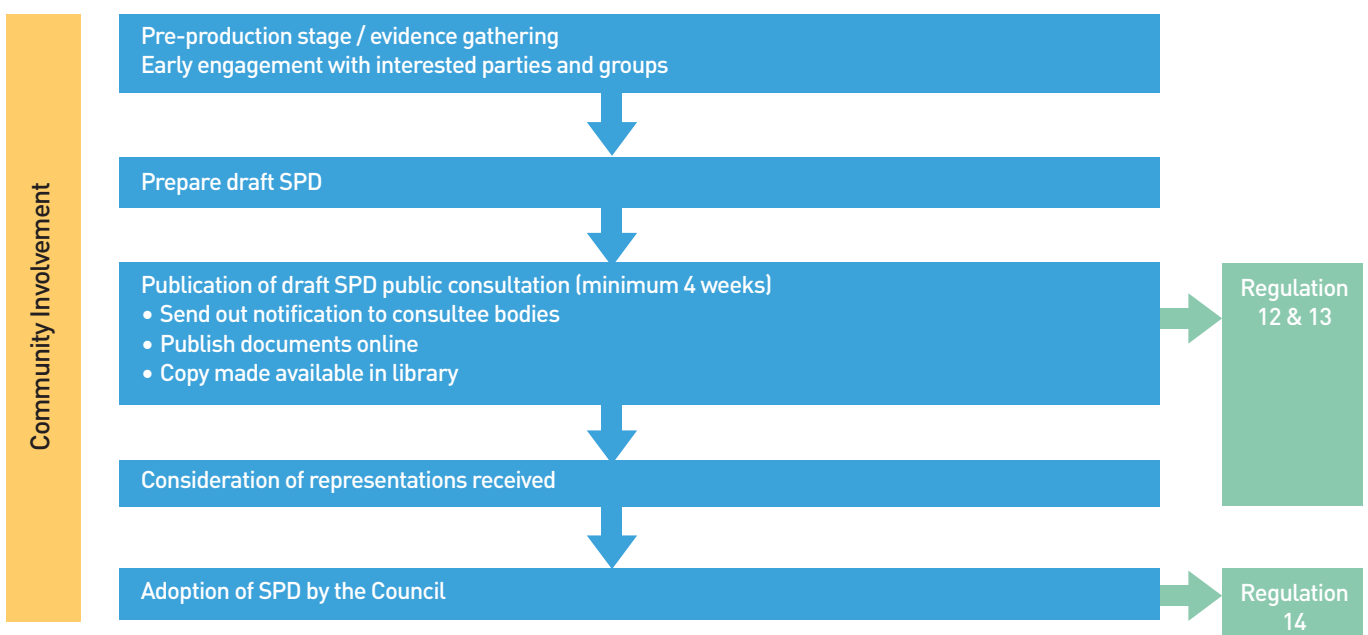


Figure 3 - Preparing Supplementary Planning Documents (SPD) ²

²Town and Country Planning (Local Planning) (England) Regulations 2012

2.5 Neighbourhood Plans and Neighbourhood Development Orders

2.5.1 Neighbourhood Plans and Orders are an alternative means of developing policies and proposals at the local neighbourhood level.

- **Neighbourhood Plans** allow communities to establish general planning policies for the development of land in the area. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. This means that the council and planning inspectors will need to take the plan into consideration when making planning decisions.
- **Neighbourhood Development Orders** (including community right to build orders) grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail.

2.5.2 These can be prepared by a duly constituted 'neighbourhood forum'. The council has a duty to support neighbourhood planning. Figure 4 for the key stages.

2.5.3 The neighbourhood forum is responsible for public consultation and engagement in the earlier stages of the process, whilst the council undertakes consultation on the final draft version of the Plan or Order (Submission stage and organises the referendum). Following a positive referendum result a Neighbourhood Plan will form part of the development plan for the borough and will have the same weight as other development plan documents such as the Local Plan.

2.5.4 Neighbourhood planning was introduced by the Localism Act (2011). It is a way for communities to decide the future of the places where they live and work by having more of a say in where new homes, businesses, shops and community facilities should be placed in their local area, along with being able to allocate sites for development. Where they choose to, local people can draw up a plan or a development order.

2.5.5 Like local plans, regulations cover Neighbourhood Plan/Orders preparation, including consultation requirements. Regulations also cover the referendum stages. The council's role is to provide advice and support to groups developing a plan. It is the neighbourhood forum's that is responsible for public consultation and engagement in its preparation of a plan up to submission of the final draft ('proposed submission').

2.5.6 Figure 4 below sets out the various stages in preparing Neighbourhood Plans/Orders, the opportunities for engagement and whether consultation is being carried out by the Neighbourhood Forum or the borough council.

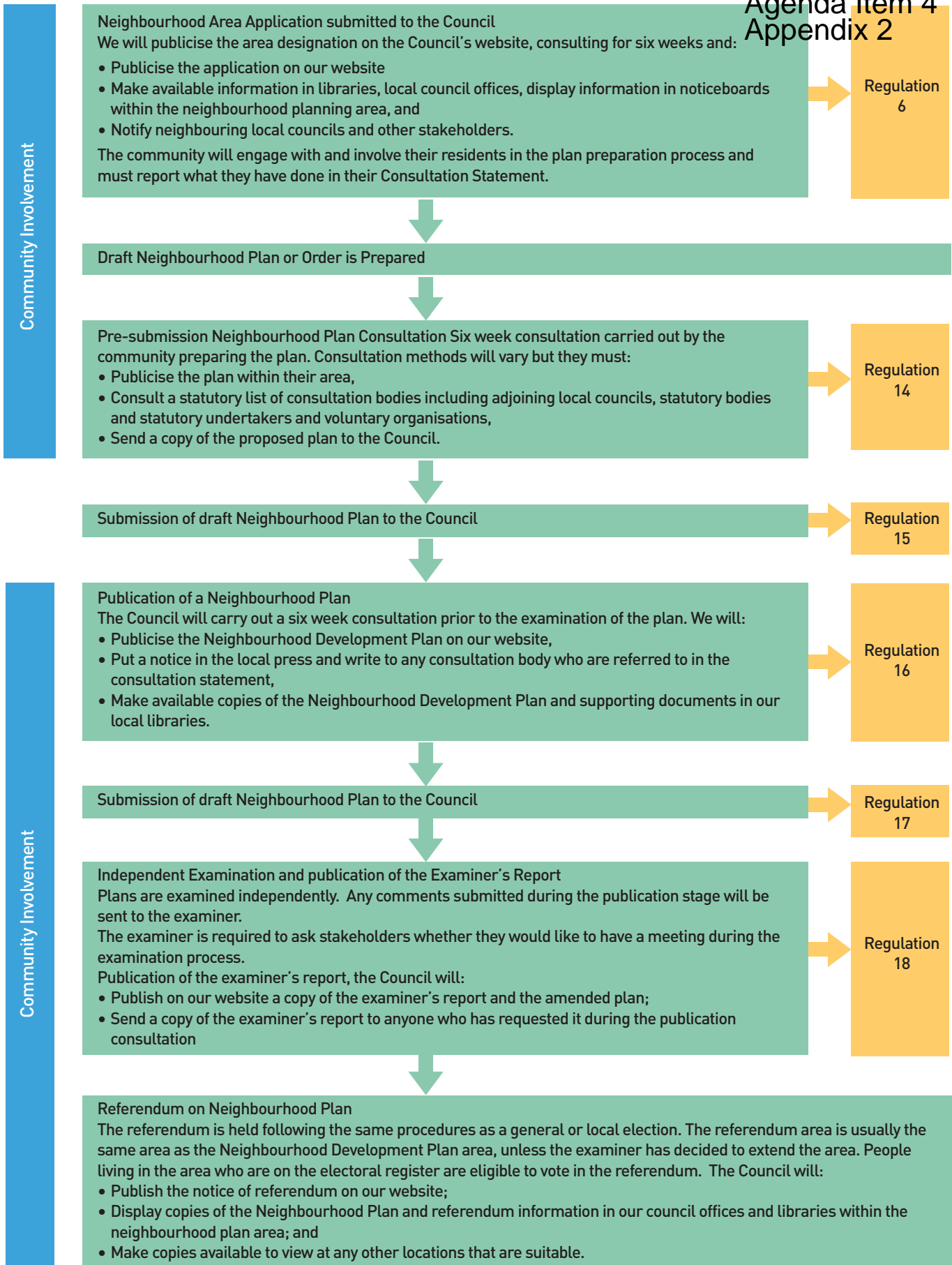


Figure 4 – Preparing Neighbourhood Plan

2.6 Other documents

Community Infrastructure Levy

2.6.1 Community Infrastructure Levy is a charge that allows local authorities to raise funds from most types of new development in their area to fund essential infrastructure. Local authorities who decide to introduce a CIL are known as charging authorities and must produce a Charging Schedule which sets out the levy rate (s) that the authority will charge Figure 5 sets out the process and opportunities for engagement in establishing and reviewing the Community Infrastructure Levy.

2.6.2 The Community Infrastructure Regulations 2010 (as amended) sets out the procedure that charging authorities must follow prior to adopting a Charging Schedule.

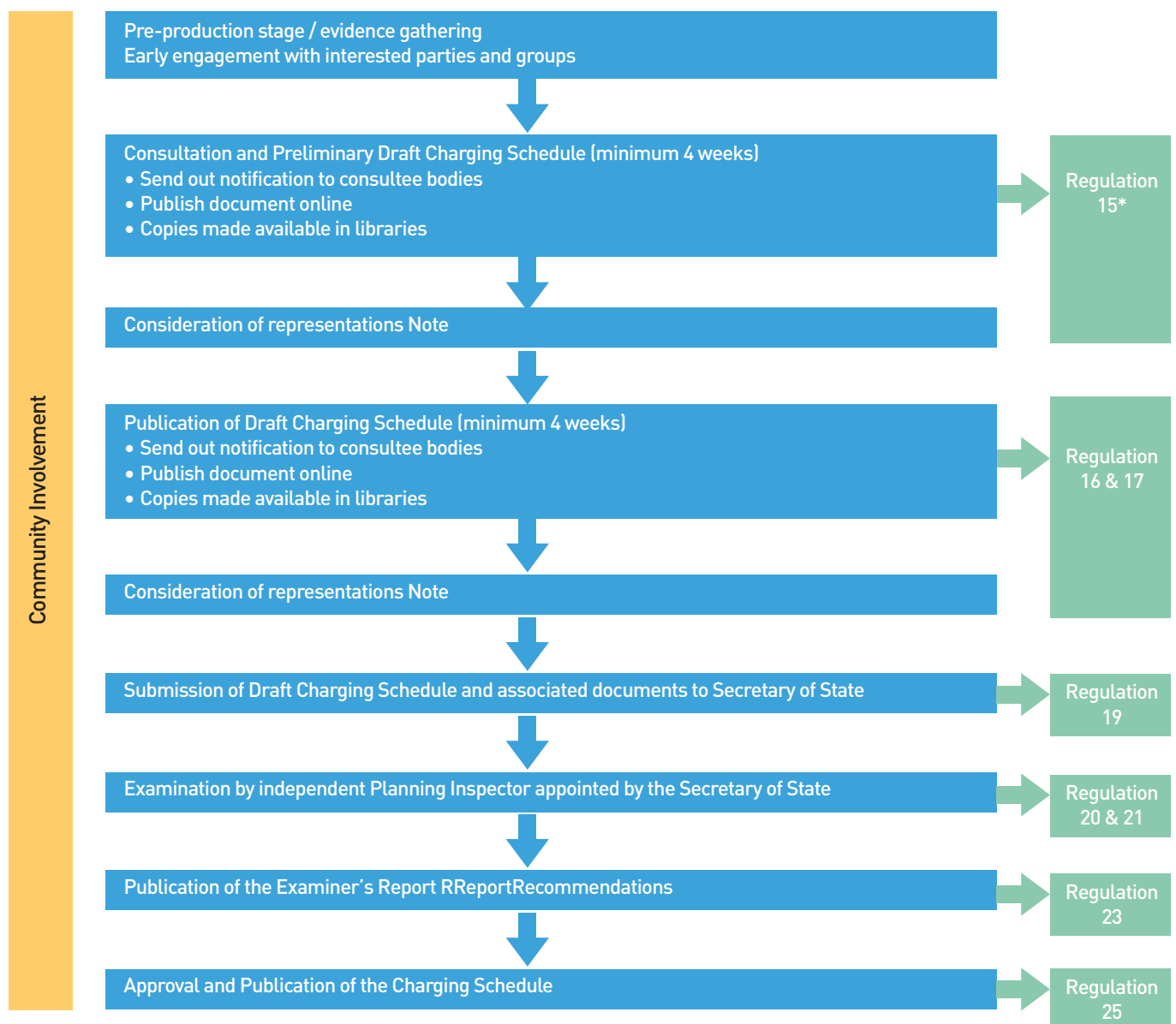


Figure 5 - Preparing Community Infrastructure Levy ³

³The Community Infrastructure Levy Regulations 2010

* Note: Recent MHCLG consultation for revised regulations Reforming developer contributions: Technical consultation on draft regulations (Dec 2018) that will see the removal of Reg 15 consultation.

- 2.6.3 Epsom & Ewell Borough Council adopted its CIL in 2014. It is intended to review approximately every three years and/or in tandem with the preparation of the Local Plan. Consideration will also be given to a review of CIL should there be significant changes in the costs and values of development. In the event of a review of CIL, it will be necessary to repeat the processes outlined above.
- 2.6.4 It is intended to provide details of CIL income received through the Council's Monitoring Report and the budget setting process that is undertaken each year. This will highlight the amount received each year, as well as providing details of the overall CIL received, and spent over the longer-term.

Evidence Base

- 2.6.5 The council maintains an evidence base to support the Local Plan/Development Plan Documents. This evidence base is wide ranging and includes evidence relating to housing, employment and retail requirements, land supply assessments, landscape, biodiversity, green infrastructure, flood risk and infrastructure. The council will undertake targeted consultation on evidence base studies where suitable to the topic and provide notifications when new evidence is published. The complete set of evidence base documents will be published and maintained on the council's website.

Registers

- 2.6.6 The council also has a duty to publish a Brownfield Land Register of previously developed land suitable for housing. Proposals to give any of the land on the register Permission in Principle will be the subject of consultation in line with the regulations.

2.7 Who will we consult in plan-making?

- 2.7.1 All planning policies and decisions have the potential to affect a number of people, including many who are not directly involved. The level of impact would depend on the nature of the proposals. It is important, therefore, to ensure that opportunities for involvement in the decision making process are as wide as possible. Interested parties can range from individuals living next to a proposed development, to a local interest group or parish council, a service provider, a government department or a neighbouring authority.
- 2.7.2 Regulations specify which bodies/organisations that local planning authorities must consult when preparing planning policy documents.. They include 'specific consultation bodies' and various types of 'general consultation bodies'. Specific consultation bodies include utility companies, government agencies, and local authorities. General consultation bodies include voluntary bodies active in the area and those bodies which represent the interests of different racial, ethnic or national groups, different religious groups, disabled persons, and persons carrying out business in the area. The council also has a legal 'duty to co-operate' with other local councils and infrastructure providers in relation to strategic cross boundary issues. These bodies/organisations are set out in Appendix 1.
- 2.7.3 In addition to the individuals and organisations referred to above, it is recognised that some parts of the community are not always adequately represented such as gypsy and traveller communities in the area, the young and the elderly. The council will work closely with relevant organisations that have experience in a particular matter to find the best way of consulting and liaising with these groups.

