

Chapter 1: Introduction

Q1 Do you have any comments on the text of Chapter 1?

The Borough Council has no specific comments to make in relation to Chapter 1.

Chapter 2: Achieving sustainable development

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

The Borough Council supports and agrees with the objectives of sustainable development.

The draft revisions seek that, as a minimum, strategic and local plans should provide for an area's housing and other development needs, as well as any that cannot be met within neighbouring area, where it is practical to do so and is consistent with achieving sustainable development. The Borough Council's understanding is that this acknowledges that there is likely to be areas where there is unmet. However, this would be a conflict with first requirement for plan to meet all identified needs, as a minimum. Similarly, paragraph 11(b) advises that plans should provide for development need unless "the application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area".

The Borough Council would welcome further clarification and guidance from the government on the matter of unmet development needs when determining its housing requirement (target). The Borough Council hopes that the government will adopt a realistic and pragmatic approach to this issue.

The Borough Council raises strong concern over the Housing Delivery Test as a monitoring tool for which the Local Planning Authority has limited control and modest influence on performance. The presumption in favour of sustainable development will unfairly penalise local authorities in areas, such as Epsom & Ewell, where the identified need figure is significantly higher (and continues to raise through the standard methodology) than previous targets and where the availability of deliverable land is limited (especially during plan preparation). The Borough Council has been working hard to respond positively to the housing crisis and is progressing an update to its Local Plan accordingly; however, this positive response will not be recognised in the mechanisms such as the Housing Delivery Test.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

The Borough Council is supportive of the revised structure and the integration of the core principles into the relevant topic based chapter. We acknowledge that the draft document is more coherent.

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Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The Borough Council is disappointed that there remains a conflation between preparing a housing need requirement, alongside the identification of a deliverable and sustainable housing requirement (target).

Chapter 3: Plan- making

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

The Borough Council maintains that developing high growth strategies based purely on an overly simplified demand assessment is not sound planning. We raise strong disagreement to the level of weight being placed upon the plan's ability to meet the objectively assessed housing need to render it positively prepared and ultimately (notwithstanding, satisfying the remaining tests) sound.

The Borough Council is working hard to ensure that its Local Plan positively contributes to responding to the nation's housing crisis and is pursuing an approach to meeting as much as its development needs as possible consistent with achieving sustainable development. This includes considering all reasonable options in doing so.

Despite this, the evidence is indicating that there will be unmet housing need and the Borough Council is working closely with its HMA partners, many of whom are neighbouring authorities, to seek agreements to accommodate this unmet need beyond our own administrative boundaries. However, these authorities also share in this significant challenge of meeting housing need with a constrained land supply. There is a real risk that the issue of unmet need will not be addressed or accommodated beyond the land plan boundary as it will not be practical to do so and would not be consistent with achieving sustainable development. No Statement of Common Ground will resolve this matter.

The draft revisions do not appear to lead themselves to such a situation occurring. Therefore, the Borough Council seeks assurances that a pragmatic approach would be taken in such instances and that the importance of a securing an up to date local plan and the benefits of doing so will be fairly balanced against the Government's desire to deliver new homes.

Q6 Do you have any other comments on the text of Chapter 3?

The Borough Council has no further comments to make.

Chapter 4: Decision-making

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

The Borough Council fully endorses that viability assessments should be publicly available and cannot foresee any circumstance where this would be problematic.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes. The Borough Council welcomes further guidance. However, the Borough Council considers that such circumstances must be truly exceptional. We also consider that circumstances of significant market change should take account of both up and down turns in market conditions. Consequently, improved market conditions may trigger viability testing that makes greater requirement of the house building industry. The Borough Council considers that inclusion of such circumstances within the guidance would limit the risk of misinterpretation during S78 appeals.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

The Borough Council considers that there would be significant benefits of mandating review mechanisms. This could allow of the collection of valuable contributions to delivery of much needed affordable homes that might otherwise been lost.

Q10 Do you have any comments on the text of Chapter 4?

The Borough Council is supportive of the efforts to tighten the 'viability loophole' and shares the view that issues of viability should be the exception and not the norm. The Borough Council welcomes a standardised and transparent approach, however, is disappointed that the guidance is much stronger than the proposed policy itself. The Borough Council would question in practice whether the proposed reforms are significant enough to prevent manipulation and secure much needed contributions.

The Borough Council continues to advocate a procedure that allows for greater and flexible scrutiny of submissions supported by pre and post completion assurances. Indeed, the Borough Council has increased its own scrutiny of submitted viability assessments to ensure they are assessed robustly.

Chapter 5: Delivering a wide choice of high quality homes

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites.

