

Licensing and Planning Policy Committee

30 January 2023

EPSOM AND EWELL LOCAL PLAN 2022-2040

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| Head of Service: | Victoria Potts, Head of Place Development |
| Wards affected: | (All Wards); |
| Urgent Decision? | No |
| If yes, reason urgent decision required: | |
| Appendices (attached): | Appendix 1 – Local Development Scheme (November 2022) Appendix 2 – Draft Epsom and Ewell Local Plan 2022-2040 Appendix 3 – Draft Local Plan Policies Map Appendix 4 – Sustainability Appraisal – Non-technical Summary |

Summary

The purpose of this report is to seek approval to publish the Draft Local Plan (2022-2040) for public consultation for a period of six weeks commencing the 1 February 2023 in accordance with our adopted Local Development Scheme (the Local Plan timetable).

This is the first stage of public consultation as the Local Plan progresses towards adoption.

Recommendation (s)

The Committee is asked to:

- (1) Approve the publication of the Draft Local Plan (2022-2040) for public consultation to commence 1 February 2023 at noon and conclude on 15 March 2023 at midnight.**

1 Reason for Recommendation

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- 1.1 The Council is required by legislation to review its Local Plan every five years. The Council's current development plan consists of three Epsom and Ewell Borough Council documents all of which were adopted more than five years ago. The Epsom and Ewell Core Strategy (2009) and Plan E (2011) both predate the introduction of the National Planning Policy Framework and National Planning Practice Guidance. In the absence of an up-to-date Local Plan, this poses a few risk areas. These include the continued absence of a 5-year housing land supply and the additional measures introduced through the Housing Delivery Test.
- 1.2 The government will expect to see progression against their target date of all local planning authorities having an up-to-date Local Plan by the end of 2023.

2 Background

- 2.1 The current Epsom and Ewell Development Plan consists of three locally produced documents detailed below:
 - Core Strategy (adopted 2009)
 - Plan E Area Action Plan (2012)
 - Development Management Policies (2015)
- 2.2 It is important to note that two of the above development plan documents adopted by the borough pre-date the introduction of the National Planning Policy Framework and Planning Practice Guidance, which have been updated several times since their introduction. Local Plans must be prepared to be in general conformity with National Planning Policy.
- 2.3 The Government introduced a legal requirement for all local planning authorities to review their local plans at least every five years in January 2018. The Council's existing Development Plan documents are therefore considered to be out of date which has implications for the determination of planning applications in the borough.
- 2.4 Local Plans must be evidence based and therefore we have undertaken a significant amount of work to ensure that the Draft Local Plan is informed by a suite of up-to-date evidence base documents.
- 2.5 The draft Local Plan is a single (all in one) Local Plan that contains the strategy and sites to guide how the borough will change and develop over the plan period up until 2040 as well as detailed development management policies.

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- 2.6 The draft Local Plan sets out the spatial development strategy (the what, where and when) including the level and location of development. It also proposes the allocation of 9 sites to contribute towards meeting development needs as well as offering high level and detailed guidance on important matters such as economic development, the provision of housing and the protection and enhancement of the environment over the plan period.

Draft Local Plan

- 2.7 The draft Local Plan is structured into 8 Chapters with a glossary and other appendices (such as a housing trajectory) contained at the back of the plan. Chapter 1, the introduction, sets out the context and purposes of the Local Plan. Chapter 2 sets out the overarching long-term spatial vision of how the borough will be in 2040 (the end of the plan period) and accompanying strategic objectives. Chapter 3 sets out the spatial strategy determining the amount and location of new development and the key diagram. Chapter 4 sets out how places will change during the plan period and includes 9 proposed site allocations. Chapters 5-9 set out policies in relation to housing, economy, the environment and infrastructure.
- 2.8 Chapters 5 – 9 make it clear which policies are strategic in nature and which are detailed development management policies. Guidance on the strategic policies and how to use and interpret them is included in the Local Plan. The reason for this structure is in part to address the requirements of the National Planning Policy Framework but more importantly to make it clear to Neighbourhood Forums which policies are strategic as these are what any future neighbourhood plans prepared in the borough must be in conformity with.
- 2.9 The draft Local Plan has been written and structured in a way that makes it more user friendly; particularly for the non-planning professional. Each Policy is organised as follows:
- Why we need the policy
 - The policy itself
 - Implementing the policy
 - Key supporting documents (where applicable)
 - What existing policy does it replace
 - Monitoring the policy