2.8 How will we consult in plan-making?

2.8.1 The council considers wide engagement to be important so suitable methods to engage and consult need to be considered in order to meet and build on the statutory regulations. The council will carefully consider how consultations are run in order to ensure that all members of the borough's diverse community are made aware of relevant planning proposals and opportunities in order to comment on them. The council will use a range of consultation techniques during periods of public consultation, building on those methods of communication that are already used but also using new and evolving methods. The following outlines some of the different methods of consultation which will be utilised.

Online engagement

2.8.2 The type of online engagement used will depend on the issues that are being considered.

- Website: The council's website will be regularly updated with information about the Local Plan and other planning policy documents. The council will advertise all consultations on its website and upload electronic versions of documents online to view on dedicated pages.
- Social media: The council will make use of social media where appropriate and will post information on Facebook, Twitter and other social media platforms to promote consultations, as suitable. Whilst social media will be used to publicise formal periods of consultations, representations will not be accepted via social media.

Face-to-face engagement

2.8.3 Sometimes speaking directly to someone is the best way to understand a person's point of view. The following face-to-face engagement will be used, depending on the issues involved:

- Manned exhibitions: will be held on significant consultations, such as those associated with the Local Plan, where suitable, to engage people in shaping plans for the borough. This technique allows people to speak directly to officers involved in planning. The aim will always be to locate such exhibitions in close proximity to the areas most likely to be affected.
- Smaller exhibitions: these may be held for significant consultations, or if proposals relate to a particular locality. They will be held in locations that people are likely to visit regularly such as town and local centres, libraries or the Town Hall. These may be unmanned and/or in drop-in session format.
- Meetings/engagement with particular groups: these will be used to get in-depth comments on specific planning issues from a small cross section of individuals. They are useful to bring different perspectives together to discuss a particular theme in a structured way. Meetings may be appropriate to discuss issues of a technical nature, such as with specific statutory bodies and service providers, or with key stakeholder groups.

Written notifications

2.8.4 For all statutory consultations, the council will contact all known consultation bodies (including those listed in Appendix 1) directly, either by email or letter, along with anyone who has asked to be notified when consultation is taking place. Details of consultation and the availability of documents will be set-out in this communication.

2.8.5 Individuals can ask to be added to the planning policy consultation database at any time by contacting the planning policy team or filling in a form on the council's website.

Publicising consultations

- 2.8.6 The council will publicise consultations through a variety of means, including articles in Borough Insight magazine, which is circulated to all homes in the borough. As suitable, the council will also produce consultation materials, such as leaflets to help publicise significant consultations.
- 2.8.7 Public notices will be published in local newspapers when appropriate and press releases and/or briefings to convey information to wider audiences will also be used where appropriate.

Making consultation material available

- 2.8.8 The council will, as well as publishing draft documents and consultation material online, provide hard copies for inspection at the Town Hall and at libraries across the Borough.

3 Planning Applications

3.1.1 Our Development Management Team handles around 1800 planning applications each year, carrying out notification and consultation as set out in this document. This ensures that any person or group interested in a planning application has the opportunity to view and comment on the proposals. We are committed to ensuring that any views given on material planning matters are considered when determining a planning application.

3.1.2 This section details:

- The pre-application procedure, and advice available from the council
- What happens when a planning application is received?
- How a planning application is determined?
- What happens once a planning application is determined?
- How we will consult on planning applications

3.1.3 It also sets out how the council handles larger or more significant planning applications, which may impact on a greater number of people and guidance for developers in informing neighbours and other interested parties.

3.2 Pre-application Advice

3.2.1 Applicants or developers are encouraged to consult with the local community before submitting planning applications which are likely to generate public interest. Such consultation should be accessible and clear to the whole community.

3.2.2 The council welcomes and encourages discussions with applicants before planning applications are submitted. Receiving considered advice prior to the formal submission of a planning application can ensure that the quality of a development is improved and that certainty in the outcome can be increased for the applicant.

3.2.3 Seeking pre-application advice gives applicants the opportunity to discuss the principle of the development proposals with an officer. It also enables officers to identify any potential issues and provides a number of benefits:

- Providing an opportunity to better understand how an application will be judged against the policies in the development plan and other material considerations.
- Identifying, at an early stage, where there is a need for specialist input such as with regard to listed buildings, trees, landscape, green Infrastructure and natural green space noise, health, contaminated land or archaeology.
- Providing the opportunity to modify a proposal to make it potentially more acceptable to the council and anticipating other regulatory requirements.
- Improving the design and quality of the finished scheme.
- Indicating at an early stage if a proposal is unacceptable, saving the cost of pursuing a formal application.
- Avoiding rejection at registration stage or early refusal of permission because of inadequate or insufficient information.
- Allowing discussions on and the preparation of legal agreements, where appropriate, in advance of an application being received and for negotiations to consider land value constraints.

- 3.2.4 Further information on this service, which is subject to a charge can be found under Planning Performance Agreements webpage on the Council's website.
- 3.2.5 According to the size and nature of the proposals, there are a number of pre-application options available:
- Duty planning service - offers verbal advice and informal small scale domestic (excluding new dwellings) and small scale business projects only.
 - Written submission - is another available route for those proposals which fall outside of the scope of the duty planning service.
- 3.2.6 Formal written submissions are charged and the council will endeavour to provide a written response within 25 working days and agreed longer timeframes with larger or more complex developments.
- 3.2.7 The service provided is multidisciplinary and proactive, with ready access to professional advice and guidance from internal officers involved in the development process.
- 3.2.8 Larger and significant or complex planning applications may also require involvement of external statutory bodies such as Surrey County Council (as the Local Highway Authority and Lead Local Flood Authority), the Environment Agency, Natural England, Historic England, Highways England and water companies who operate their own pre-application advice services. The Local Planning Authority will advise if contact should be made directly with these bodies when providing their written response.
- 3.2.9 The council additionally encourages developers and applicants to undertake a level of public consultation prior to submitting a planning application, as advocated in the National Planning Policy Framework. Such consultation could be with key groups, neighbouring properties or interest groups local to the development site and include methods such as a public exhibition or meeting/discussions with affected individuals. Although developers are not statutorily required to undertake this consultation, benefits include:
- providing an opportunity for developers / applicants to explain proposals,
 - identify any local issues, clarify elements of the proposals and identify any additional information needed;
 - assisting in saving time in obtaining a decision on a planning application;
 - creating a more sustainable and acceptable development through understanding of local community needs;
 - avoid appeals and call-in procedures.
- 3.2.10 Under the Freedom of Information Act, the council may consider pre-application submissions, which are commercially sensitive, as confidential. A public interest test will be applied to decide whether a proposal can be deemed as confidential. Should the information fall outside of this category or a planning application is submitted on the site for a similar scheme, the information may be made available to the general public.

3.3 What happens when a planning application is received?

- 3.3.1 All planning applications are checked to ensure the necessary plans and details are provided, upon which the application can be determined. When an application has been validated, neighbours (those occupying buildings adjoining the site) are notified by letter. Consultees are also notified (as relevant, depending on whether the application is major or minor) such as Natural England and the Environment Agency along with infrastructure providers such as water companies.
- 3.3.2 All planning applications are placed on the council website for public view⁴. In some cases, there is a requirement for a notice to be placed in the local press. Full details of the notification undertaken are provided in Figure 6.
- 3.3.3 Comments are invited on planning applications for a period of 21 days, which is a statutory period set by government. A notification does not need to have been received in order for a member of the public to make comments to an application. All comments received prior to the determination of an application, even if outside of the 21 day publicity period will be taken into consideration. In most cases a site notice is provided for planning applications and this should be displayed for 21 days.

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⁴ Planning applications date from the mid-1980s onwards. In some instances the information on the website may be limited therefore the council also holds further information on microfiche

3.4 How is a planning application determined?

- 3.4.1 Whilst a planning application is determined primarily against the Development Plan and National policies, material consideration is also given to:
- representations of objections and support,
 - advice from external specialist advisors such as Historic England or the Environment Agency
 - government guidance
 - any other material considerations which can include supplementary planning guidance
- 3.4.2 The council will determine planning applications on the information submitted. There may however be some circumstances whereby, at the discretion of the council, amendments can be accepted prior to a determination to resolve outstanding issues. In these instances, the case officer will provide the necessary time in order to provide the applicant with an opportunity to amend the application depending on the degree of change.
- 3.4.3 Amendments may be subject to re-consultation with neighbours and other consultees. Significant amendments which notably alter a development are unlikely to be accepted following registration and the applicant will be invited to withdraw and resubmit a fresh application so as to reduce delay as much as possible.
- 3.4.4 Following review and analysis of all the information and submissions to a development proposal, a report is prepared on the acceptability of the development. The decision as to whether or not to grant planning permission is made either under delegated powers by the Head of Planning, or by the Planning Committee. The route for determining an application is governed by the type of application with all major applications being determined by the Planning Committee and whether a councillor has requested that the matter be determined by the Committee.
- 3.4.5 Should an application be referred to the Planning Committee, the applicant, agent, and any person who wishes to speak can attend the Planning Committee and register an interest to speak prior to the meeting.
- 3.4.6 There is opportunity for parties to present their representation to the Members of the committee at the meeting, subject to a time limit, which is set out in the council's Constitution.
- 3.4.7 Once a planning application is determined, a Decision Notice is issued. This is either a Notice of Refusal or a Notice of Approval and is sent to the applicant or their agent. A copy of the officer report is made available on the council's website, in addition to the Decision Notice.

3.5 Assisting the Local Planning Authority

- 3.5.1 The council expects planning applications to be determined within timescales set by national guidance unless an alternative period has been agreed (in writing) with an applicant to allow positive and proactive discussion. The national targets are as follows:
- Major applications accompanied by an Environmental Impact Assessment – sixteen weeks
 - Major applications – thirteen weeks
 - Minor and other applications – eight weeks

3.6 Post decision

- 3.6.1 If a planning application has been refused, the applicant may choose to appeal against this decision to the Planning Inspectorate. Where comments of objection or support have been made on a planning application which is subsequently refused and where an appeal is lodged, the responders are contacted to inform them of the appeal.
- 3.6.2 The grant of planning permission is commonly subject to planning conditions which may require the submission of further information to the council for approval. This may address matters such as materials, landscaping, natural green space and green infrastructure provision or management, tree protection, contaminated land or highway requirements.
- 3.6.3 The council will seek to deal with such applications within eight weeks from the date of receipt. Submissions made for the approval of details are not subject to publicity.
- 3.6.4 A breach of planning control can be reported confidentially to the council's planning enforcement team to investigate via a complaint form on the council's website. Should this lead to legal proceedings, necessary disclosure may apply.

3.7 How will we consult on Planning Application Proposals

- 3.7.1 The requirements for notification of planning applications are set out primarily in the Town and Country Planning (Development Management Procedure) Order 2015. We comply with these minimum requirements, and exceed them where appropriate as set out in Figure 6 to ensure that all affected and interested parties have opportunity to make comment.

Advertisements in the local press

- 3.7.2 Advertisements are placed in the local printed press to advise of new development proposals in the area. These appear in the newspaper on a weekly basis.
- 3.7.3 Advertisements are also published on the website (www.epsom-ewell.gov.uk) and can be found using a number of different search criteria. The submitted documents can be viewed online.

Site notices

- 3.7.4 Site notices are printed by the Council and displayed on the site for 21 days (the first date of display is recorded by the case officer). This is a legislative requirement, and has to be satisfied for the application to be considered and determined. It is the applicant / land owners' responsibility to maintain these notices for the consultation period.

Neighbour notification

- 3.7.5 Neighbour notification of an application is in the form of a letter giving brief details of the proposal, details of where and when the application may be seen, and the last date for comments (normally 21 days from the date of the letter). Letters are addressed to 'the occupier/owner'. Neighbours notified are those occupied buildings adjoining the site and those which may be affected by the development. The decision on which properties 'may be affected by the proposed development' is made by the Case Officer. This is based on professional assessment of the proposal and its likely impacts on the area surrounding the site.

The local authority recognises that some periods of the year neighbours may not be present due to holiday periods. The consultation process is required to commence once the application is validated. Due to strict central government targets a delay in neighbour consultation periods cannot be agreed.

Additional notifications

3.7.6 Any request for additional notification of an application is considered by the Case Officer, however a notification does not need to have been received in order for a member of the public to make comment, and this would always be stressed when any request is received. Qualifying Bodies will be notified of any planning applications or alterations to planning applications in their area where there is an advanced Neighbourhood Plan (a plan which has been examined) and the qualifying body has not confirmed in writing to the Local Planning Authority that it does not wish to be notified.

Pre-decision Amended Plans

3.7.7 At the request of a developer / applicant pre-decision amendments can be accepted, at the discretion of the Case Officer. Re-notification for 14 days may occur, but normally only if the amendments are significant alterations or increase the size of the proposal. If the proposal remains very similar, or would reduce in size and impact, then re-notification would not normally occur.

Post-decision Amended Plans

3.7.8 Post-decision amendments are only accepted if the amendments are very minor, and are considered on a case by case basis.

3.7.9 In circumstances where amendments are accepted, the amendments will not be the subject of publicity. This is because there is no provision within the legislation for post-decision amendments, and thus only very minor alterations are accepted by this Authority.

TYPE OF APPLICATION	METHOD OF PUBLICITY				
	Press notice	Site notice	Neighbour notification with boundaries abutting an application site	Internal and/or External Consultation	Online planning register
Major (10+ homes, Development of 1,000m ² or more or Site area of 1ha or more)	✓	✓	✓	✓	✓
Application accompanied by an Environmental Statement	✓	✓	✓	✓	✓
Departure from the Development Plan	✓	✓	✓	✓	✓
Minor Development (1-9 homes or development of less the 1,000m ²)	✓	✓	✓	✓	✓
Householder Developments			✓	✓ where applicable	✓
Development affecting the setting of a Listed Building	✓	✓	✓	✓	✓
Development affecting the characters or appearance of a Conservation Area	✓	✓	✓	✓	✓
Permitted Development rights prior notification and approvals			✓ Only if a prior approval application	✓ Only if a prior approval change of use application	✓

Figure 6 - Table showing the categories of planning applications and the method of publicity used

4 Review of the SCI

- 4.1.1 The SCI will be kept under regular review and be updated when necessary to correct factual changes not material to its principles. It is anticipated that this SCI will last at least five years. The need for a full review of the SCI will be explored through the Authority Monitoring Report (AMR) which will monitor its effectiveness. Account will be taken of the overall number and types of participants involved as documents are progressed and any feedback received about the success or otherwise of the involvement techniques used.
- 4.1.2 Changes to the SCI may also be instigated by further revisions of the regulations which govern publicity and involvement in the planning policy preparation and planning application processes.
- 4.1.3 Any necessary changes will be made following appropriate public consultation, having regard to emerging best practice guidance and/or changes in legislation.