The Borough Council welcomes the continued encouragement of small and medium sized sites. Reflecting local circumstances the Borough Council has historically acknowledged the valuable contribution small and medium sites make to housing delivery in its own housing trajectories. The Borough Council currently considers small sites in Epsom & Ewell to be those that could accommodate 5-10 units; medium sites 11-19 units and large sites would be able to deliver 20 units plus. We highlight that 60% of planning permissions for new homes in Epsom & Ewell are generated by developments on small sites.

The Borough Council considers that the proposed policy approach in relation to small sites needs to have sufficient flexibility to reflect local circumstances and land supply. It should be within the gift of the local planning authorities to determine their appropriate strategy/ targets for delivering on small and medium sites that reflect local circumstances and based on sound local evidence. Nationally prescribed requirements in terms of size thresholds and proportion of allocations/ housing delivery may unfairly penalise some authorities, such as Epsom & Ewell, because the resulting targets will not be compatible with local circumstances. One size does not fit all. Such an inflexible approach will inevitably impact on optimal delivery from this source of land supply.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

The Borough Council is committed to the delivery of new homes but strongly disagrees with the introduction of the Housing Delivery Test in its current format. The proposals places an inequitable accountability for the delivery of new homes on local planning authorities.

Furthermore, we maintain the view that any increase in the availability of land supply would not result in a corresponding increase in delivery of new homes. Similarly, such 'tests' are a distraction and undermine the stability that a Local Plan brings.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

The Borough Council supports initiatives to assist first time buyers. However, we question whether an exception sites approach will deliver inclusive communities. We ask the government to note that the requirement is contrary to all evidence, which indicates that there is no requirement for affordable housing ownership products in Epsom & Ewell.

Furthermore, in Epsom & Ewell, such exception sites (outside of the settlement area) would ultimately be located within the Green Belt and therefore be in conflict with the

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principles protecting the openness of Green Belt land. This weakens the protection of Green Belt land.

Q14 Do you have any other comments on the text of Chapter 5?

The Borough Council would welcome clarity on what the Government would consider exceptional circumstances as to justify an alternative approach to the standard methodology. For example, the Borough Council's Strategic Housing Market Assessment (SHMA) published in 2016 incorporated current and future demographic trends and market signals.

In addition, the SHMA identified the size, type and tenure of homes for different groups of the community. The Borough Council notes the requirement remains and there is absence of a proposed standard methodology for undertaking such an assessment. We raise strong concerns as to the soundness of an approach that will require the disaggregation of the standard methodology figure derived from a simple formula to identify the qualitative housing needs of communities.

The amended definition of affordable housing reflects the Government's focus on delivering affordable home ownership products rather than support for the rental market. Such products will only be suitable for those able to secure mortgage finance. In contrast, the Borough Council's own evidence (SHMA 2016) shows an acute need for affordable rental homes in the Borough and outlines the affordable needs of our residents by type. The primary requirement is for social rented (94%) followed by affordable rent (6%), there is no requirement for intermediate products which would be akin to the Government's proposed affordable home ownership offer. There is a real risk that a continued focus on affordable home ownership, a product preferred by developers would severely limit the Borough Council's ability to deliver the type of homes in greatest need.

The Borough Council is extremely disappointed that the draft revisions preclude local authorities from applying affordable housing policies to small sites (less than 10 units or 1,000sqm floor space). With a significant proportion of housing delivery expected on small sites, this will constrain affordable housing delivery within Epsom & Ewell in the immediate future. The Borough Council would be supportive of the introduction of flexibility to reflect local circumstances and land supply.

The Borough Council considers the wording and requirements of the proposals to maintaining supply and delivery convoluted and at best confusing. The Borough Council continues not to support the proposal to introduce annual position statements and cannot see the short term 'benefit' of reaching a 1 year agreement given the 10 % uplift required. Notwithstanding the resource implications for local planning authorities in producing a position statement, the Borough Council awaits confirmation that the Inspectorate will be able to fulfil its role in a timely manner and commit to a consistent approach to examination.

The proposed 'tests' based on land supply and delivery will disadvantage authorities such as Epsom and Ewell that have a strong record of past delivery (181 pa) and are now faced with a significant uplift in their housing need figures (418 -579 pa) due to national changes in how that need is calculated.

The Borough Council is disappointed there has been softening in the Government's thinking with regards to ensuring that the industry plays its part in delivery, in fact there appears to be little consequence for its failure to deliver.

Chapter 6: Building a strong, competitive economy

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

The Borough Council is supportive of the proposed changes that highlight the importance of supporting business growth.

Q16 Do you have any other comments on the text of Chapter 6?

The Borough Council would have expected a greater focus on the importance of planning for and retaining jobs / employment opportunities in the right places. There is a risk that the housing dominant agenda could lead to dormitory towns especially in areas where housing need is greatest and the land supply limited. Ultimately, this will lead to less sustainable communities, centred on outward commuter patterns. Inevitably such 'commuter settlements' will place significant demands upon strategic transport infrastructure. Evidence demonstrates that in Epsom & Ewell the infrastructure funding gap, to meet current growth levels, runs into tens of millions. It is anticipated that meeting future strategic transport needs, using existing available funding streams, will be challenging.