Strategy and Sites

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- 2.10 The draft Local Plan sets out our proposed growth strategy for the borough, which is to provide a minimum of 5,400 homes over the Local Plan Period (average of 300 dwellings per annum). In determining the proposed growth strategy for the borough, the Council has taken into account the need to balance the provision of new homes (including affordable housing) with environmental and policy constraints such as land designated as Sites of Special Scientific Interest, Sites of Nature Conservation Importance, Local Nature Reserves and Green Belt.
- 2.11 Development will first be directed to the most sustainable locations, making the best use of previously developed land in the urban area. In sequential order these locations are:
- **Epsom Town Centre** - Epsom town centre is the most sustainable location in the borough to accommodate new high density housing development due to its greater access to public transport, services and amenities. The town centre is the most sustainable location for other uses such as new retail, leisure and office development.
 - **Kiln Lane and Longmead Industrial Estates** – most appropriate for employment uses to continue to play an important economic role for the borough and wider region.
 - **Other centres and train stations within the urban area** - These centres fulfil several important functions for the borough including providing a distinct place identity and a hub for the community through convenience shopping and other commercial services such as professional services, restaurants and public services like libraries. Infill and redevelopment opportunities should be taken to increase the numbers of residents served by these centres. This will help to make them more viable in the long term.
 - **Principal Movement corridors within the urban area** – Principal movement corridors present good opportunities for growth given their accessibility and existing mix of use and scale.
 - **The wider urban area** - Between the borough's network of centres; between the pedestrian catchments of its railway stations; away from the borough's principal road corridors, opportunities will arise for the redevelopment of sites. It is important these sites that come forward for housing growth accommodate development that makes efficient use of available land.

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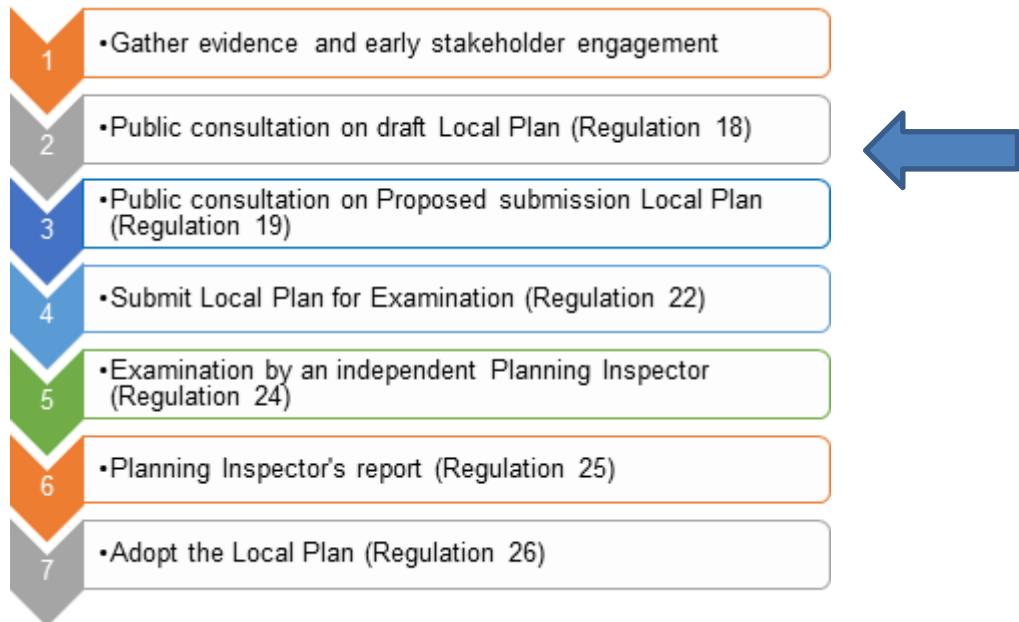
- 2.12 Whilst these sustainable locations are our preferred locations for new development, they do not deliver adequate housing to meet our social responsibilities for providing housing, in particular affordable housing. For this reason, the Spatial Strategy incorporates appropriate previously developed land within the existing built-up area currently designated as Green Belt and green field land in the most sustainable locations adjacent to the existing built-up areas that is currently designated as Green Belt.
- 2.13 Taking into account the borough's constraints, the council is not planning on meeting its local housing need figure (as set by the Government's Standard Methodology). The Draft Local Plan sets a housing requirement of a minimum of 5,400 dwellings over the Local Plan period, which is approximately 5,000 dwellings less than the standard method output. The Draft Local Plan identifies a supply of housing that exceeds the housing requirement by approximately 500 dwellings, this buffer is to provide flexibility should sites not deliver as expected over the plan period. The council considers its position to be in accordance with paragraph 11b(i) and (ii) of the National Planning Policy Framework (NPPF, 2021).
- 2.14 The Strategy contained within the Local Plan has been assessed along with five other growth scenarios (reasonable alternatives) through the Sustainability Appraisal that is published alongside the Local Plan (Non-technical summary attached as Appendix 4). We consider that the Local Plan Strategy (scenario 4 in the Sustainability Appraisal) provides the optimal balance when assessed against social, environmental, and economic objectives.
- 2.15 During the Local Plan consultation, we will be undertaking a call for sites exercise to identify whether there are any additional potential development sites within the borough that could be suitable and available for development. Therefore, future iterations of the Local Plan may contain sites that do not currently feature in the Local Plan.