Appendix 1 - Consultees

Duty to Co-operate Organisations

Organisations which Epsom & Ewell Borough Council has a duty to cooperate with:

- Surrey County Council
- Mole Valley District Council
- Elmbridge Borough Council
- Reigate and Banstead Borough Council
- London Borough of Sutton
- Royal Borough of Kingston Upon Thames
- The Environment Agency
- Historic England
- Homes England
- Clinical Commissioning Groups
- NHS England
- Highways England
- Transport for London
- Local Enterprise Partnership
- Local Nature Partnership
- Civil Aviation Authority

Specific Consultation Bodies

Organisations who have been identified under the requirements of the town and Country Planning (Local Planning) (England) Regulations 2012 that may have an interest in the proposals within a Development Plan Document are set out below. There is duplication with the prescribed authorities for the purposes of the Duty to Cooperate requirements. Where bodies listed cease to exist, successor bodies will be consulted.

- Local Planning Authorities:
 - Surrey County Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Elmbridge Borough Council

- London Borough of Sutton
- Royal Borough Kingston Upon Thames
- Other organisations and bodies
- The Coal Authority
- The Environment Agency
- Historic England
- Natural England
- Network Rail Infrastructure Ltd
- Highways England
- NHS Trusts and Clinical Commissioning Groups
- Utility companies including gas and electricity, sewage and water, and telecommunications operators
- Homes England
- Police and Crime Commissioner
- Sport England
- National Amenity Societies

General Consultation Bodies

In addition to the specific consultation bodies listed above, the council / qualifying body will involve as many people and groups as possible in preparing Development Plan Documents and Supplementary Planning Documents.

- General Consultation Bodies:
 - Local political parties / associations
 - Older persons groups
 - Religious groups
 - Transport providers / operators
 - Housing interest groups
 - Gypsy and Traveller and Travelling Show people organisations
 - Crown Estate
 - Other voluntary bodies
 - Epsom Civic Society
 - Environmental groups
 - Tree Board
 - Council for the Protection of rural England
 - Minority ethnic groups
 - Youth groups, schools and colleges
 - Royal Mail Group
 - Other relevant groups

Neighbourhood Development Orders and Community Right to Build Orders require qualifying bodies to notify specific bodies depending on the specific location of the proposed Order. The full list is set out in the Neighbourhood Planning (General) Regulations 2012 (Schedule 1).

Planning applications

The full list of statutory consultees is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Glossary of Terms

Authority Monitoring Report (AMR): assesses the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented.

Community Infrastructure Levy: A levy that local authorities can choose to charge on new developments in their area. The charges are based on formula relating to the size and type of new development and money can be used to fund infrastructure that the Council or community want.

Development Plan: Documents which set out the policies and proposals for the development and use of land.

Duty to Co-operate: The Localism Act 2011 places a legal duty on Local Planning Authorities, County Councils, and public bodies to actively engage on an on-going basis on Local Plan preparation in the context of strategic cross boundary matters.

Environmental Impact Assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Evidence Base: Information gathered by the Local Planning Authority to support the Local Plan and other Development Plan Documents.

Habitat Regulations Assessment: Used to assess the impacts of proposals and land-use plans against the conservation objectives of European Protected sites to ascertain if the plan/proposal would adversely affect the integrity of the site.

Local Development Document: The collective term for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI)

Local Development Scheme (LDS): Provides a project plan identifying which development plan documents will be produced and when.

National Planning Policy Framework: Introduced in 2012 and updated in 2018, this framework sets out the government's planning policies and how these are expected to be applied.

Neighbourhood Development Order: An order made by a local planning authority through which parish councils and neighbourhood forums can grant permission for specific development proposals or classes of development.

Neighbourhood Plans: Neighbourhood Plans are a way for communities to allocate land for new homes, shops or offices to be built, and to have a say on what those new buildings should look like and the type of infrastructure which would be provided.

Planning policy consultation database: consultation database maintained by the planning policy team which includes anyone who has requested to be consulted on the preparation of planning policy documents.

Proposals Map: Illustrates on a base map (reproduced from, or based upon a scaled map base) all the policies contained in Development Plan Documents,

Qualifying Body: Town or parish council or designated neighbourhood forum (in areas where there is no town or parish council)

Strategic Environmental Assessment (SEA): A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

Supplementary Planning Documents (SPDs): Provide supplementary information in respect of the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal (SA): tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and are required to be undertaken for all local development documents.



Community Involvement 2019

Epsom & Ewell Borough Council
Town Hall, The Parade, Epsom, Surrey KT18 5BY



CHANGES TO THE ENGLISH PLANNING SYSTEM 2020

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Changes to the planning system in England related to the COVID-19 Pandemic Appendix 2: Longer term reform of the planning system in England

Summary

This report updates members on the existing and proposed changes to the planning system in England which have been introduced as a result of the COVID-19 pandemic, and more fundamental reforms which have either come into force or are proposed as part of the government's intention to reform the planning system in England.

Recommendation (s)

The Committee is asked to note:

- (1) **The short term changes to planning system put in place in response to the COVID-19 pandemic, detailed in Appendix 1**
- (2) **The changes to permitted development rights, the Use Classes Order 1987 (as amended) and the recently published Planning White Paper and Changes to the Planning System detailed in Appendix 2**

1 Reason for Recommendation

- 1.1 The changes to permitted development rights and the Use Classes Order further reduce the weight to be attached to several adopted planning policies in the Council's Local Development Framework when considering planning applications.
- 1.2 Some categories of development will now be permitted, which have previously required express planning permission. Other changes have now been removed from the definition of development as a result of the changes to the Use Classes Order.

- 1.3 The proposals in the Planning White paper, if enacted may result in the need for changes to the format and preparation of the emerging draft Local Plan. It is currently intended to bring a draft response to the Planning White Paper for consideration by the committee at its meeting on 22 October 2020.

2 Background

- 2.1 The government has for some time indicated its intention to make the planning system in England more efficient and to reduce the burden of planning control on those wishing to bring forward proposals for development. The changes which have taken place since March 2020 reflect the direction of government policy and also respond to the need to stimulate the economy in the wake of the COVID-19 pandemic.
- 2.2 For the purpose of clarity, the changes to regulatory controls and statutory instruments are set out in two appendices attached to this report.
- 2.3 Firstly, changes which have been brought into effect in the aftermath of the COVID19 pandemic in Appendix 1. They are presented chronologically so a clear picture of the quantum of change and the sequence by which it has been brought into effect is portrayed.
- 2.4 Secondly, changes which are intended to be more long term are set out in Appendix 2 to this report. These include changes to permitted development rights and the Use Classes Order which have already come into effect, and proposed changes relating to the fundamental reform of the planning system in England which are currently out for public consultation. These include the Planning White Paper – ‘Planning for the Future’, and a related consultation entitled ‘Changes to the Current Planning System’.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 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; the additional measures introduced through the outputs of the Housing Delivery Test; and the absence of strategic co-operation with neighbouring planning authorities. Should we fail to respond to these factors we could face direct intervention by the Secretary of State.
- 3.1.2 The main area of risk or compromise which arises as a result of the new permitted development rights, and the changes to the Use Class Order relates to the substantial reduction in planning control over development in the borough.

3.2 Crime & Disorder: None arising from the contents of this report.

3.3 Safeguarding: None arising from the contents of this report.

3.4 Dependencies: None arising from the contents of this report

3.5 Other : None

4 Financial Implications

4.1 The proposed changes are likely to have significant impact on the whole Planning service, including the Council's Local Plan programme and day to day planning decisions on individual planning proposals and is therefore likely to have increased workload that will affect internal and external resources. Officers will closely monitor proposals and consider the impacts.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

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: Opportunity and Prosperity, Safe and Well, Green and Vibrant

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

6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report

6.4 Sustainability Policy & Community Safety Implications: None arising from the contents of this report

6.5 **Partnerships:** None arising from the contents of this report

7 Background papers

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

Previous reports:

- None

Other papers:

- None

Changes to the planning system in England related to the COVID-19 Pandemic

A chronological narrative August 2020 – March 2020

1 August 2020

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

22 July 2020

Business and Planning Act 2020 receives Royal Assent

15 July 2020: Written Ministerial Statement by Secretary of State

Preventing loss of theatres, concert halls and live music performance venues

With immediate effect, local planning authorities should have due regard to their current circumstances when considering whether to grant planning permission for a change of use or demolition of a theatre, concert hall or live music performance venue that has been made temporarily vacant by Covid-19 business disruption.

Where an alternative use or demolition for a long-term vacant theatre, concert hall or live music performance venue is proposed, local planning authorities should consider the application in the normal way. The Theatres Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I 2015/595) for applications seeking to develop any land where there is a theatre and will have an opportunity to comment on any application relating to theatres.

This policy remains in place until 31 December 2022 unless superseded by a further statement.

Caravan and Holiday parks

Caravan and holiday parks in England were able to reopen from 4th July 2020. Extending their operation beyond the usual summer season will be invaluable to parks as the sector begins to recover. We are aware that current planning conditions may limit their open season. The temporary relaxation of these planning restrictions can play a vital role in helping local businesses to get up and running again.

The National Planning Policy Framework already emphasises that planning enforcement is a discretionary activity, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Given the current situation, while local planning authorities must have regard to their legal obligations, they should not seek to undertake planning

enforcement action which would unnecessarily restrict the ability of caravan and holiday parks to extend their open season.

Where local planning authorities consider it appropriate to require an application to vary relevant planning conditions (where for instance there is a risk of flooding or where parks are situated close to protected sites) they should prioritise the application and make an early decision to provide certainty to caravan and holiday park operators. In doing so, they should consider the benefits of longer opening season times to the local economy as it recovers from the impact of Covid-19.

02 July 2020:

New regulations and guidance will allow councils to defer community infrastructure levy (CIL) payments from smaller developers for up to six months.

25 June 2020:

Business and Planning Bill published.

1. The bill confirms measures to allow the automatic extensions of planning permissions that have lapsed during the Covid-19 lockdown.

Clauses 17 to 19 of the bill make provision to allow the commencement period for certain unimplemented planning permissions and listed building consents to be extended. The measures allow permissions for development which has already received the grant of planning permission or listed building consent and would lapse between 23 March and 31 December 2020 to be extended until 1 April 2021. The measures would come into force 28 days after the act is passed.

2. Planning permissions that have already lapsed before the provisions come into force will be subject to an "additional environmental approval" by the local council before the automatic extension can take effect. The explanatory notes say the local planning authority "must issue a decision to grant or refuse additional environmental approval within 28 days, or such longer period agreed in writing between the local planning authority and applicant (such longer period not to exceed an additional 21 days). If the local planning authority does not issue a decision within the 28-day period (or as extended), it is deemed to have granted additional environmental approval".

3. The bill includes measures, to allow inspectors to simultaneously use written representations, hearings and inquiries when deciding a planning appeal. The bill's notes say the Planning Inspectorate (PINS) will be provided "with the flexibility to use more than one procedure type when dealing with a planning appeal (local inquiry, hearing, and/or written

representations), enabling appeals to progress at a faster pace". The amendments to section 319A of the Town and Country Planning Act 1990 are permanent and "will provide ongoing efficiencies" to the work of PINS, the notes add. This measure would be implemented as soon as the legislation is passed.

4. The legislation includes temporary measures to fast-track applications from developers to request changes to planning conditions to allow building site working hours to be extended. "This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the Covid-19 pandemic and to proceed at pace with work otherwise delayed as a result of Covid-19," the bill's explanatory notes say. Under the measures, local authorities would have 14 days to determine applications for such extensions, after which time they would be deemed to be approved. The measures would come into force six days after the act is passed.

5. Draft planning guidance on the extension of site working hours says that local planning authorities "should not refuse applications to extend working hours until 9pm, Monday to Saturday without very compelling reasons". It adds that, in some cases, "such as in areas without residential properties, extending working hours beyond this, including allowing 24-hour working where appropriate, may be justified".

6. The bill temporarily removes requirements for the mayor of London to make the London Plan available for physical inspection and to provide hard copies on request. The requirement in relation to the capital's spatial development strategy (SDS) is set out in the section 43 of the Greater London Authority Act 1999. The notes state that the change set out in the bill "will help accelerate progress of the emerging SDS to ultimately unlock development and support the economy", as well as to "make it safer for planning officers and the general public inspecting documents, and reduce administrative burdens". The measure would come into effect the day the bill is passed.

7. Draft Planning Guidance on the publication of the London Plan documents says the document "must be available for electronic inspection in a reasonably convenient way". However, it adds that the Greater London Authority "are also strongly encouraged to supplement this to increase access by making use of electronic methods to their full potential".

8. The bill includes measures to make it "easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing". The notes say that obtaining consent from local councils for the placement of furniture such as tables and chairs on

the pavement outside their premises "can be costly and time-consuming". The bill includes temporary measures to "place a cap on the application fee for businesses, enforcement and revocation powers so councils can protect public safety and amenity, and introduces a new 14 day determination period, ensuring that businesses can obtain licenses in a timely and cost effective manner aiding to their financial recovery", the explanatory notes say. The measures extend to 30 September 2021 and would be introduced the day the bill becomes law.

9. Planning changes will keep the system in line with the new licensing rules. A draft guidance note on the pavement licenses measures says that 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".

10. The bill also seeks to modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. "These measures will make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises", the notes say. The measure would be temporary, with provisions lasting until the end of September 2021. As with the pavement licenses, the measures are temporary and would come into effect the day the bill becomes law.

22 June 2020:

The government confirms plans to automatically extend all planning permissions that are due to lapse, or have already done so, during the coronavirus pandemic, between late March and the end of this year. It has also announced new measures to fast-track applications from developers to request changes to councils' planning restrictions that would allow building site working hours to be extended.

11 June 2020:

Ministers are "considering" whether time limits on the implementation of planning permissions should be temporarily extended due to the coronavirus pandemic, the House of Lords is told.

14 May 2020:

The government issues several updates to its planning practice guidance (PPG). Among the measures announced is one which says that planning authorities are being "encouraged to undertake an immediate review and update" of policies in their statements of community involvement (SCIs) to take account of restrictions imposed during the coronavirus pandemic.

Another update reveals that the minimum time period given by councils for to make representations on planning applications in their areas has been temporarily increased from two to three weeks.

13 May 2020:

The government has published a package of planning measures intended to re-start the housing market:

- The determination timescales for planning applications will not be relaxed.
- Government looks at relaxing local plan engagement rules and virtual examinations
- Government intends to legislate to support social media use to publicise planning applications
- Government intends to legislate to provide CIL easements for smaller developers in the wake of the pandemic
- Councils are urged by government to take 'pragmatic and proportionate' approach to s106 obligations
- Coronavirus CPO guidance advises local authority flexibility during the pandemic.

6 May 2020:

The Planning Inspectorate's director of operations says the planning system will need to become more "agile" in how it handles hearings and inquiries as it moves forward after the coronavirus crisis.