Chapter 7: Ensuring the vitality of town centres

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

The Borough Council considers the proposal for policies and site allocations for town centres to look at least ten years but not necessary over the full plan period is a sensible approach. However, it is important that this flexibility does not lead to the loss of commercial sites in sustainable locations in the long term, especially in areas where land for housing is in short supply.

Q18 Do you have any other comments on the text of Chapter 7?

The Borough Council does not agree with the expectation that office developments over a certain floor space threshold outside of designated town centres are not subject to an impact assessment. The removal of a sequential approach could lead to office uses in less sustainable locations or on sites that would be better utilised by other forms of development, such as housing.

The Borough Council welcomes the increased flexibility offered as part of the proposed removal of a fixed time scale for considering the availability of alternative retail and leisure sites within the sequential approach.

Chapter 8: Promoting healthy and safe communities

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

The Borough Council supports the additional recognition of the role that planning can play in promoting social interaction and healthy lifestyles and fully endorses the new policy in relation to promote public safety.

Q20 Do you have any other comments the text of Chapter 8?

The Borough Council has no further comments.

Chapter 9: Promoting sustainable transport

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

The Borough Council agrees and notes the increased emphasis on the importance of sustainable modes of transport. It is also encouraged that the assessment of transport impact includes an emphasis on highway safety as well as capacity and congestion. However, there remains limited guidance on when capacity and the realistic prospect of securing adequate funding would constrain the delivery of sustainable housing growth.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

Yes-The Borough Council agrees.

Q23 Do you have any other comments on the text of Chapter 9?

As the Borough Council seeks to respond positively to the challenges of its identified development needs, the evidence shows there is acute pressure on its own local highway network and there is limited capacity for expansion. As a consequence it is likely that only cost effective strategy to respond to growth will be to promote sustainable modes of transport for local (cross Borough) journeys.

However, given the level of growth required and the scale of the capacity gap identified the impact upon the highway network is likely to be considered by communities as severe and ultimately not sustainable. To that end, the Borough Council is disappointed that there remains no definition of 'severe' impact.

Chapter 10: Supporting high quality communications

Q24 Do you have any comments on the text of Chapter 10?

The Borough Council welcomes the acknowledgement that reliable communications infrastructure is essential for social wellbeing as well as for economic growth.

Chapter 11: Making effective use of land

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Whilst there is some logic in the proposed approach, especially in regards to under-utilised land we consider that it is important that any decision to reallocate or convert land / buildings is informed by a long-term view of achieving sustainable growth. Once a site or building is reallocated or converted into housing, it is highly unlikely to be available for alternative uses in the future and this must be weighed against the benefits of achieving housing delivery in the short term.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

The Borough Council very much supports the approach to seek effective use of land and to ensure that the optimal development is achieved. However, the Borough Council advocates a cautious approach in using minimum development densities that were solely based on housing need. For example, the optimal use of a site may be for specialist accommodation that may not necessarily lend itself to high density.

Q27 Do you have any other comments on the text of Chapter 11?

As indicated in the above responses, the weight given to brownfield land and the concept of optimising densities is welcomed in principle. However, the Government's narrow focus on increasingly higher densities (and thus the delivery of smaller units) is likely to fail to provide for the varying types of homes required. Indeed our Local Plan evidence base shows that within Epsom & Ewell 47% of the homes needed should be 3 or more bedrooms.

The Borough Council is concerned over the industry's appetite and readiness to make effective and optimal use of development sites, especially when this could mean a deviation from their current offer to the market. Indeed as part of its own plan preparations, the Borough Council has been challenging site promoters, planning agents, developers and house builders to increase yields on sites suitable for housing. Unfortunately, the response from the industry has been varied and it is clear that not all share the desire for higher density (certainly beyond 70 dwelling per hectare) or an interest in pursuing mixed-use schemes that contain housing. The Borough Council would question whether the development industry is able to adapt to the proposed revisions and deliver in the short term.

Chapter 12: Achieving well-designed places

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

The Borough Council has no further comments.

Q29 Do you have any other comments on the text of Chapter 12?

It is vital that development representing an effective use of land including high-density proposal are of a high quality design that supports the distinctive character of an area. The Borough Council welcomes the opportunity to provide more detailed design guidelines within its plans as well as setting out a local derived clear design vision and expectations. However, a design led approach from the local planning authority will require investment in skills not currently held in some smaller authorities.

Chapter 13: Protecting the Green Belt

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

The Borough Council strongly disagrees with the more flexible approach to the "openness" test where development involves affordable housing on previously developed land. This appears to build on the Government's assumption that all previously developed land in the Green Belt is not well performing, this is simply not the case. However, the introduction of such development schemes will undermine its performance in Green Belt terms.

