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Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Monday 21 November 2022 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

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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 Steven McCormick (Chair)	Councillor Rob Geleit
Councillor Peter O'Donovan (Vice-Chair)	Councillor Julie Morris
Councillor Steve Bridger	Councillor Barry Nash
Councillor Neil Dallen	Councillor Phil Neale
Councillor Liz Frost	Councillor Peter Webb

Yours sincerely

Interim Chief Executive

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

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No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

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- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be 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. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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.

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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 this Committee. Any person wishing to ask a question at a meeting of this 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 this 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, 7 November**

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, 17 November**

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. LOCAL PLAN - REVISED LOCAL DEVELOPMENT SCHEME (Pages 5 - 18)

A report on the Local Development Scheme (LDS) – a project plan that sets out the timetable to produce new or revised Development Plan Documents which will form the Council's Local Development Plan.

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LOCAL PLAN - REVISED LOCAL DEVELOPMENT SCHEME

Head of Service:	Victoria Potts, Head of Place Development
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Local Development Scheme (November 2022)

Summary

The Local Development Scheme (LDS) is a project plan that sets out the timetable to produce new or revised Development Plan Documents which will form the Council's Local Development Plan.

This LDS supersedes the version approved by the Committee on 26 April 2022 and sets out a planning work programme for the Council over a three-year period to 2025.

The revised timetable will delay consultation on the Draft Local Plan (Regulation 18) Consultation by approximately three months, with the Draft Local Plan to be considered by this Committee in January 2023 with consultation to commence in early February 2023.

Recommendation (s)

The Committee is asked to:

- (1) Consider and approve the revised Local Development Scheme (November 2022) at Appendix 1**

1 Reason for Recommendation

- 1.1 Epsom and Ewell Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

2 Background

- 2.1 The purpose of the Local Development Scheme is to set the timetable for the preparation and production of the Borough Council's Local Plan.

- 2.2 Progress against the milestones identified in the LDS is monitored through the Authority Monitoring Report. The Local Plan programme may be reviewed to take account of changes to planning or external circumstances which could have an impact on the timetable.
- 2.3 The last Local Development Scheme was published in April 2022.
- 2.4 Since the publication of the LDS in April 2022, there have been some delays to progressing the Local Plan. These were due to the national period of mourning following the death of Queen Elizabeth II which led to member briefings arranged during this time having to be rescheduled. Also, to allow further member briefing sessions to be undertaken to enable members to fully engage with and help shape the local plan. As a result, this revised LDS has been produced to amend the Local Plan Programme which has been extended by approximately 3 months relative to that set out in the current LDS.
- 2.5 Local Plan Programme
- 2.6 The updated timetable outlines a project plan for the preparation, production and consultation on the new Plan and associated supporting evidence. The timetable identifies key milestones during document production.
- 2.7 The key milestones for the Local Plan are shown below:
- February / March 2023 – Draft Local Plan (Regulation 18)
 - February / March 2024 – Submission Public Consultation (Regulation 19)
 - June 2024 – Submission to the Secretary of State
 - Spring 2025 – Estimated date of Adoption
- 2.8 The draft Local Plan (Regulation 18) will be the subject of a report coming before the Licensing & Planning Policy Committee and the proposed Submission Local Plan (Regulation 19) will be the subject of reports coming before the Licensing & Planning Policy Committee and then on to full Council.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

3.1.1 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.

3.1.2 Having an up-to-date Local Development Scheme is a key measure in mitigating the possible risk of direct government intervention. The government will want to see progression against their target date of all local planning authorities having an up-to-date Local Plan by the end of 2023. The government encourages local planning authorities to update their Local Development Schemes as often as necessary.

3.2 Crime & Disorder

3.2.1 None arising from this report.

3.3 Safeguarding

3.3.1 None arising from this report.

3.4 Dependencies

3.4.1 The Council's Local Plan timetable continues to be dependent on any future changes to the Planning legislation and National Planning Policy that impact on local authority plan making. Other dependencies include capacity of specialist consultees and timely responses/input from key stakeholders. The timetable from the point of Submitting the Local Plan is out of the Council's control and will be set by PINs.

3.5 Other

3.5.1 None arising from this report.

4 Financial Implications

4.1 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.

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

5 Legal Implications

5.1 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

5.2 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

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

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

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

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

6.5 The Local Plan itself has a key role in implementing 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.

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

6.7 The Local Plan itself has a key role in delivering sustainable development.

6.8 There are no Community Safety Implications.

6.9 **Partnerships:** The Council has a duty to cooperate with relevant stakeholders in the preparation of a Development Plan.

7 Background papers

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

Previous reports:

- Revised Local Plan Programme (April 2022)



Local Development Scheme

(Timetable for preparing the Local Plan)

November 2022

Epsom & Ewell Borough Council

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1.0 Introduction

- 1.1 Epsom and Ewell Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

“(2) The scheme must specify—

- a) The local development documents¹ which are to be development plan documents².
- b) The subject matter and geographical area to which each development plan document is to relate;
- c) Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
- d) Any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee under section 29.

e) The timetable for the preparation and revision of the development plan documents”.