9 April 2020:

A new emergency permitted development (PD) right allowing English councils and health service bodies to create new facilities to combat the spread of coronavirus without the need for planning permission comes into effect. The measure, which expires on 31 December, amends the Town and Country Planning (General Permitted Development) (England) Order 2015 "to introduce a new permitted development right to allow local authorities and health service bodies to carry out development, both works and change of use, of facilities required in undertaking their roles to respond to the spread of coronavirus, without a requirement to submit a planning application".

3 April 2020

The new regulations to enact measures to allow planning committee meetings to be held remotely during the coronavirus pandemic - The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 - come into force on 4 April 200.

2 April 2020:

The government has published a draft statutory instrument to enact measures to allow planning committee meetings to be held remotely during the coronavirus pandemic.

27 March 2020:

An emergency law that would allow councils to hold virtual planning committee meetings in response to the coronavirus outbreak has received royal assent, but secondary legislation is required before such measures can come into force. [The Coronavirus Act](#) was fast-tracked through Parliament and became law on 25 March 2020.

25 March 2020:

An amendment has been tabled to the government's emergency Coronavirus Bill which would enable councils to hold virtual planning committee meetings.

Local authorities across the country have moved to allow all planning decisions to be taken by officers as committee meetings are cancelled amidst the ongoing coronavirus outbreak.

25 March 2020:

Individual councils will have leeway to make decisions about whether planners will be counted as key workers during the ongoing coronavirus emergency, it has been confirmed, with some authorities redeploying planners to support frontline efforts to battle the spread of Covid-19. Schools and nurseries were shut for all but these key workers from the end of the day.

17 March 2020:

The government announced that planning rules will be relaxed so pubs and restaurants can operate as hot food takeaways during the coronavirus outbreak. According to a statement issued by the Ministry of Housing, Communities and Local Government (MHCLG), the government will "as soon as possible" introduce a time limited permitted development right through secondary legislation to allow the temporary change of use of a pub (A4 - drinking establishment) and a restaurant (A3 – restaurants and cafes) to a hot-food take away for a period of up to 12 months only. Alcohol sales would still be subject to existing licensing laws.

13 March 2020:

The housing secretary instructs English planning authorities to avoid enforcing controls that "unnecessarily" restrict the time and number of lorry deliveries to retailers and distributors of food and other "essential" deliveries during the coronavirus disruption.

Longer term reform of the planning system in England

March 2020 – 1 September 2020

6 August 2020

1. Planning White Paper – Planning for the Future Summary of key issues in the White Paper

**Under the proposals, local plans would identify three categories of land.
Growth Renewal and Protection**

Growth areas

- suitable for substantial development
- outline approval for development would be automatically granted for forms and types of development specified in the plan.

Renewal areas

- suitable for development
- Planning in Principle permissions

Protected areas

- development is restricted.

Instead of general policies for development, plans would be required to set out site-specific and area-specific requirements for development, alongside locally produced design codes.

There would be “a new emphasis on engagement at the plan-making stage”, the document says.

The existing tests of soundness would be abolished, to be replaced by a “single statutory ‘sustainable development’ test.

The duty to co-operate would be also be abolished

Requirements for environment impact assessment and viability assessment would be “updated”.

Under the new system, local plans would need to be “visual and map-based, standardised, based on the latest digital technology and supported by a new standard template”, the document says.

The government proposes that local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, promising sanctions for those who fail to do so.

The planning process would be increasingly digitised, moving from “a process based on documents to a process driven by data”

The document says local planning authorities would be helped to use digital tools to support “a new civic engagement process for local plans and decision-making”.

The government would insist local plans are built on standardised, digitally consumable rules and data, with the aim of enabling accessible interactive maps that show what can be built where.

It also plans to standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions.

And it wants to modernise the software used for making and case-managing a planning application.

Planning authorities would be given new powers to drive up design and sustainability standards

Under the revised system, there would be a greater focus on ‘placemaking’ and ‘the creation of beautiful places’ within the National Planning Policy Framework.

New development would be expected to create a “net gain” to an areas’ appearance. Design codes, which would be expected to be prepared locally, would be made “more binding” on planning decisions. A new body would be established to support the delivery of design codes across the country.

Proposals for high-quality developments that reflect local character and preferences would benefit from “automatic permission” under a proposed new “fast-track for beauty”.

Each local planning authority would be required to have a chief officer for design and place-making

The document also repeats the government’s aim to revise the system for assessing the environmental impact of development - the environment secretary has said that proposals for this will be set out this autumn

And it hints at changes to building conservation consents, saying that the government will “protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century”.

A new ‘single infrastructure levy’ will replace the existing system for getting developers to fund the infrastructure required by their schemes through section 106 agreements and the Community Infrastructure Levy.

The government says the new single infrastructure levy will be a nationally set, flat rate charge.

It says that it intends the new levy to raise more revenue than under the current system of developer contributions, and deliver “at least as much” affordable housing, and on-site affordable housing, as at present

The government says it will also look to extend the scope of the consolidated infrastructure levy, and remove exemptions from it “to capture changes of use through permitted development rights”.

A “binding” housing requirement would be introduced that local planning authorities would “have to deliver through their local plans”

The document says a new, nationally determined, binding housing requirement that local planning authorities would have to deliver through their local plans would be created.

It says the requirement would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built.

Big building sites would be split between developers to accelerate delivery

The government proposes to revise the National Planning Policy Framework to make it clear that masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together.

It also promises to consult on options for improving the data held on contractual arrangements used to control land. And to ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres

Community consultation at the planning application stage is to be “streamlined”

The document says, although the government wants to place new emphasis on engagement at the plan-making stage, it intends to “streamline” the opportunity for consultation at the planning application stage.

2. Changes to the current planning system

Consultation on changes to planning policy and regulations

This consultation was published on the same day as the Planning White Paper. I seek views on four specific matters

- The standard method for assessing housing numbers in strategic plans
- Delivering First Homes
- Supporting small and medium-sized developers
- Extension of the Permission in Principle consent regime

This consultation will last for 8 weeks from 06 August 2020 and will close at 23.45 on Thursday 1st October 2020.

The standard method for assessing housing numbers in strategic plans

The Government has based the proposed new approach on a number of principles for reform. These include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.

The new standard method should ensure that all areas of the country are encouraged to build the homes their communities need. The reasons for which homes are needed varies in different areas of the country. In some areas, new homes can play a vital role in schemes to regenerate deprived areas. In others the existing stock doesn't meet the needs of the existing communities in terms of providing the right size, type and tenure for different groups within the community and new homes are required to address this.

It proposed to introduce a new element into the standard method, a percentage of existing housing stock levels, which takes into account the number of homes that are already in an area. This should ensure that diverse housing needs in all parts of the country are taken into account. It should also offer the stability and predictability which has been absent when solely relying on household projections.

The Government also proposes to introduce an affordability adjustment that takes into account changes over time, in addition to the existing approach of considering absolute affordability. This will increase the overall emphasis on

affordability in the formula and ensure that the revised standard method is more responsive to changing local circumstances, so that homes are planned for where they are least affordable. For example, where affordability improves, this will be reflected by lower need for housing being identified. The Government also proposes to remove the cap which artificially suppresses the level of housing identified.

Delivering First Homes

The Government intends to set out in policy that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold, set out in planning policy.

Supporting small and medium-sized developers

It is proposed to raise the small sites threshold to up to either 40 or 50 new homes through changes to national planning policy and are seeking views on the most appropriate level. The current threshold is 10 dwellings. These thresholds balance the aim of supporting SMEs with the need to deliver new affordable homes. This will be for an initial period of 18 months in which we will monitor the impact of the raised threshold on the sector before reviewing the approach.

National policy currently sets out a site size threshold for residential development in addition to number of homes. It makes clear that affordable housing contributions should not be sought for developments that have a site area of less than 0.5 hectares. It is proposed to scale up the site size threshold at the same proportion as the increase in number of homes threshold and we are seeking views on whether this is the most appropriate approach.

There could be adverse threshold effects whereby developers attempt to bring forward larger sites in phasings of up to 40 or 50 homes (depending on which threshold is taken forward in legislation) to avoid contributions. To minimise the impact of this potential threshold effect, we propose to set out in planning guidance how local planning authorities can secure contributions for affordable housing where it is apparent that a larger site is being brought forward.

Extension of the Permission in Principle consent regime

Permission in Principle was introduced in 2017 as a new faster way of obtaining planning permission for housing-led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. This was done by giving authorities the power to grant Permission in Principle to suitable sites allocated on

registers of brownfield land. Subsequently, Permission in Principle by application was introduced in 2018, for minor development (i.e. small sites that support fewer than 10 dwellings).

The Permission in Principle consent route has two stages:

- the first stage ("Permission in Principle") establishes whether a site is suitable in-principle for development. This grant of Permission in Principle is for five years and no planning conditions can be attached to it
- the second ('technical details consent') stage is when the detailed development proposals are assessed, and conditions can be attached

As part of plans to support economic recovery, the Government wants to make it easier for landowners and developers to have certainty that the principle of development for housing only needs to be established once in the process before developers need to get into more costly, technical matters. This is particularly important for smaller sites which have not been allocated in local plans and where there is now, due to the rapidly changing economic circumstances, a desire by landowners to release the land for housing.

The Planning White Paper (Planning for the Future) proposes that land allocated for substantive development in local plans should be automatically granted a form of permission of principle so that the principle of development is established, and subsequent consents only focus on detailed technical matters. As this new framework will take time to implement, the Government is keen to expand the current Permission in Principle framework for housing-led development as an early opportunity to move towards this new approach.

31 August 2020

3. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020

Came into effect at 10.00 a.m. on 31st August 2020

One of the regulations enacts a new permitted development (PD) right to demolish vacant buildings and replace them with new residential units. An explanatory memorandum says the new right will apply to "vacant and redundant free-standing buildings" that are classed as offices, premises for research and development or light industrial processes, and "purpose-built residential blocks".

Buildings must have been "entirely vacant for at least six months prior to the date of the application for prior approval", it goes on to say, and built before 1 January 1990. The new building cannot be larger than the footprint of the existing building and cannot exceed a maximum size of 1,000 square metres.

However, it can be up to seven metres higher to accommodate up to two additional residential storeys, within a final overall maximum height of 18m, the note says.

The local authority must decide on any application for prior approval within eight weeks, after which the applicant has a right of appeal to the secretary of state.

Matters to be considered through prior approval include:

- the transport and highways impacts,
- contamination and flooding risks ,
- the impact of noise on the future residents,
- design and external appearance of the new building,
- the adequacy of natural light in all habitable rooms of each new dwellinghouse,
- the impact of the introduction of residential use into an area,
- the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light.

Taken together, demolition and replacement build must be completed within three years of the date of the grant of prior approval. The right does not allow for demolition without subsequent construction of a new residential building, nor for the construction of a new residential building on previously cleared land.

The local authority has to "notify any owners or occupiers adjoining the proposed development".

The developer must prepare a construction management plan, setting out how it intends to minimise adverse impacts on neighbouring premises.

4. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Came into effect at 9.00 a.m. on 31st August 2020

A second regulation introduces a PD right allowing homeowners to extend their properties via upward extensions. This is a permanent right to enabling existing houses that are detached, semi-detached or in a terrace to be extended upwards to provide additional living space by constructing additional storeys.

An explanatory memorandum on the change says the right allows the construction of up to two additional storeys on the topmost storey of a detached house of two storeys or more, or one additional storey on a detached house of one storey, above ground level.

The memorandum says that, in a terrace of two or more houses (which includes semi-detached houses) the right "allows the construction of up to two additional storeys on the topmost storey of a house of two storeys or more, or one additional storey on a house of one storey above ground level".

"Existing accommodation in the roof space of the existing house, including a loft extension, is not considered as a storey for the purposes of this right," the memorandum says.

The right is "subject to a maximum height limit for the newly extended house of 18 metres, and where the house is in a terrace its height cannot be more than 3.5 metres higher than the next tallest house in the terrace", the explanatory memorandum says.

To prevent overlooking, the document says, a window "cannot be installed in a wall or roof slope of a side elevation of an additional storey built under this right".

The right is also subject to obtaining prior approval from the local authority, which will consider certain matters relating to the proposed construction of additional storeys. These include:

- consideration of the impact on the amenity of neighbouring premises, including overlooking, privacy and overshadowing;
- the design, including the architectural features of the principal elevation of the house, and of any side elevation which fronts a highway;
- the impacts a taller building may have on air traffic and defence assets and on protected vistas in London.

Four new PD rights allowing upward extensions are also introduced by the same statutory instrument, [*The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020*](#). They are:

- Class AA "which permits construction of up to two new storeys of flats on top of detached buildings in commercial or mixed use, including where there is an element of residential use";
- Class AB which "permits the construction of new flats on top of terrace buildings (including semi-detached buildings) in commercial or mixed (including residential) use";
- Class AC which "permits the construction of new flats on top of terrace dwellinghouses (including semi-detached houses)";
- Class AD which "permits the construction of new flats on top of detached dwellinghouses.

In the new AA-AD use classes, "two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building

consists of one storey", the notes say. The regulations stipulate that "storey" is defined "so as to exclude any storey below ground level, and any living space within the roof of the dwellinghouse".

The new PD rights are subject to a number of limitations and conditions, including a requirement for prior approval from the local planning authority in relation to certain matters. These relate to:

- the transport and highways impacts of the development;
- air traffic and defence asset impacts;
- contamination risks in relation to the building;
- flooding risks in relation to the building;
- the external appearance of the building, including the design and architectural features of the principal elevation and any side elevation that fronts a highway;
- the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- the impact on the amenity of neighbouring premises including overlooking, privacy and the loss of light;
- whether, because of the siting of the building, the development will impact on a protected views.

The new rights do not apply to buildings constructed before 1 July 1948 or after 5 March 2018.

Conversions would not be allowed if the floor to ceiling height of any additional storey, measured internally, would be lower than three metres or "the floor to ceiling height, measured internally, of any storey of the principal part" of the existing property.

None of the rights apply in conservation areas, national parks and the Norfolk Broads, areas of outstanding natural beauty, or sites of special scientific interest.

1 September 2020

5. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

The regulations came into force on 1 September 2020.

Three new broad use classes - class E, class F1 and class F2 - have been introduced in England.

- The new class E "commercial, business and service" use class subsume the existing class A1 (Shops), class A2 (Financial and professional

services), class A3 (Restaurants and cafes), and class B1 (Business) use classes, the regulations say.

- Class F1 relates to "learning and non-residential institutions" and includes any non-residential use for the "provision of education, for the display of works of art (otherwise than for sale or hire), as a museum, as a public library or public reading room, as a public hall or exhibition hall, for, or in connection with, public worship or religious instruction, as a law court".
- Class F2 relates to "local community" uses. This includes, according to an explanatory memorandum, smaller shops "mostly selling essential goods, including food, to visiting members of the public in circumstances where the shop's premises cover an area not more than 280 metres square, and there is no other such facility within 1,000 metre radius of the shop's location". Such a shop is defined as "mostly for the sale of a range of essential dry goods and food to visiting members of the public". The memo adds that this "provides some protection for such shops while placing those shops found on high streets and town centres in the new 'commercial' class". F2 uses also include "a hall or meeting place for the principal use of the local community, an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms, an indoor or outdoor swimming pool or skating rink".