Furthermore, such development would be incremental and unplanned growth in the Green Belt, contrary to the fundamental aim of Green Belt policy and indeed the purposes it serves.

Q31 Do you have any other comments on the text of Chapter 13?

The Borough Council welcomes the introduction of the criteria that should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries. However, further guidance on what would constitute 'all other reasonable options' is required.

Alongside this, the Borough Council would welcome a more explicit stance within the NPPF as when to amend Green Belt boundaries and how plan makers should balance the tension between conserving well-performing Green Belt and meeting housing need in full. This is particularly prevalent in highly constrained areas such as Epsom & Ewell where there is a significant shortfall in the supply of deliverable and developable housing sites within the existing urban area.

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The Borough Council does not agree that first consideration should be given to previously developed land within the Green Belt as it may still perform strongly against the purposes of Green Belt. Consequently, it would be illogical to consider such sites ahead of poorly performing sites which are not previously developed.

The current and draft NPPF restricts opportunities for new equestrian development in the Green Belt except in very special circumstances. However, failure to include equestrian buildings from the exclusions within definition of previously developed land could lead to greater pressure on valuable equestrian and race horse training stables and facilities from development. In areas such as Epsom & Ewell, such facilities make a vital economic, social and environmental contribution not only to the local economy but also in the case of Epsom to the national economy and to the country's reputation as a world class centre for equestrian and racehorse activity. The combined impact of Green Belt and landscape designations mean that there is limited land available for development and high demand for new homes. This is leading to these valuable racehorse training facilities being lost forever.

The Borough Council advocates that the government makes it explicit in the revised NPPF that greater protection be afforded to existing racehorse training facilities in the Green Belt and the wider countryside and also to recognise that very special circumstances exist with respect to this rural industry to enable new training facilities to be created to support and bolster the racehorse industry in key locations such as Epsom.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Q32 Do you have any comments on the text of Chapter 14?

The Borough Council has no specific comments to make but welcomes the incorporation of the Written Ministerial Statement on sustainable drainage systems as well as the need to have regard to the cumulative impact of flood risk rather than just to and from individual development sites.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

The Borough Council has no specific comment to make.

Chapter 15: Conserving and enhancing the nature environment

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes- the Borough Council warmly welcomes the strengthened protection for ancient woodland and other irreplaceable habitats.

Q35 Do you have any other comments on the text of Chapter 15?

The Borough Council has no further comments on Chapter 15.

Chapter 16: Conserving and enhancing the historic environment

Q36 Do you have any comments on the text of Chapter 16?

The Borough Council welcomes the clarifications proposed in Chapter 16. However, we consider that further links with Chapter 12 (achieving well-designed places) and Chapter 16 should be made.

Chapter 17: Facilitating the sustainable use of minerals

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

The Borough Council has no specific comments to make and refers to the response of Surrey County Council as the Mineral Planning Authority.

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

The Borough Council has no specific comments to make and refers to the response of Surrey County Council as the Mineral Planning Authority.

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

The Borough Council has no specific comments to make and refers to the response of Surrey County Council as the Mineral Planning Authority.

Transitional arrangements and consequential changes

Q40 Do you agree with the proposed transitional arrangements?

The Borough Council considers the proposed transitional arrangements more sympathetic than that proposed in the previous consultations. However, the Borough Council is concerned that there is no transitional arrangements in relation to introducing the Housing Delivery Test. This could prove to be an unnecessary distraction to local planning authorities in the latter stages of preparing new local plans or undertaking reviews.

In relation to the Statement of Common Ground, the Borough Council raises no objection to exclusion of a transitional period as the requirements largely reflect those of the Duty to Co-operate. We would welcome consideration of a template or standard format to assist in the speed of their production.

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Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

The Borough Council welcomes the clarity provided by the inclusion of travellers (outside of the Planning Policy for Travellers definition) within the list of different community groups in paragraph 61 but does not consider there to be a need for a specific change to the Planning Policy for Traveller Sites.

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

The Borough Council has no specific comments to make and refers to the response of Surrey County Council as the Waste Planning Authority.

Glossary

Q43 Do you have any comments on the glossary?

The Borough Council raises strong concern over the new definition of affordable housing and the focus on affordable home ownership products. The removal of the differentiation between affordable and social rent is disappointing and concerning.

The Borough Council's evidence (SHMA 2016) shows an acute need for affordable rental homes in the Borough and outlines the affordable needs of our residents by type. The primary requirement is for social rented (94%) followed by affordable rent (6%), there is no requirement for intermediate products which would be akin to the Government's proposed affordable home ownership offer. There is a real risk that a continued focus on affordable home ownership, would severely limit the Borough Council's ability to deliver the type of homes in greatest need.