Local Plan Process

- 2.16 The diagram below illustrates the Local Plan process and shows that we are about a third of the way through the process of producing a Local Plan. This is the first formal opportunity to comment on the recommended strategy for guiding development across the borough over the plan period up until 2040.

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- 2.17 We are intending to run a six-week consultation process in line with the legal requirements and our adopted Statement of Community Involvement (2022). After this consultation we will review all comments and representations that were made. We will then produce a Proposed Submission Draft Local Plan (“the Submission Draft”).
- 2.18 The Submission Draft will also be subject to a consultation process after which all comments submitted are forwarded to the Secretary of State for consideration by the Planning Inspectorate alongside the Submission Draft Plan. A Local Plan examination will follow afterwards allowing an opportunity to comment on the Plan. The Planning Inspectorate will be looking to determine if the Plan is sound. This means that the Plan should be:
- Positively prepared – the plan should provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – the plan should provide an appropriate strategy when considered against reasonable alternatives based on proportionate evidence;
 - Effective – the plan should be deliverable over the plan period up to 2040 and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework or other statement of national policy, where relevant.

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Additional Information

2.19 We intend to produce a Local Plan made Easy Guide in addition to a Frequently Asked Questions (FAQ) document alongside the Draft Local Plan to encourage participation in the consultation process.

Proposed Changes to National Planning Policy and Legislation

2.20 On the 22nd December the government published a consultation on proposed reforms to national planning policy, essentially this is the prospectus for revising the National Planning Policy Framework that the government committed to publishing before Christmas. Alongside the core consultation document, the government published proposed National Planning Policy Framework (NPPF) Revisions. The consultation on both documents closes on the 2 March 2023 and the government says it will respond to this consultation by Spring 2023, publishing the framework revisions as part of this.

2.21 The government has also committed to a wider review of the NPPF, to follow Royal Assent of the Levelling Up and Regeneration Bill (the Bill). The government expects these plan making reforms to be implemented from late 2024.

2.22 The two core changes to the NPPF that are proposed are:

- The addition of text clarifying that the outcome of standard method for calculating housing need is a starting point for setting a local housing requirement. It is important to note that this has always been the case where evidenced, and as noted above the Council is proposing a housing requirement within the Local Plan that is significantly less than the housing need generated by the standard method as we do not consider that meeting this need will deliver sustainable development having regard to local constraints.
- The addition of new text in the section on reviewing Green Belt which states that 'Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period'. It is important to note that the proposed revisions do not remove the ability of Local Planning Authorities to review Green Belt boundaries, this is because the only way amendments can be made to Green Belt boundaries is through the Local Plan process.

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- 2.23 It is important to note, prior to any national policy or legislative amendments coming into force, the framework for plan preparation remains the NPPF (July 2021) and the established legislative framework. The governments consultation document also states that it is critical that work should continue on local plans before the new system is in place.

The need to progress the Local Plan

- 2.24 The Local Plan is a statutory requirement and the Government has made it clear that all local authorities must have an up-to-date plan. Failure to do so could lead to intervention whereby the Government writes our Local Plan and policies. Without a new plan we could find ourselves unable to resist unacceptable development or refused applications being allowed on appeal. This could result in unplanned development in unsustainable locations.
- 2.25 An up to date Local Plan is key to delivering other corporate priorities of the Council, including reducing homelessness through the delivery of more homes, and delivering additional affordable housing in the borough.
- 2.26 The Local Plan is not just about housing, it will include up-to date policies to secure higher environmental standards and better-quality design from development, in addition to setting out policies for shaping development in our town and local centres.