Some uses have been given greater protection. Pubs (class A4), takeaways (A5) and cinemas, concert halls, bingo halls and dance halls (D2) have become "sui generis" meaning that they are not in any use class. Therefore, planning permission continues to be required to change to and from these uses.

Some use classes, including industrial (B2), storage and distribution (B8) and the C-class residential uses remain unchanged.

For the purpose of permitted development (PD) rights only, the existing use classes remain until 31 July 2021 when such rights are due to reviewed by the government. So a class E use that becomes an office would not be allowed to then convert to residential use under PD rights.

The Planning Practice Guidance is to be updated to reflect the changes before they come into effect.

LOCAL PLAN DRAFT COMMUNICATIONS AND ENGAGEMENT STRATEGY

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):	Communications and Engagement Strategy (August 2020)

Summary

The Draft Communications and Engagement Strategy sets out a framework as to how the Council can publicise and inclusively involve stakeholders in the forthcoming Regulation 18 consultation for the new local Plan. The Strategy takes account of the potential impacts of the Coronavirus Pandemic.

Recommendation (s)

The Committee is asked to:

- (1) Consider and comment on the Local Plan Draft Communications and Engagement Strategy 2020 attached at Appendix 1**

1 Reason for Recommendation

- 1.1 The Strategy will help guide the Council's communication and engagement activities in relation to the Regulation 18 Local Plan consultation. The Strategy will help to optimise the use of resources and ensure the consultation is as inclusive and far reaching as possible.

2 Background

- 2.1 As set out in the recently revised Local Plan Programme, the Council intends to conduct a Regulation 18 public consultation on the emerging Local Plan. Given the range of issues being addressed in the Local Plan and the vested interests of the Borough's communities and stakeholders in the Plan, consultants were commissioned to support the Council in the consultation process. One of the outputs of this commission has been the production of a Draft Communication and Engagement Strategy.

2.2 This Strategy when adopted will complement the Council's adopted Statement of Community Involvement, providing a detailed framework and recommendations to guide the Council's actions before and during the Regulation 18 consultation period. The aim is to maximise community/stakeholder involvement and make efficient use of the resources available, while adapting to any potential impacts/limitations from the Coronavirus pandemic.

2.3 The draft strategy identifies the objectives, principles and core messages of the emerging Local Plan, ensuring these are reflected in the strategy itself. Key sections of the strategy include:

Stakeholders the consultation must reach

2.4 Key stakeholder groups to be targeted during the consultation are identified in the draft strategy. This is an expansive list and it is recommended that the Council collaborates with certain stakeholders to improve the reach of the consultation; for example using educational institutions as a platform to engage with young people.

Ensuring an inclusive consultation

2.5 A mixture of communications, marketing and advertising methods are advised to help deliver an inclusive consultation. Specific actions are identified for both delivering Local Plan information and engaging with stakeholders. Due to the challenges presented by the pandemic, the use of online platforms and virtual meetings are suggested, which will complement or, where necessary, replace physical meetings. Visual displays for use at physical and virtual events will help deliver key messages and information. The creation of a bespoke micro-site (already available on the [Council's website](#)) for the Local Plan will be a valuable tool, enabling all information to be readily available in one place.

Indicative communications plan

2.6 The draft strategy sets out an indicative plan for a four-month Regulation 18 Local Plan consultation. This includes the actions required to prepare for the consultation and then monthly activities throughout the duration of the engagement process. No specific dates are attached to the communications plan to provide flexibility. The strategy recommends the Council provides clarity to stakeholders from the outset as to how the consultation will run, to ensure full awareness of the process.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 Consultation and engagement with those 'who have an interest in the subject of the Local Plan' is required by the current Planning Regulations (Regulation 18, Town and Country Planning (Local Planning) (England) Regulations 2012). The Local Planning Authority is required to take into account any representation made to them under this regulation.

3.1.2 The Communications and Engagement Strategy will help the Council prepare for Local Plan consultations, which may need to be conducted under more restrictive circumstances brought about by the Coronavirus pandemic.

3.2 Crime & Disorder

3.2.1 None arising.

3.3 Safeguarding

3.3.1 None arising.

3.4 Dependencies

3.4.1 Future changes to national planning policy as proposed in the recent White Paper 'Planning for the Future' (6 August 2020) may have a significant influence on the development of the Local Plan.

3.5 Other

3.5.1 None arising.

4 Financial Implications

4.1 Consultation and engagement is a statutory stage in the production of a new Local Plan and will incur costs. However, the production of the Communications and Engagement Strategy will help to ensure resources are used in the most cost effective and efficient manner.

4.2 **Section 151 Officer's comments:** The consultation cost should be met from within the service's existing 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:
Green and Vibrant, Safe and Well, Cultural and Creative, Opportunity and Prosperity, Smart and Connected, Effective Council.

6.2 The new Local Plan will contribute towards meeting 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:**

The Local Plan has a key role in implementing a number of key objectives that are set out in the Council's Climate Change Action Plan.

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

The Communications and Engagement Strategy recognises the impact and restrictions caused by the Coronavirus pandemic.

6.6 **Partnerships:**

The Council has a duty to cooperate with relevant stakeholders in the preparation of a Local Plan. The Communications and Engagement Strategy will assist with this.

7 Background papers

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

- Reports

None

- Other

None



Epsom & Ewell Borough Council

Local Plan Draft Communications and Engagement Strategy

August 2020



Introduction

Luther Pendragon Ltd has been commissioned by Epsom & Ewell Borough Council to advise on and support the delivery of the communications and engagement elements of the next phase of public consultation to develop the council's new Local Plan.

This includes a communications and engagement strategy which will provide an overarching plan to guide the public consultation over the months ahead, ensuring that it meets the council's core objectives, is fully inclusive and maximises participation.

This draft strategy includes a number of recommendations covering the following issues:

- 1. Objectives and principles of the consultation**
- 2. Key themes and messages**
- 3. The stakeholders the consultation must reach**
- 4. Ensuring an inclusive consultation**
- 5. Indicative communications plan**

1. Objectives and principles of the consultation

The council has a number of core principles and objectives which will guide the development of the Local Plan at every stage:

- The Local Plan is a critical document in shaping the future of the borough;
- The council will make decisions based on evidence to ensure that the Plan fulfills all the statutory planning and legal requirements and is deemed to be Sound;
- The council will take an inclusive approach involving as many residents, businesses and local organizations as possible throughout the whole of the process;
- The Local Plan will seek to maximize the many unique characteristics of our borough;
- The council will ensure that it fulfils all statutory requirements in developing the Local Plan as well as following all the latest guidance regarding the COVID-19 outbreak.

These principles and objectives will also influence the council's approach to communications and stakeholder engagement. Despite the challenges posed by the COVID-19 outbreak, significant progress has already been made and the council remains ambitious about the level of outreach and engagement that can be undertaken.

The increased use of digital communications more broadly, as result of COVID-19, presents a significant opportunity to reach a greater number of stakeholders than through more traditional forms of consultation used in the past.

The council has also recently undertaken a major engagement exercise in the development of the *Future 40 Strategy* - www.future40.org – which has not only delivered a wealth of information on the views of local stakeholders but has also provided valuable experience in managing a consultation of this size.

In developing and finalising this communications strategy the council should seek to use as many communication channels as possible – both physical and digital communications tools - to make engagement with, and crucially participation in, the consultation as easy and as accessible as possible.

2. Key themes and messages

The draft Local Plan document and consultation will be highly detailed, setting out all of the council's development policies as well as potential sites for new homes, employment growth, environmental protection and leisure uses.

However, at its heart is a strategy for how, working together with stakeholders, the council will create, develop and maintain successful communities.

There will therefore be a number of core messages that run through all aspects of the Local Plan which will feature in all aspects of communications and engagement.

- The Local Plan will present a positive vision for the future of the borough which will maintain and reflect its distinctive character and features.
- The Local Plan will help to protect the borough from ad hoc development.
- The Local Plan will the borough secure much needed new community infrastructure and the future health and prosperity of the borough.
- The Green Belt will continue to be one of the borough's most important assets.
- The public consultation gives local people a say in how the borough will look in the future, including the location, scale and type of new housing that comes forward.
- The council must also meet key Government requirements.

Underscoring all of this are the **six principles** that the council agreed in November 2019¹ to drive the development of and shape the Local Plan at every stage.

The proposed approach recognises the rich character of the borough and its high-quality green spaces and seeks to focus development in existing urban areas particularly around the key town and village centres and stations.

The principles also focus on the importance of design quality with an emphasis on greening the borough, ensuring that development addresses the council's commitments to tackling Climate Change, and making places more family friendly and accessible.

3. The stakeholders the consultation must reach

The borough is made up of many thriving communities with strong local representation through Residents' Associations, civic bodies and local interest groups. Similarly, the borough has many committed businesses and employers keen to invest in the borough's future, as well as institutions that enrich our communities.

The communications strategy must ensure that the council fully engages all these different varied stakeholders to gain their insights and views.

The council should also ensure that it uses a range of engagement methods to bring the consultation to these stakeholders in an accessible way. The greater use of digital communications should increase participation rates and may make it easier for harder to reach groups to take part.

Where appropriate the council should also seek to partner with key stakeholders, given their extensive networks across our communities. This could be done through physical or online events,

¹ <https://www.epsom-ewell.gov.uk/news/committee-agree-six-principles-shape-local-plan>

for example educational institutions, to engage with students and young people to share their views as part of the consultation process.

In the table below a wide range of stakeholders have been identified that the council will need to engage with.

Stakeholder groups	
Local people and their representatives	Individual residents
	Resident Associations
	Neighbourhood Forums
	Civic society groups
	Local interest groups
	Voluntary groups
Local representatives	EEBC councillors
	Member of Parliament
	Surrey county councillors representing Epsom & Ewell
Employers, local business and representative bodies	Business owners and employers
	EEBC Business Breakfasts
	Surrey Chamber of Commerce
Educational institutions	University of the Creative Industries
	UCA Student Union
	NESCOT
Local authorities	Bordering district, borough and London Borough authorities
	Surrey County Council
	Mayor of London and Greater London Authority
National bodies	MHCLG
	Planning Inspectorate

4. Ensuring an inclusive consultation

Given the importance of the Local Plan to the future of the borough, the council should ensure that the consultation reaches and engages as many different people, demographics and organisations as possible. The approach that the council should take will be a mixture of high-quality communications, marketing and advertising to ensure the maximum reach of the consultation and engagement.

The pandemic has presented significant challenges to undertaking more traditional forms of consultation such as physical public exhibition events and consultation meetings. There continues to be uncertainty about whether the council will be able to hold public exhibition events and meetings to showcase the plans in the near future. Therefore, it will need to consider other methods to ensure an open and inclusive consultation process, while not delaying progress in the development of the Local Plan.

The council will need to consider the **use of online platforms and holding virtual meetings** to allow local people and stakeholders to view the proposals, ask questions and make comments. This also offers the opportunity to provide more regular updates and reminders throughout the course of the consultation period.

A core part of the communications activity will be the **creation of a visual display summarising the key elements of the Local Plan and the key questions of the consultation**. This will be adapted so

that it can be used at both physical and virtual events. This display will set out the key proposals for housing, transport, education, green spaces and core development policies. It will also include a map of the borough so that stakeholders can clearly see the sites that have come forward to be considered.

It will be on permanent display in the council’s civic centre and be placed on the Local Plan microsite to view online. It will also be used as a display at any physical events the council can hold and adapted for use in virtual consultation meetings and briefings.

Luther Pendragon has worked with the council to create and manage a **dedicated Local Plan microsite**, which is now live:
www.epsom-ewell.gov.uk/localplan

Having the microsite already in place brings a number of benefits:

- The microsite will ensure that all information related to the Local Plan, including the extensive evidence base, can be found in one place;
- It will include all the consultation documents as well as a map of the Borough highlighting which sites have come forward for consideration;
- In the event of online meetings it will be the platform for stakeholders to access information
- It will be continually updated with the latest information and news regarding the Local Plan, including updates featured in *Borough Insight*;
- The microsite will include fixed URLs for key documents to make it easier to find via search engines and it is already linked to the council’s main website, via the homepage and the planning department web pages.

In developing this draft strategy full reference has been made to the Government’s guidance document *Coronavirus (COVID-19): Guidance for local government: Planning and building safely: Plan-making*² and the council’s own *Statement of Community Involvement*.

The council will need to continue to closely follow the changing guidance and regulations and will adapt this strategy accordingly, particularly if physical consultation events are permitted.

The council should also continue to be mindful that not all residents have access to online resources and so physical copies of the Local Plan consultation documents and evidence should be available as well as the ability to submit views in writing via post or submission to the council.

Taking on board this experience and guidance, the table below sets out the measures that the council should take, through this communications strategy, to ensure high levels of understanding, engagement and participation.

Information and participation:	Engagement:
Measures the council should take to ensure stakeholders have access to all the necessary information and can participate fully in the consultation	Measures the council should take to ensure that stakeholders are fully aware of the consultation and their ability to take part
<ul style="list-style-type: none"> • All consultation documents, evidence and materials to be uploaded onto the Local Plan microsite. • All documents will be made available in accessible formats on request. 	<ul style="list-style-type: none"> • Making full use of councillor, civic and community group networks – including promoting the consultation via email lists and social media groups and networks.

² <https://www.gov.uk/guidance/plan-making#COVID-1919>

<ul style="list-style-type: none"> • The council is using online consultation software, <i>Inovem</i> to allow stakeholders to submit responses online. • Email/written submission of questions and follow up answers from the council. • Online meetings for residents and business to showcase the proposals. • For physical events, using accessible locations and putting in place COVID-19 secure arrangements. • Paper versions of the consultation to be sent on request and be available in key public buildings e.g. libraries. <p>We also recommend that the council explores further:</p> <ul style="list-style-type: none"> • Using video content and updates to discuss specific issues affecting the Local Plan and provide updates throughout the course of the consultation. • Direct resident communications via post. • Leafleting at rail stations and other public places across the borough with significant footfall. 	<ul style="list-style-type: none"> • In absence of the ability to hold physical consultation events, holding virtual consultation meetings and briefings, allowing the council to present the key elements of the plan and allow for residents to submit questions for answer. • Email updates to the council’s planning database of residents who have expressed an interest in being kept informed on progress of the Local Plan. • Maximising use of the council’s social media accounts, Facebook and Twitter and explore how we can use Instagram effectively. This will include social media post as well as advertising. • Online advertising using council social media channels. • Advertising on council owned advertising sites. • Regular <i>Borough Insight</i> articles and updates. <p>We also recommend that the council explores further:</p> <ul style="list-style-type: none"> • Local radio advertising and promotion. • High Street stalls and roadshows in areas of high footfall e.g. supermarkets/shopping centres to allow people to give their views.
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5. Indicative communications plan

Below is an indicative communications plan. At this stage it is difficult to put fix timeframes on the plan as uncertainty remains regarding COVID-19 restrictions, but also the latest Local Plan reforms announced by the Government on 6 August 2020. It is anticipated that the consultation will run for a longer period than the statutory 12 weeks.

The council should be clear with stakeholders at the outset of the consultation, the process it will undertake so that all stakeholders can see the extent of the consultation and engagement exercise and understand how they can participate.