Planning and Compulsory Purchase Act 2004 (Section 15)

- 1.2 The LDS is a project plan that sets out the timetable to produce new or revised Development Plan Documents which will form the Council’s statutory Development Plan³. This LDS, which supersedes all previous versions, sets out a planning work programme for the Council over a three-year period to 2025. It will be reviewed annually through the Authority Monitoring Report which can found [here](#).

2.0 The current adopted Development Plan

- 2.1 The current adopted statutory development plan for Epsom and Ewell Borough Council is made up of:
- Epsom & Ewell Core Strategy 2007
 - Plan E Epsom Town Centre Area Action Plan 2011
 - Epsom & Ewell Development Management Policies Document 2015
 - Surrey Waste Plan 2008
 - Surrey Minerals Plan Core Strategy 2011

¹ As defined in Regulation 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012. E.g., Local Plan, Supplementary Planning Document, Area Action Plan

² Development Plan Documents are for example Local Plans, Area Action Plans. They refer to the development and use of land, the allocations of sites and development management and site allocation policies.

³ The statutory Development Plan is made up of all adopted Development Plan Documents, e.g., any local plan, area action plan both at the borough level and at the county level.

3.0 Other relevant documents

Statement of Community Involvement

- 3.1 The current [Statement of Community Involvement](#) (SCI) was adopted in July 2022 to support the preparation of the Local Plan. The Statement of Community Involvement (SCI) describes how the public, businesses and interested groups within Epsom and Ewell Borough can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process.

Authority Monitoring Report

- 3.2 The Council publishes up-to-date authority monitoring information on its website. This focusses on assessing progress against the LDS and current planning policies that include annual numbers for new homes (including affordable homes). It also includes information about Neighbourhood Plans, the Community Infrastructure Levy (CIL) and the Duty to Co-operate.
- 3.3 The Authority Monitoring Report webpage can be viewed [here](#).

Policies Map

- 3.4 Finally, the Council is required to produce a Policies Map which shows the location of proposals in all current, adopted local development documents on an ordnance survey-based map. The map is web based and is kept up-to-date and reflects current adopted policies within the borough.

Community Infrastructure Levy (CIL)

- 3.5 The Community Infrastructure Levy (CIL) raises funds from new development for essential infrastructure. It primarily replaces the older system of financial contributions and planning obligations ('Section 106 agreements'). Under the CIL regulations limitations have been placed on the ability of councils to use S106 monies to provide for infrastructure beyond the mitigation of specific developments.
- 3.6 The Council adopted its CIL charging Schedule on the 29 April 2014 with an implementation date of 1 July 2014. The CIL charging rates are supported by evidence of development viability.

Supplementary Planning Documents

- 3.7 Although part of the development framework, Supplementary Planning Documents⁴ (SPDs) no longer need to be identified in the LDS. The Council currently has the following SPD's.
- Upper High Street, Depot Road and Church Street Development Brief 2012
 - Revised Developer Contributions Supplementary Planning Document 2014
 - Parking Standards for Residential Development 2015
 - Revised Sustainable Design Supplementary Planning Document 2016.

4.0 The emerging Development Plan

Local Plan 2040

- 4.1 The Local Plan 2040 will set the vision and framework for future development of the borough to 2040. This will include addressing local housing need, the economy, environmental considerations, community infrastructure as well as strategic infrastructure needs. The geographical area covered by the Local Plan 2040 is the borough of Epsom and Ewell.

Stages of Local Plan 2040 preparation

- 4.2 There are several key stages in the preparation of the Local Plan, each are subject to the Strategic Environmental Assessment (SEA) Directive⁵ which will be incorporated into the Sustainability Appraisal⁶:

Pre-publication stage (Regulation 18)

This initial stage involves extensive evidence gathering, engaging with the local community, businesses and stakeholders on emerging issues and options, consulting with statutory environmental consultees on the scope of the sustainability appraisal, and infrastructure providers with regards to development options. This is scheduled for February – March 2023.

Publication of Submission Draft Local Plan (Regulation 19)

Following Regulation 18, the next stage is for the Council to publish a draft

⁴ Supplementary Planning Documents are a type of Local Development Document, but they only concern any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land. Anything else is a Development Plan Document.

⁵ The SEA Directive applies to a wide range of public plans and programmes (e.g., on land use, transport, energy, waste, agriculture, etc.). An SEA is mandatory for plans/programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning, or land use. An SEA can be summarized as follows: an environmental report is prepared in which the likely significant effects on the environment and the reasonable alternatives of the proposed plan or programme are identified.