Summary

- 2.27 The draft Local Plan is intended to be fit for public consultation as per the Town and Country Planning (Local Plan) (England) Regulations 2012 and has been produced in conformity with the National Planning Policy Framework and the National Planning Practice Guidance. The draft Plan is informed up by a suite of evidence that has supported the development of policy. The evidence base will continue to develop until the plan is submitted to the Secretary of State and we will keep it up to date thereafter to ensure that it remains relevant.

Legal or other duties

2.28 Equality Impact Assessment

- 2.28.1 An Equality Impact Assessment has been prepared to appraise the Draft Local to ensure that the plan itself promotes equality and does not discriminate. The work concludes that there the Local Plan will not impact negatively on specific groups.

2.29 Crime & Disorder

- 2.29.1 None arising from this report.

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2.30 Safeguarding

2.30.1 None arising from this report.

2.31 Dependencies

2.31.1 The delivery of key corporate objectives/actions are dependent on progressing the Local Plan, including:

2.31.2 Actions identified in the Affordable Housing Audit

2.31.3 Homelessness and Rough Sleeper Strategy and supporting action plan

2.31.4 Climate Change Action Plan

2.32 Other

2.32.1 None arising from this report.

3 Financial Implications

- 3.1 There are no direct financial implications as a result of this report. Local Plan funding has already been secured in terms of staffing within the Planning Policy team and funding for specialist external support in the preparation of technical evidence base documents.
- 3.2 **Section 151 Officer's comments:** None arising from the contents of this report.

4 Legal Implications

- 4.1 The draft Local Plan will be eventually examined for soundness after submission to the Secretary of State. There are various potential risks to the plan being found sound, and it may be vulnerable to a legal challenge by way of judicial review on grounds such as procedural defect or flaw, or failure to take into account any relevant material consideration.
- 4.2 In either case, it is essential that we can show that we have observed the procedural steps and requirements set out in the relevant regulations. These include not only the Town and Country Planning (Local Planning) (England) Regulations 2012, but also the Environmental Assessment of Plans and Programme Regulations 2004 and the Conservation of Habitats and Species Regulations 2017 (as amended). During its preparation, the draft Local Plan has been the subject of Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programme Regulations 2004 and an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017.

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- 4.3 We will need to show that we have prepared our Local Plan in accordance with National Planning Policy (currently the NPPF, 2021) and the National Planning Practice Guide (digital resource), as well as creating and maintaining an up to date and proportionate evidence base to inform our policy decisions. The evidence base includes the documents that show objectively assessed need within the borough for all land uses but specifically housing (including for Gypsy and Travellers and Travelling Showpeople) and employment.
- 4.4 **Legal Officer's comments:** Under section 110 of the Localism Act 2011 a local planning authority has a duty to co-operate in relation to planning of sustainable development. The duty requires the local planning authority to engage constructively, actively and on an ongoing basis in the preparation of the development plan documents. This would include the preparation of the Local Plan.
- 4.5 Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 local planning authorities must review a local plan every five years from the date of their adoption.
- 4.6 Public consultation is required under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The people and bodies to be consulted are “specific consultation bodies”, “general consultation bodies” and “such residents and other persons carrying on business in the area that the local planning authority considers it appropriate to invite representations from.” Regulation 18 (3) of the Regulations requires the local planning authority to take into account any representation made during the consultation.
- 4.7 Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that the local planning authority before submitting a local plan must (a) make a copy of each of the proposed submission documents and as statement of the representations procedure and (b) ensure that a statement of the representations procedure and a statement of fact is sent to each of the specific consultation bodies invited to make representations under regulation 18(1).

5 Policies, Plans & Partnerships

- 5.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 5.2 The new Local Plan will contribute towards delivering the Council's Vision and priorities identified in its Four-Year Plan.
- 5.3 **Service Plans:** The matter is included within the current Service Delivery Plan.

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- 5.4 **Climate & Environmental Impact of recommendations:** The Local Plan will play a key role in implementing our Climate Change Action Plan, specifically Objective 4 which requires the development and delivery of a Local Plan and associated policies that contribute positively and demonstrate the Council's commitment to climate change.
- 5.5 **Sustainability Policy & Community Safety Implications:** The Local Plan itself has a key role in delivering sustainable development.
- 5.6 **Partnerships:** The Council has a duty to cooperate with relevant stakeholders in the preparation of a Development Plan. The Council has consulted relevant stakeholder on a Duty to Co-operate Framework. Following consultation this document was revised and published.

6 Background papers

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

Other papers:

- Sustainability Appraisal Scoping Report (2022)
- Sustainability Appraisal of the Epsom and Ewell Draft Local Plan 2022-2040, Non-Technical Summary (2023)
- Habitats Regulation Assessment (2023)