Month	Preparation stages	Month 1 of consultation	Month 2 of consultation	Month 3 of consultation	Month 4 of consultation
Proposed activity	<ul style="list-style-type: none"> Reviewing existing messaging and collateral developed pre-COVID-19 Finalising Local Plan visual display Development and agreement of final materials Member briefings 	<p>Consultation launched post LPPC meeting and decision to launch:</p> <ul style="list-style-type: none"> Media announcement and press release to local press and community news websites. Letters to stakeholders informing them of the start of the consultation. Radio advertising. Banner on EEBC homepage to redirect to Local Plan microsite. Announcement on Local Plan microsite. Targeted Facebook posts announcing 	<ul style="list-style-type: none"> Programme of consultation events (physical and/or virtual). Adverts in prominent borough locations. Targeted Facebook adverts promoting the key dates/venues. Business breakfasts (physical or virtual) with local employers and businesses to present Local Plan and gain views. Possible leafleting/street stalls. 	<ul style="list-style-type: none"> Programme of consultation events (physical and/or virtual) including a round up event. Targeted Facebook adverts promoting the key dates/venues. Business breakfasts (physical or virtual) with local employers and businesses to present. Possible leafleting/street stalls. 	<ul style="list-style-type: none"> Press release “last chance to comment”. <i>Borough Insight</i> reminder. Social media reminder post. Email to planning mailing list.

		<p>consultation and linking to microsite.</p> <ul style="list-style-type: none"> • Email to planning mailing list. • Video promoted through social media. • Permanent display at Civic Centre. • One-to-one stakeholder meetings with representatives and groups. 			
		<p>We recommend that the council should also consider the following actions throughout consultation period - Regular updates on microsite/Social Media/<i>Borough Insight</i> Leafleting at stations/Direct resident communication/High Street stalls/Radio advertising/advertising in high footfall areas etc. Video updates on key issues/themes e.g. green spaces, housing mix, transport infrastructure, support for employers.</p>			

About Luther Pendragon

Luther Pendragon is a communications agency with a 25 year track record of ensuring clients tell their stories to the people that matter.

We provide a full-service communications offer including public relations, media support, public affairs and stakeholder engagement and management services.

Our team works with a wide range of public and private organisations to help them develop and manage communications and engagement strategies including delivering major public consultations.

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HOUSING DELIVERY ACTION PLAN

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):	Housing Delivery Action Plan 2020

Summary

The Housing Delivery Action Plan identifies actions to increase future housing delivery in the Borough. The Council is required to prepare an Action Plan following the Housing Delivery Test (HDT) published by Central Government in February 2020, where the Council was unable to demonstrate housing delivery necessary for in the previous three years.

Recommendation (s)

The Committee is asked to:

- (1) Approve the Housing Delivery Action Plan 2020**

1 Reason for Recommendation

- 1.1 The Council is required to prepare an Action Plan following the publication of the Housing Delivery Test in February 2020. It is unable to demonstrate sufficient housing delivery (95% housing delivery) against the calculated requirement for the previous three years.

2 Background

- 2.1 The Housing Delivery Test (HDT) was introduced by Government with the publication of the revised national policy and guidance (National Planning Policy Framework NPPF and Planning Practice Guidance PPG) in 2018. The HDT measures housing delivery within an authority area for the previous three years against the authority's housing requirement. Failure to meet 95% of the requirement means the Local Planning Authority has to prepare an Action Plan; and failure to meet 85% of the requirement means an addition of a 20% buffer to the housing requirement for the future five years supply.

- 2.2 The results of the HDT was published in 13 February 2020. It shows the Council delivered 49% of its requirements in the previous three years which means the Council is required to:
- prepare an Action Plan to identify the causes of under-delivery and to identify actions to increase it in the future;
 - identify a supply of deliverable sites with an addition of 20% buffer to the annual supply (moved forward from the later in the plan period)
- 2.3 The guidance advises that local authorities should prepare an Action Plan within six months of the publication of the HDT results.
- 2.4 The Council has an existing Housing Delivery Action Plan following the HDT results from last year. This Action Plan is essentially an update outlining any major changes that have occurred in the year and the progress made on the 24 actions identified in the original Action Plan.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 The Council is required to prepare an Action Plan within six months of the publication of the HDT results (published in 13 February 2020). The Action Plan has been taken to the next available Licensing and Planning Policy Committee date that broadly meet this deadline.

3.1.2 The Coronavirus pandemic has had unprecedented impact on planning and construction industry and this is likely to continue for some time, with housing delivery likely to be delayed or stalled.

3.1.3 In addition, Government has recently published proposals for significant reforms in the Planning system. The impact of these are yet to be fully considered however it is clear that housing delivery remains high on the Government agenda.

3.2 Crime & Disorder

3.2.1 None

3.3 Safeguarding

3.3.1 None

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 The Housing Action Plan has been prepared by officers in the Planning Policy Team in partnership with other colleagues in the Council. The progress being made on the actions will be monitored by officers. The resource implication has been absorbed by officers in conjunction with other work areas.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 Para 75 of the National Planning Policy Framework (NPPF) requires the Council to prepare an Action Plan for failing the threshold requirement in the new Housing Delivery Test. The Borough failed to deliver 95% housing delivery for the previous three years against the housing requirement.

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: Opportunity and Prosperity

6.2 The Housing Delivery Action Plan is a measure placed on the Council for failing to meet the housing delivery threshold set in the Housing Delivery Test. The Housing Delivery Action Plan emphasises the need to deliver a new Local Plan as a priority. The Epsom & Ewell Borough Local Plan is critical to ensure sustainable growth is planned and is fundamental in ensuring corporate priorities are delivered.

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

6.4 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.

6.5 Sustainability Policy & Community Safety Implications: None arising from the contents of this report.

6.6 **Partnerships:** None arising from the contents of this report.

7 Background papers

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

Previous reports:

- Draft Housing Delivery Action Plan 2019 (12 September 2019)

Other papers:

- [Housing Delivery Test: 2019 Measurement](#)
- [Housing Delivery Test: 2019 Measurement Technical Note](#)

Epsom & Ewell Borough Council

Housing Delivery Action Plan

September 2020

1 Introduction

- 1.1 Central Government has committed to addressing the growing housing need in the Country and has set a target of delivering 300,000 homes a year by the mid 2020s. The publication of the revised National Planning Policy Framework and Planning Practice Guidance in 2019 maintains measures on Local Planning Authorities with the aim of increasing housing delivery, including the Housing Delivery Test (HDT).

Purpose of this document

- 1.2 The Council is required to prepare an Action Plan explaining how it will improve housing delivery following the results of the [Housing Delivery Test](#) (HDT) published in 13 February 2020. It has six months to make this Action Plan.
- 1.3 The HDT measures the number of homes delivered in the previous three years against the housing required in this period¹. This is the second year of the test following the publication of the new National Planning Policy Framework (NPPF) and Planning Practice Guidance 2018.

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

Figure 1:Housing Delivery Test formula

- 1.4 It should be noted that there is a transitional period whereby the housing numbers that form the basis of the test will increase for the first three years². The results of the 2019 HDT is set out in Figure 2.

¹ Determined by the formula outlined in the [HDT:2019 Measurement Technical note](#)

² Paragraph 215 NPPF

	Number of homes required			Total number of homes required	Total Delivered 2016-2019	HDT Result 2019
	2016-2017	2017-2018	2018-2019			
Epsom and Ewell	383	413	577	1373	673	49%

Figure 2: Housing Delivery Test 2019 Results (as published by [MHCLG 13 Feb 2020](#))

- 1.9 The HDT result shows that within Epsom & Ewell Borough 49% of housing required in the past three years was delivered. The results mean the following measures for the Borough:
- The housing delivered is below the 85% threshold set footnote 39 in relation to paragraph 73 of the NPPF, therefore the Council is required to; identify a supply of deliverable sites including an additional 20% buffer (moved forward from later in the plan period)³
 - The housing delivered is below the threshold of 95% and as set paragraph 75 of the NPPF the Council has to prepare an action plan to identify actions to increase delivery in future years.
- 1.10 This Action Plan is prepared as a result of the latter of the two measures. Figure 3 shows diagrammatically the consequences of the Borough Council failing to demonstrate sufficient delivery against the requirement.

³ NPPF Paragraph 73 (c). Epsom & Ewell is unable to demonstrate the minimum requirement for housing land supply and therefore has to identify an additional supply of sites in order to deliver 695 dwellings per annum. The 20% buffer will remain in place until the Borough Council is able to demonstrate that delivery for the previous three years exceeds 85% of the requirement.

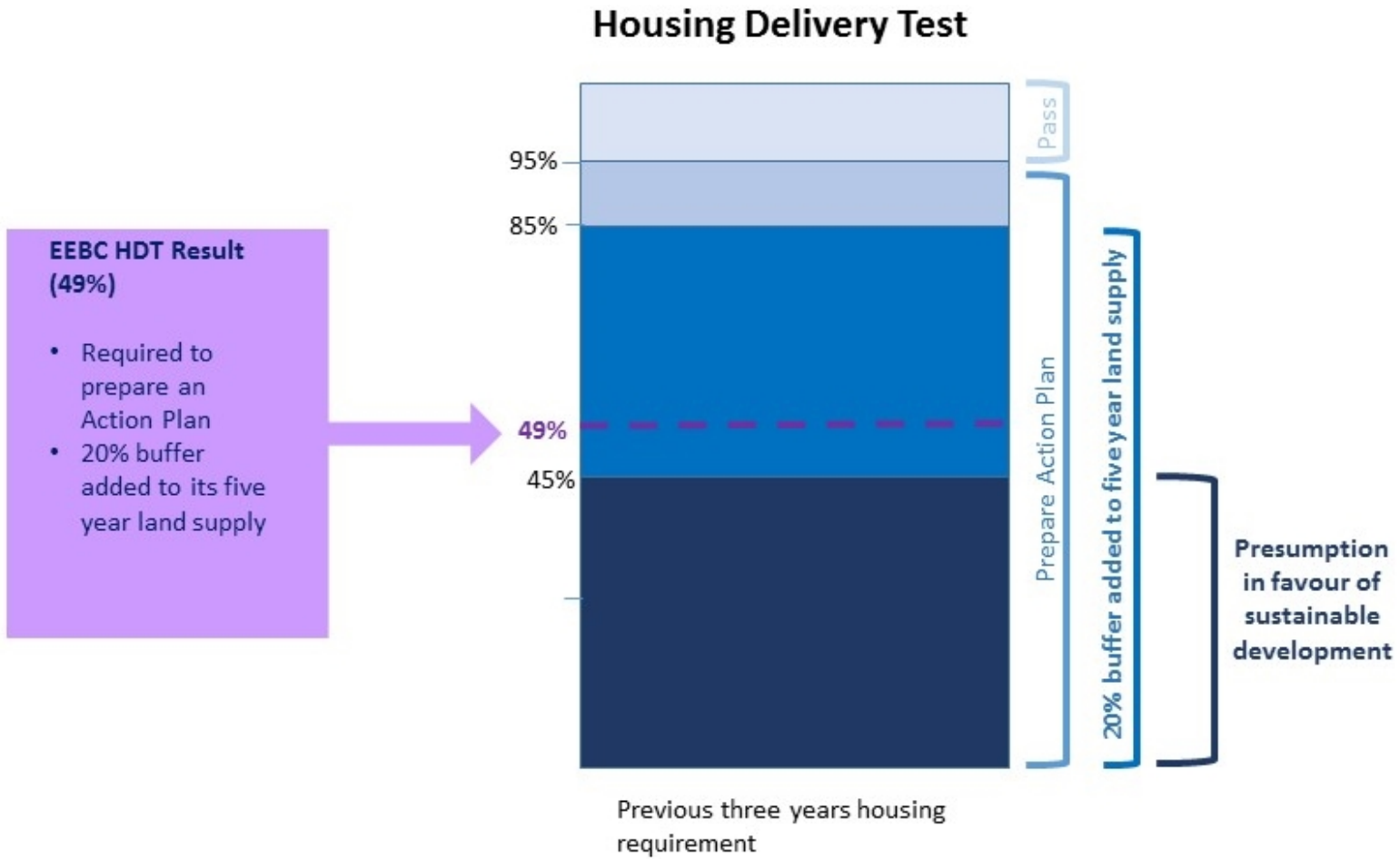


Figure 3: Diagram that outlines the level of housing EEBC has delivered in the context of the thresholds whereby measures apply.

- 1.11 The Housing Delivery Test is published annually by central government. This is the second year Epsom & Ewell Borough Council has been caught by the measures of the Housing Delivery Test, and essentially this is an update of the actions identified previously.

2 Context

Epsom & Ewell Local Plan

- 2.1 The existing Development Plan for Epsom & Ewell Borough comprises the:
- Surrey Minerals Plan,
 - Surrey Waste Plan,
 - [Core Strategy 2007](#),
 - [Plan E 2011](#): Area Action Plan for the Town Centre
 - [Development Management Policies](#) (2015).
- Sitting alongside these are various SPDs and guidance
- 2.2 The Council is in the process of preparing a new Local Plan, including compiling and producing an up to date [evidence base](#) to inform its strategy and policies.
- 2.3 The scale of the housing need has been calculated to be 579 per annum⁴. This is significantly higher than previously identified and poses a challenge in terms of delivery.
- 2.4 The Council's timetable⁵ for the preparation of the Local Plan is available on the [Council's Local Plan webpage](#). This was last updated in August 2020 and seeks to ensure a clear spatial development strategy is published as soon as possible to ensure development proposals that come forward are considered through a proper plan led approach. It is likely that the timetable will need to be updated to reflect current Covid-19 pandemic and the implications this has had to the Planning system.
- 2.5 The last [public consultation was a Regulation 18 consultation](#), carried out between October-November 2017. A further Regulation 18 consultation was due for May-June 2020. This has now been delayed.

⁴ The standard method produces a housing need of 579 per annum for (based on the 2014 Household projections).

⁵ Known as Local Development Scheme LDS

Other plans and strategies

- 2.6 Whilst the Local Plan will form the key delivery mechanism for development in the Borough it does not stand alone. It sits under the Corporate Plan and alongside other Council Strategies. The Council recently adopted a Four Year Plan identifies a number of key priorities for the Borough in the next four years under five themes:
- Green and Vibrant
 - Opportunity and Prosperity
 - Cultural and Creative
 - Safe and Well
 - Smart and Connected.
- 2.7 The priorities identified include a priority that progress is being made on housing needs and the implementation of the Local Plan. The full Four Year Plan is available [here](#).
- 2.8 The preparation and implementation of the Housing Delivery Action Plan has been in partnership with Officers across the Council from various departments including, Planning, Housing, Property and Regeneration and Health and Wellbeing. All have had input into the preparation of the Action Plan.

3 Root cause analysis

- 3.1 The previous Action Plan provided an extensive root cause analysis and it is not intended that these will be repeated here, instead the section will focus on any significant changes that have occurred since the last Action Plan.