⁶ A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives.

version of the Local Plan 2040 and invite representations in accordance with Regulation 19. These representations will be based on whether the draft plan is legally compliant and/or sound when assessed against the requirements contained in the National Planning Policy Framework (NPPF). This is scheduled for February – March 2024.

Submission and Examination of the Local Plan (Regulation 22)

Following Regulation 19 stage, the next stage is for the Council to formally submit the draft Local Plan 2040 and evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An Independent Planning Inspector will assess the Plan against the tests of soundness contained in the NPPF, taking account of any representations (comments) received. This is scheduled for June 2024.

Adoption

If the Plan is found to be 'sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2040 will form the main part of the statutory development plan for the borough. This is expected by Spring 2025.

- 4.3 The complete timetable and 'key milestones' to produce the Local Plan 2040 are set out in Appendix 1.

Neighbourhood Plans

- 4.4 There is currently one Neighbourhood Plan Area Designation in the borough. Once adopted, Neighbourhood Plans form part of the Development Plan. These are not programmed by the local authority and therefore are not included within this LDS project timetable. More information can be found [here](#).

5.0 Delivery and Implementation

Joint working - The Duty to Co-operate

- 5.1 The Council has a proven track record of working with neighbouring authorities (including those outside the County) and with Surrey County Council. Where appropriate, inter-authority working groups will be established during the preparation of the Local Plan 2040. The Council will work in partnership with neighbouring authorities where necessary to prepare various evidence base documents.

Resources available for the production of the Local Plan

- 5.2 In preparing the Local Plan, the Council's Planning Policy Team will utilise 'specialist officers', and other strands of expertise from within the Council, other organisations and bodies as appropriate.
- 5.3 The Council also makes provision for the need to use certain expert consultants to

assist in producing various elements of the technical background work. This may occur where either the necessary expertise is not available within the Council or insufficient resources exist to be able to bring forward the necessary work within the required timescale. Consultant facilitators may also be used to assist with focus group work and community participation exercises.

Council Procedures

- 5.4 For matters relating to the new Local Plan, the following reporting protocols will apply:
- Licensing and Planning Policy Committee will be responsible for the preparation, production, and completion of the draft local plan (Regulation 18); and
 - Full Council will be responsible for the Proposed Submission Local Plan (Regulation 19) and the formal adoption of the local plan following consultation and examination.

Risk Assessment

- 5.4 The production of a local plan requires consideration of the potential risk involved in its preparation. These vary from local matters, such as changes in staffing levels or political/administrative changes, to those of national significance including revised government guidance.
- 5.5 In preparing this LDS, it was found that the main areas of risk relate to:

Problems with joint working or compliance with the duty to co-operate: Close working with other authorities and organisations will continue to detect issues early in the process.

Capacity of the Planning Inspectorate (PINS) and other agencies to cope with demand nationwide: Advance notification of our programme will be given to assist in the development of PINS/other agencies work programmes' to address the requirements of the LDS.

Revisions to national planning policy and guidance: Revisions are anticipated to the NPPF. Changes to national planning policy and guidance at a more advanced stage in local plan preparation can cause delay. Close monitoring of national changes will be required alongside liaison with the Department for Levelling Up, Housing and Communities (DLUHC) where required.

Full Council fails to agree Local Plan: Officers will work closely with all Councillors to raise awareness of the Local Plan and seek to achieve 'buy-in' of its proposals at an early stage.

Programme Slippage: An exceptionally high level of response during public consultation on a Development Plan Document could lead to programme slippage.

Legal Challenge: The Council will aim to minimise this by ensuring that Development Plan Documents are 'sound' and founded on a robust evidence base and well-audited stakeholder and community engagement processes.

Monitoring and Review

- 5.6 The Council's Monitoring Report will monitor the progress of the LDS on an annual basis.
- 5.7 The Monitoring Report will monitor the delivery of policies when they have been adopted.

6.0 Appendix 1 - LDS timetable

6.1 Local Plan 2040- timetable to 2025/26

2022/23	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 18 - Public Consultation
Mar			
2023/24	Q1	Apr	
		May	
		Jun	
	Q2	Jul	
		Aug	
		Sep	
	Q3	Oct	
		Nov	
		Dec	
	Q4	Jan	
		Feb	Reg 19 - Public Consultation
		Mar	
	2024/25	Q1	Apr
May			
Jun			Reg 22 – Submission of document
Q2		Jul	
		Aug	EIP
		Sep	
Q3		Oct	
		Nov	
		Dec	
Q4		Jan	
		Feb	
		Mar	
2025/26	Q1	Apr	R
		May	A
		Jun	
	Q2	Jul	
		Aug	
Sep			

Key

	Regulation 18 - Evidence base gathering, early engagement, and initial consultations
	Regulation 19 - Public Consultation – Publication of draft Local Plan
	Regulation 22 - Submission of document; EIP - Examination hearings; R - Inspector's final report
	Adoption of Local Plan