Coronavirus

- 3.2 Coronavirus (Covid-19) is a newly discovered infectious disease that has spread and been declared a pandemic in early March 2020. The UK Government introduced measures to reduce the spread of coronavirus on the 23 March 2020, requiring people to stay at home where possible and introducing measures to 'social distance'.
- 3.3 The pandemic has had significant impact on all aspects of day to day life, including how the Council operates and how it makes its decisions. The [advice](#)⁶ from Government in March 2020 was that the planning service, including plan and decision making continue as much as possible and take an innovative approach and adjustments to timescales where necessary. Further guidance was published in the form of [Coronavirus planning update](#) in May 2020.
- 3.4 In terms of plan making, Government advice is that Local Plans continue to make progress and where possible adopt new and innovative ways of operating including exploring technologies where appropriate, with [further guidance](#) provided in relation to [Statement of Community involvement](#) (SCI). The advice is that Local Planning Authorities are encouraged to undertake an immediate review where the SCI cannot be complied with due to current guidance to help combat the spread of coronavirus. This is an exercise that the authority will have to undertake. The current [SCI](#) was published in November 2019. Further legislation was published on 13 July 2020 [The Town and Country Planning \(Local Planning\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) to temporarily remove the requirement on local planning authorities to make certain documents available for inspection at premises and to provide hard copies on request. The temporary modifications are as a result of the effects of the coronavirus pandemic and will only apply until 31 December 2020. The documents will still need to be made available on the Council's website.

⁶ Chief Planning Letter

- 3.5 In terms of day to day decisions on planning applications, there has been advice on consultations procedures on planning applications and advice on holding of virtual planning committees. Determination timescales remain unchanged but extensions will be encouraged where necessary.
- 3.6 Government published [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2020](#) on 24 March 2020 which allows a temporary change from existing restaurants, cafes and drinking establishments to include takeaway food until the 23rd March 2021.
- 3.7 Guidance has been published in relation to Community Infrastructure Levy and the [Community Infrastructure Levy Regulations 2020](#) laid before parliament on 30 June will come into force later in the summer.
- 3.8 Government also introduced emergency legislation The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 which allows “local authorities and health service bodies to carry out development, both works and change of use, of facilities required in undertaking their roles to respond to the spread of coronavirus, without a requirement to submit a planning application” for a limited time between 9 April 2020-31 December 2020.

The Business and Planning Act

- 3.9 The Business and Planning Act received Royal Assent on 22 July. This contains a series of proposed (mostly temporary) planning changes including:
 - [extending time limits on unimplemented permissions](#) that lapsed from the Covid-19 lockdown up to 31 December to be extended to 1 April 2021. Those already lapsed before the provisions come into force will be subject to an additional environmental approval, deemed approval if the LPA does not make a decision within the 28 days.
 - Measures to allow inspectors the flexibility to use more than one procedure e.g written representations, hearings and inquiries in relation to planning appeals, enabling appeals to progress faster
 - Fastracking applications for developers wanting to change planning conditions to allow [extended hours on building sites](#)
 - Measures to make it "easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing”

- Planning changes will keep the system in line with the new licensing rules, with draft guidance document on the [pavement licenses](#) measures "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".

Standard method

- 3.10 National policy ([National Planning Policy Framework](#) NPPF) sets out that Local Planning authorities should use the standard method to determine the minimum homes needed for an area, this is set out in paragraph 60. This was first published in July 2018, with updates in February 2019.
- 3.11 The '[standard method](#)' formula is contained in national guidance, where it is directed that 2014-based household projections should be used:
- The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government's objective of significantly boosting the supply of homes.*
- (Paragraph: 005 Reference ID: 2a-005-20190220)
- 3.12 The use of 2014 household projections have been a matter of debate since the clarification was made in February 2019 in the [Government's response to the technical consultation](#). At the time, government considered that by specifying the household projections that should be used it was providing '*stability and certainty*' but committed to a 'review' of the formula in 18 months time. At the time there were up to date projections (2016 household projection) that if applied to the standard method calculation would derive a lower housing need. More recently, the Office of National Statistics (ONS) published [2018-based household projections](#) at the end of June 2020, this continued to reflect a downward trend in the number of households in the future. Government has very recently (6 August 2020) published a proposed new standardised method for assessing housing need in the '[Changes to the current planning system consultation](#)' officers will closely review and monitor how it may impact housing need in the Borough.

Further Permitted Development changes

- 3.13 Government published further regulations on permitted development on 24 June 2020. [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) introduces (among other things) new permitted development right to allow blocks of flats to be extended upwards by two storeys to create new homes. This is effective from 1 August 2020.

Proposed changes in Planning: Planning Paper

- 3.14 The prime minister issued a press release on 30 June titled [A new deal for Britain](#). Within the statement government committed to '*build back better, build back greener, build back faster*', with a commitment to reform the planning system.
- 3.15 Changes to be planning system were suggested before the pandemic, with the publication by the think tank 'Policy Exchange' on 'Rethinking the Planning System for the 21st Century' in January 2020 and paper by MHCLG Planning for the Future March 2020.
- 3.16 The [Planning for the Future](#) White Paper was released on 6 August outlining significant reforms. This is currently out for a 12 week consultation. Officers will closely monitor the progress of proposals and the implications it will have to the Borough's Planning Service.

Brexit

- 3.17 The UK left the EU in 31 January 2020 and is now in a transitional period before new rules come in from 1 January 2021. There is further risk from the period following Brexit which may result in another period of uncertainty and impacting upon the proposed timetable.
- 3.18 The number of changes/proposed changes outlined are substantial and yet to be fully considered, this is partly because the detail on some have yet to be published. Without knowing the full detail, it is likely that the combination of all of the above will have an impact on resources, timescales and ultimately housing delivery (amongst other things).

Housing delivery 2018-2019

3.19 The Council's [Annual Monitoring Report 2018-2019](#) sets out the number of homes delivered between the period 1 April 2018-31 March 2019. In total 165 additional dwellings were delivered in this period, a very slight increase from the previous year but still significantly short of the minimum homes needed.

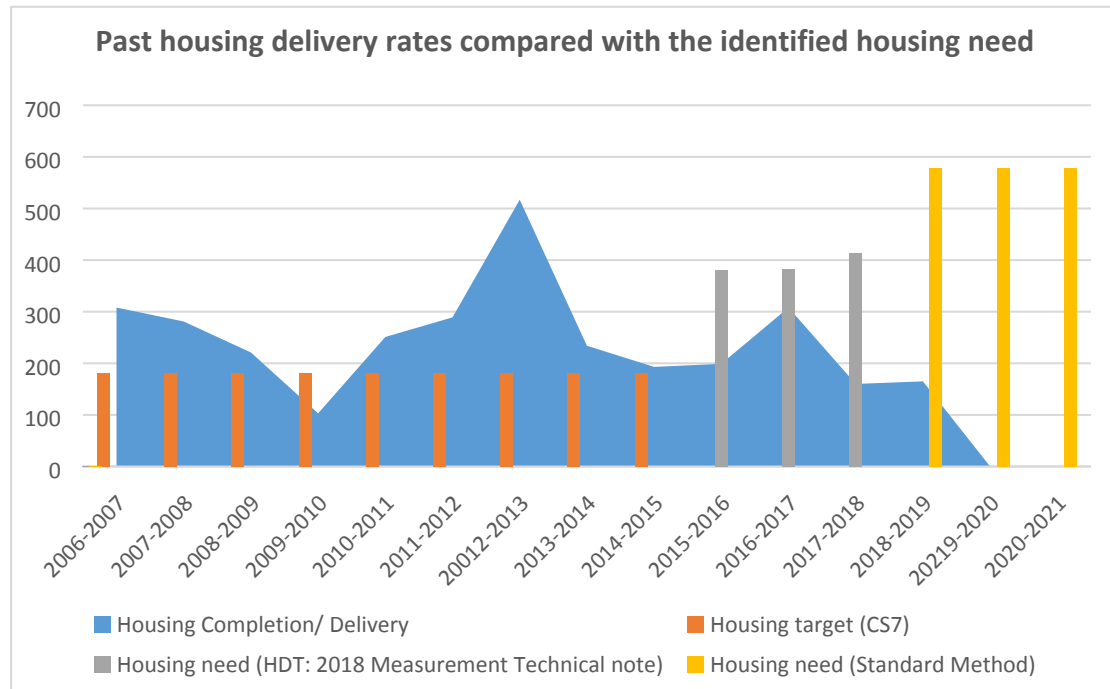


Figure 4: Chart showing housing delivery rates compared with the identified need since 2006.

- 3.20 The largest of the schemes included 30 units (gross) at Hollymoor Lane, and other modest schemes yielding between 12 and 17 dwellings including schemes at former Nescot agricultural land⁷, Cheam Road, Ashley House on Ashley Road and a scheme at Woodcote Side- the latter two were formerly in office use.
- 3.21 Looking at schemes under construction or with planning permission within the monitoring period, these comprise mainly of schemes of less than 10 units and only a few scheme being over 10 units at Chase Road and Alexandra Road.
- 3.22 The predominance of these smaller schemes may be down to a number of reasons, lack of supply of land, the demand for certain housing types, the time and complexities involved with larger schemes. Whatever the reason, in order to make a marked difference in housing delivery within the Borough, larger schemes need to be delivered.
- 3.23 Whilst not within this reporting year, a 60 bed care home at the Former Salesians⁸ site was completed in February 2020 and the Council approved 161 dwellings at Epsom and Ewell High School in December 2019. In terms of actual on site delivery, it will take some time to be reflected, this demonstrates a lag where permission is granted and actual on site delivery (if implemented at all).

⁷ The Nescot site comprised of 91 houses part 1 and 88 houses part 2, completions happened over a few years

⁸ 15/00845/FUL

4 Action Plan

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
1	Identify opportunities to align the local skills base with the need to build a significant level of housing in the Borough	<p>Align local skill base with the housing need.</p> <p>The new local plan will promote local labour agreements to secure employment and skills development as part of schemes</p>	Corporate	Long term	HDT Action Plan	<p>Further investigation needed to consider if there are any interventions that can be introduced by the Council to better align the projected growth with the required skillset e.g.construction skills.</p> <p>The Council will work with the Local Enterprise Partnership on wider research regarding skills and the labour market.</p>
2	Utilise existing 'Agents and Developer Forums' to promote opportunities in the Borough	<p>Developer Forums could identify issues affecting delivery and could open up new opportunities/ventures to provide more housing, better relationships with the development industry.</p>	<p>Corporate</p> <p>Property and Regeneration</p>	Short/Medium and Long Term	HDT Action Plan	<p>The Council will continue to attend the existing The Epsom Property Network and identify opportunities to work with local agents and developers on growth in the Borough.</p>

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
3	Investigate with the Development Management Team what practical measures/mechanism can be introduced to speed up the delivery of development schemes.	Further investigation into whether certain DM processes are delaying delivery and what actions can be taken to speed up the process.	Development Management Planning Policy	Short Term/ Medium Term	HDT Action Plan	Work in progress
4	Publish guidance on the pre-application process.	Improving pre-application processes. This will provide more certainty for applicant, through clearer guidance and early engagement with applicants, applicants are aware of the Council'	Development Management	Short/ Medium Term	Service Plan AMR HDT Action Plan 2020	Guidance published on the Council's website
5	Progress the Local Plan in accordance with newly published local plan timetable (Local Development Scheme LDS).	Progress on the Local Plan will provide greater certainty for the borough council and developers and ensures that future development is plan led.	Planning Policy	Medium/long term	AMR Service Plan Local Plan Progress HDT Action Plan 2020	Progress being made on compiling the evidence base and preparing a draft plan in line with the timetable.

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
		This will include the preparation of technical assessments to ensure that the delivery is balanced and at a sustainable rate.				
6	Publish a revised local plan timetable (Local Development Scheme LDS)	The Council will be publishing a revised timetable for the preparation of the new Local Plan. This will provide greater certainty for developers regarding Local Plan timetable to enable the submission of relevant information at relevant periods and engage positively and ensure future growth is genuinely 'plan led'.	Planning Policy	Short Term	Service Plan Local Plan Progress HDT Action Plan 2020	The most up to date LDS is published on the Council's website. This is a revised timetable following the coronavirus pandemic, which resulted in slippage in the timetable. The new timetable was agreed at the 6 August 2020 Licencing and Planning Policy Meeting. Government reforms published on 6 August outline significant proposed reforms which may further impact on timescales.

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
7	'Call for sites' request	The Council left the 'call for sites' open for ongoing submission of sites for future development. Any sites not submitted can still be submitted as part of the regulation 18 consultation.	Planning Policy	Short Term	Local Plan SHLAA AMR HDT Action Plan	The webpage is live.
8	Assess the potential capacity of sites within the urban area to meet the housing need.	The Council has undertaken various capacity assessments of sites within the urban area and its potential to deliver high density development to support the policy of making efficient use land.	Planning Policy	Short Term	AMR Local Plan Statement of Common Ground	The Council has undertaken urban capacity studies to review the potential capacity of sites within the urban area. These are published on the 'Evidence Base' webpage. The Council has also commissioned a Transformation Masterplan to inform what approach the Council takes to deliver more housing.
9	Commission Transformation masterplan to look at how the Borough could transform in the future to seek to meet the development need.	The Council has been proactive in investigating how the projected growth can be accommodated in the area, through the commissioning of the Transformation Masterplan. A design	Planning Policy	Short Term/ Medium Term	Progress on the Local Plan	The Council has commissioned the piece of work and it is currently being undertaken.

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
		based assessment exploring how future growth can be accommodated e.g. different typologies and higher densities				
10	Work with adjoining authorities to identify a strategy to meet the housing need in the area (through continuous Duty to Cooperate).	The Council will work with its partners and neighbours to identify how the housing need can be met in the area.	Planning Policy	Short/ Medium and Long Term	Duty to Cooperate Statement Local Plan Statement of Common Ground	Progress is being made on engagement with neighbouring local authorities and relevant stakeholders in line with <i>the duty to cooperate</i> . This engagement is ongoing and will continue throughout the Local Plan preparation process and through regular officer group meetings
11	Investigate and implement a new planning monitoring system	To improve efficiency in data collection and monitoring of housing delivery, to inform central government as well as improving Local Plan monitoring process (which informs policy making process).	Planning Policy	Short/ Medium Term	Service Plan HDT Action Plan 2020	Being investigated

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
12	Publication and implementation of land use policy/guidance	The Council has published a policy statement 'Making the Efficient Use of Land- Optimising Housing Delivery 2018' (8 May 2018) in order to ensure residential housing schemes coming forward are making efficient use land.	Planning Policy Development Management	Short/ Medium Term	Implementation through Development Management process including pre-app. Monitoring through Local Plan monitoring	Published on website, applicants are signposted to this at pre-app.
13	Article 4 Directions on Employment Floorspace	The Council has a number of Article 4 Directions on some of its key employment buildings within the Town Centre. There are 16 Office Building This assists in managing the balance of housing and employment to meet future development needs.	Planning Policy Development Management	Short Term	AMR	The Council has a number of Article 4 Directions in place in the Borough. It will closely monitor the impact of the action and if further action needs to be taken
14	Identify briefings/Training for members on the Local	The briefings will ensure members are informed about the Planning system their	Planning Policy Development Management	Short Term/ Medium Term	HDT Action Plan	A training plan has been developed and implemented following the May 2019 Local Elections.

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
	Plan and Housing delivery	role in decision making.				<p>Members have received training from PAS on their roles in planning decisions and the importance that their decisions are reasonable and defensible. Attention was drawn to the risks of making poor decisions- including reference to the NPPF and the presumption in favour of sustainable development, appeals, judicial review and ombudsman</p> <p>The Planning Service will continue to identify additional areas to ensure members are fully informed: Topics could include the Local Plan process, Housing delivery and Urban design.</p>
15	Update and review the Brownfield Land Register	<p>Updated annually. Suitable sites identified through this process will be included for consideration.</p> <p>Joint working between Planning and Property and Regeneration to review opportunities available from Council assets.</p>	<p>Planning Policy</p> <p>Property and Regeneration</p> <p>Housing</p>	Short Term	AMR	<p>Reviewed annually</p> <p>Data is used to inform Local Plan evidence on land supply.</p>

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
16	Update and review Self-build and Custom build Housing Register	<p>Updated annually. The register helps to inform what the need is within the borough.</p> <p>Joint working between Planning and Property and Regeneration to review whether there are opportunities available from Council assets.</p>	<p>Planning Policy</p> <p>Property and Regeneration</p> <p>Housing</p>	Short Term	<p>Plan monitoring</p> <p>AMR</p>	<p>Reviewed annually.</p> <p>Data is used to inform Local Plan evidence on need</p>
17	Review of the CIL charging schedule	The CIL charging schedule will be updated to reflect the significant growth projected to occur in the future to ensure sufficient contributions are being sought towards infrastructure.	<p>Planning Policy</p> <p>Development Management</p>	Short Term/ Medium Term	<p>CIL</p> <p>AMR</p> <p>HDT Action Plan</p>	A review of the CIL rates is being undertaken in parallel with the emerging Local Plan. A viability assessment and SHMA have been commissioned. The conclusions of these will inform the review of the CIL.
18	Update the Council's Asset Management Plan	The Council will review its own assets in order to create opportunities for future development.	Property and Regeneration	Short/ Medium and Long Term	<p>Service Plan</p> <p>HDT Action Plan</p>	<p>The Asset Management Plan is currently being updated</p> <p>The officer led Property and Regeneration Board was formed to manage the Council's land/property assets, prioritising delivery of the council's strategic and key priorities, including delivery of new housing.</p>

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
19	The creation of a Property and Regeneration Board to manage Council's assets to meet future development needs within the Borough	The Council will review its own assets in order to create opportunities and facilitate future development.	Property and Regeneration	Short/ Medium and Long Term	Service Plans HDT Action Plan	The Property and Regeneration Board comprised of senior management team, meets regularly to consider development opportunities on Council owned land.
20	Create a Housing Delivery Working Group to monitor and manage the progress being made on the housing delivery action plan	Officers from various departments to monitor the delivery of actions in the HDT Action Plan. The involvement of all departments will ensure coordinated action to deliver the HDT action plan that aligns with the various priorities of the Council.	Property and Regeneration Housing Planning Policy Development Management	Short/Medium and Long Term	HDT Action Plan	Officers will continue to monitor progress on actions to assist in increased housing delivery.

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
21	Identify and finalise key infrastructure requirements and priorities to support future growth.	Investment attracts investment. Investment toward infrastructure can unlock housing potential. Information on future infrastructure requirements will inform where there are funding shortfalls and where the Council should seek to obtain additional funding.	Property and Regeneration Housing Planning Policy Development Management Economic Development (Future 40 team)	Short/Medium and Long Term	HDT Action Plan	The Council has a draft Infrastructure Development Plan that will help to identify where there are potential gaps in funding, This will be the starting point to identify where additional funding could be made available.
22	Commission an assessment of the car parks within the borough to consider level of use and whether there are potential opportunities available for more efficient use of land. Prepare a Car Park Strategy to identify the any spare land capacity to deliver additional housing.	It is considered important that all car parking should be assessed to understand whether there are any opportunities available to potentially to meet some of the housing need.	Property and Regeneration Planning Policy	Short Term/ Medium Term	HDT Action Plan	Being investigated

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
23	Engage with other public bodies	The Council will engage with other public bodies to explore opportunities for joint working to bring forward sites for development.	Property and Regeneration Planning Policy	Short/Medium	Local Plan HDT Action Plan	Early engagement with Surrey County Council and Utility companies, regarding their land/ property assets that may be surplus to requirements.
24	Investigate further whether CPOs (Compulsory Purchase Orders) should be considered as a measure on stalled housing sites	At present the Council has an Empty Property Strategy that identifies CPO as a potential solution.	Corporate	Long term	HDT Action Plan	Investigate further

5 Monitoring and Review

- 5.1 The Actions will be closely monitored through a number of monitoring mechanisms including the Local Plan timetable (LDS), Annual Monitoring Report (AMR), Service Plans and various working groups.
- 5.2 The relevant departments will be responsible for implementing the identified actions. An officer working group has been set up, comprising of the responsible teams/officers, who will review the progress being made on the identified actions.
- 5.3 The Housing Delivery Action Plan itself will be monitored and reviewed annually until such time that it is no longer required.

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DRAFT RESPONSE TO PROPOSED CHANGES TO THE STANDARD METHOD FOR ASSESSING LOCAL HOUSING NEED

Head of Service: Viv Evans, Head of Planning
Wards affected: (All Wards);
Urgent Decision?(yes/no)
If yes, reason urgent decision required:
Appendices (attached): Appendix 1: Draft Response to the proposed changes to the standard methodology.

Summary

The Ministry of Housing, Communities & Local Government (MHCLG) has published a consultation titled '*Changes to the current planning system: consultation on changes to planning policy and regulations*'. The consultation was published on 6 August 2020 and comments are invited by the end of 1 October 2020.

The consultation comprises of 4 main proposals:

- changes to the standard method for assessing local housing need
- securing of First Homes through developer contributions in the short term until the transition to a new system
- supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
- extending the current Permission in Principle to major development

The draft response in Appendix 1 is focussed on the proposed changes to the standard method calculation.

Recommendation (s)

The Committee is asked to:

- (1) Note and approve the draft response to the proposed changes to the standard method for assessing local housing need**
- (2) Authorise the Head of Planning to prepare and respond to the other three proposals set out in the 'Changes to the current planning system' consultation after consultation with the Chair of Licensing and Planning Policy Committee.**

1 Reason for Recommendation

- 1.1 The consultation '*Changes to the current planning system: consultation on changes to planning policy and regulations*' was published on 6 August 2020 and comments are invited by the end of 1 October 2020. The proposed changes are likely to have significant impact on the Council's Planning service and it is important that the Council responds accordingly outlining its concerns.

2 Background

- 2.1 The Ministry of Housing, Communities & Local Government (MHCLG) has published a consultation titled '*Changes to the current planning system: consultation on changes to planning policy and regulations*'. The consultation was published on 6 August 2020 and comments are invited by the end of 1 October 2020.
- 2.2 The consultation comprises of 4 main proposals:
- changes to the standard method for assessing local housing need
 - securing of First Homes through developer contributions in the short term until the transition to a new system
 - supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
 - extending the current Permission in Principle to major development
- 2.3 The first seven questions in the consultation paper relate to the proposed changes to the standard method for assessing housing need. The draft response sets out the questions and the Council's draft response to each in Appendix 1.
- 2.4 It is important to note that a Government White Paper containing significant Planning reforms was published on the same day. This will be considered in a paper to a future meeting of the Licensing and Planning Policy Committee.

3 Risk Assessment

Legal or other duties

- 3.1 Impact Assessment
- 3.2 The proposed changes are likely to have significant impact on the Council's Local Plan and it is important that the Council responds accordingly outlining its concerns.
- 3.3 Crime & Disorder

3.3.1 None arising from this report

3.4 Safeguarding

3.4.1 None arising from this report

3.5 Dependencies

3.5.1 None arising from this report

3.6 Other

3.6.1 None arising from this report

4 Financial Implications

4.1 The proposed changes are likely to have significant impact on the Council's Local Plan programme and likely result in unexpected additional workload that will affect internal and external resources. Officers will closely monitor proposals and consider the impacts.

Section 151 Officer's comments: None arising from the contents of this report.

5 Legal Implications

5.1 The draft response in the Appendix will form the basis to the Council's response to the consultation on the proposed changes to Planning national policy and guidance.

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: Green and Vibrant, Safe and Well, Cultural and Creative, Opportunity and Prosperity, Smart and Connected, Effective Council

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

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

6.4 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.

6.5 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.

6.6 **Partnerships:** None arising from the contents of this report.

7 Background papers

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

Previous reports:

- None

Other papers:

- MHCLG consultation paper '[Changes to the current planning system consultation](#)' published on the Government website on 6 August 2020.

**MHCLG consultation 'Changes to the current planning system'-
consultation on changes to planning policy and regulations**

6 August 2020

Questions on the proposed changes on the standard method for assessing housing numbers and the Council's draft response:

Question

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is *whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?*

Response

Yes, the baseline for the calculation will need to be clarified in the guidance if it is changed. The guidance should signpost to data that is to be used (as it does at the moment). It will also be useful if the calculations for each Local Authority Area is published. Whilst it is appreciated that the numbers may vary slightly year on year (when the input data changes or is updated), the formula by itself can be confusing to the end user and it would be useful to have a specific figure published alongside the formula to avoid any confusion or misinterpretation.

This Council raises strong objections to the revised standard methodology which proposes two potentially different baselines as a starting point for the calculation. This is somewhat perverse, a baseline is usually a starting point, where all things are equal. The revised method is suggesting that the highest of the two would form the 'basis' for the calculation. Whilst this could be seen as being extra thorough, it can also appear as 'cherry picking' what best suits government aspirations to increase housing delivery.

This is not to say that the logic of comparing the growth against existing stock is flawed. Estimating future growth against the existing housing stock makes sense and is simple to understand. However in offering this alternative baseline, is it implying that the household projections are not good enough to be relied on as a single baseline. The statement in paragraph 20 states that introducing the alternative baseline based on housing stock offers '*stability and predictability which has been absent when solely relying on household projections*' and then goes on to say that household projections are '*still the most robust estimates of future trends*'. There is somewhat of a contradiction. If they are the most robust data, why have an alternative baseline? Household projections are based on trends and mathematical modelling that takes into account various factors, the housing stock gives an idea of the current landscape. It would make more sense to have a single baseline that combines the two rather than taking the higher of the two.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

The percentage of 0.5% is explained in the consultation paper. In 2018-2019 housing delivery represented 1% of the overall housing stock in the Country. 0.5% is said to represent '*a basic level of increase in all areas without putting a disproportionate emphasis on existing stock levels*'- it is not understood what this means- but presumably not all areas will experience a 1% increase and the 0.5% is the average taking any outliers aside and it is therefore a more realistic increase that has been experienced in most areas. If this is the case, the 0.5% would appear appropriate.

Aside from this, the calculation demonstrates that this is the average growth that has been delivered historically and realistically what should be expected, there about, in the future.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Response

The data is signposted in the guidance which is useful however this is somewhat of an unfair and overly technical question to ask. I doubt most of your readers will understand what this is.

It is understood that this data reflects the affordability of houses in an area, the least affordable areas will have a higher 'ratio' figure. Therefore any areas in the South East are likely to have a high 'ratio' which when used to calculate the 'adjustment factor' and then applied to the baseline data, will inflate the numbers significantly.

Based on this new calculation, the calculation for Epsom & Ewell Borough takes the baseline (which will be 0.5% housing stock figure 162.83 per annum) by an adjustment factor (3.71), therefore multiplying the average growth by almost 4 times, making the overall figure 604 dwellings per annum. This is more than the current challenging standard method figure of 579 and seems rather at odds in the context of household projections that are demonstrating a dramatic fall in the 2016 and 2018 household projections. This is simply not a realistic or achievable figure.

The formula attempts to combine population demographics with economics. It appears to be looking to increase housing delivery to affect affordability. It is a mathematical calculation that does not take into account the physical constraints of an area.

Epsom and Ewell Borough Council is concerned that the absolute nature of the application of the formula does not allow room for any consideration of the physical constraints in an area.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

Response

The adjustment factor has changed to incorporate an additional element. So where it was previously adjusted by a single ratio, the formula now includes the use of a ratio for the current year and the difference in the ratio over ten years. It would appear more reasonable to apply either of the ratios rather than both, this appears to be peculiar change with no clear reason except to inflate numbers.

In simple mathematics, adding this other element into the formula in most cases inflates the numbers. For example for Epsom & Ewell Borough it has doubled the adjustment factor, where the adjustment factor is currently 1.77 in the existing standard method, it is 3.71 in the proposed revised formula. So instead of almost doubling the baseline, it will be required to almost quadruple it. It just appears to be a manipulation of numbers to simply inflate the numbers. Notwithstanding this, there is no longer a cap to level off any unreasonable uplift created by the adjustment.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Response

The Council does not agree that affordability has been given the appropriate weighting and objects to the weighting being proposed.

Based on the revised standard method calculation of need, Epsom & Ewell Borough's Housing need would be 604 dwellings per annum, 163 dwellings per annum of this is derived from and represents average growth in the Borough, where the application of the affordability adjustment factor represents 440 dwellings per annum (in percentages 27% of the revised housing figure would represent average growth and 73% the uplift based on affordability adjustment factor). This clearly demonstrates that the weighting toward affordability is disproportionate. Notwithstanding this, there is no longer a cap applied to prevent unusually large uplifts created by the adjustment.

The Council is not downplaying that there are clear affordability issues in certain areas, however it would disagree that the solution is to simply inflate housing numbers for these areas to improve affordability and penalising authorities that can't achieve what it considers to be unreasonable targets. It requires a more sophisticated, joined up strategy to deal with affordability

issues in the housing market. It is not a one dimensional problem that Planning alone can resolve.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate? If not, please explain why. Are there particular circumstances which need to be catered for?

Response

The change in the housing need for an area has the potential to have significant implications for Local Plans currently under review or draft Local plans being prepared. There must be transitional arrangements put in place for when the revised method is applied.

This Council questions whether a six month period for those at Reg19 or a nine month for those close to Reg 19 is sufficient. In normal circumstances the transitional arrangements may be more realistic however we are currently in an exceptional situation with the Coronavirus pandemic which has had a significant impact on planning services (and Local authorities generally). It has affected resources and day to day working, as well as having a significant impact on the wider economy- which will affect a number of the evidence bases that support most existing plans.

In addition the proposed planning reforms (part of a separate consultation published at the same time of this consultation paper) where the Government is proposing significant reforms in the Planning system as a whole, will play into the consideration of authorities whether to continue with existing plans. Plans coming forward in the transitional period will likely be outdated from the outset and will as a consequence need to be reviewed immediately.

This gives rise to the further question as to what authorities that are not at these stages should do. Should we work towards a revised standard method number that is likely to change when the Planning Reforms come into place and the new 'binding' housing number is introduced, which we are advised will take into account local constraints? This creates an extremely difficult position that many authorities, including Epsom and Ewell will be in with forward planning with the unrelenting wave of changes being proposed. It is to be expected that many draft Local Plans will now be stalled.