

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held at the Council Chamber, Epsom Town Hall on 15 June 2023**

PRESENT -

Councillor Steven McCormick (Chair); Councillor Peter O'Donovan (Vice-Chair); Councillors Steve Bridger, Julie Morris, Phil Neale, Kieran Persand and Robert Leach (as a substitute)

Absent: Councillor Shanice Goldman and Councillor Clive Woodbridge

Officers present: Rod Brown (Head of Housing and Community) ((Items 1-4 only)), Justin Turvey (Interim Head of Place Development), Sue Emmons (Chief Accountant), Ian Mawer (Planning Policy Manager), Tim Richardson (Democratic Services Manager), Paul Holliday (Principal Licensing Officer) ((Items 1-4 only)) and Phoebe Batchelor (Democratic Services Officer)

33 QUESTION AND STATEMENTS FROM THE PUBLIC

No questions or statements were received from the Public.

34 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting were made by Members.

35 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on **30 January 2023** and authorised the Chair to sign them.

36 TAXI AND PRIVATE HIRE EMISSIONS POLICY

The Committee received a report asking them to agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy and to authorise public consultation.

The following matters were considered:

- a) The Council's stance on ULEZ.** A Member of the Committee asked if the report contradicts the Council's stance on the ULEZ expansion and queries how consistent it is with previous communication from the Council

on ULEZ. The Principal Licensing Officer responded to state that this proposed policy is not dependent on the decision to expand the ULEZ zone so therefore if the ULEZ expansion does not take effect then this policy could still take effect. The Principal Licensing Officer reminded the Committee that this report is to go to public consultation on an emissions policy for licensed vehicles and it will then be up to the Committee to decide what standard of emissions policy is introduced for licensed vehicles, based on the information garnered from the public consultation. The Principal Licensing Officer sets out that there are advantages of adopting ULEZ standards as there is already the infrastructure in place for vehicle owners to easily find out if they are ULEZ compliant and the ULEZ standards are backed by scientific research. A Member of the Committee reminded members that the letter written to oppose the ULEZ expansion was in the interests of residents and the additional cost being imposed upon them, it was not in opposition of cleaner air in the borough.

- b) **Borough Air Quality.** A Member of the Committee asked if the policy is necessary if our air quality is already good within the borough. The Principal Licensing Officer responded to state that further improvements to the air quality in the borough would be beneficial to all, particularly those with breathing difficulties or those with young children, so is readily supported.
- c) **Additional Cost for Taxi Drivers.** A Member of the Committee asked if imposing extra costs onto people running lawful businesses is worth it when it will affect a relatively small number of vehicles. The Principal Licensing Officers informs the committee that all but two Hackney Carriage in the borough are Diesel engines and a large percentage are higher polluting vehicles so there is a definite benefit to imposing new standards for emissions despite the cost to the trade. There is already recognition within the trade that something has needed to be done when it comes to emission standards and this public consultation will be to understand and reach a balanced proposal for emissions standards which takes into account the addition cost imposed on licence holders as well as public health. It has not been recorded for licensed PHV if they are diesel or petrol engines, therefore, it is hard to say with any certainty how they would stand with the standards and ULEZ policy.
- d) **Imposed onto small number of vehicles.** A Member of the Committee asked if there is any point enforcing this emissions policy when it is being put forward to affect such a small percentage of cars in the borough. The Principal Licensing Officer informed the Committee that Hackney Carriage Vehicles do 95% of journeys within the borough so it will have an impact on pollution. The Principal Licensing Officer lays out that the report is part of a wider holistic strategy for improving air quality in the borough and that can be partially achieved through licensing vehicles that contribute to pollution in the local area.
- e) **Individual Discretion.** A Member of the Committee asked if there will be some level of discretion when it comes to moving this policy forwards and

enforcing it on licensed vehicle drivers. The Chair clarifies that this report is to bring the policy forward to public consultation and then it will come back to the committee, therefore there is leeway on what is proposed as the final policy. The Principal Licensing Officer informs the committee that an inflexible policy cannot be adopted as it would be grounds for legal challenge, therefore every policy adopted has to allow for exceptional criteria.

Following consideration, the Committee unanimously resolved to:

- (1) Agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone, as set out in section 8 of the report.**
- (2) Agree the policy be subject to public consultation with the results of the consultation and any policy modifications being brought back to the Committee prior to recommendation to full Council for adoption.**

37 PLANNING FEE INCOME REPORT

The Committee received a report identifying the adverse variance in planning-related fees for the financial year 2022/23 and outlining measures to address reduced forecast planning income and mitigation options.

The following matters were considered:

- a) Budgeted Income Projection for 23/24.** A Member of the Committee asked what the Budgeted Income Projection is for Development Management Service for 2023-2024. The Chief Accountant confirmed the figure is £660,000 for 2023 to 2024 as of the 1st of April 2023.
- b) Variance of Income.** A Member of the Committee asked how such a Variance of Income was produced between 2022/23 and 2023/24. The Interim Head of Place Development explained that the Council cannot predict how many planning applications will be received nor generate more for themselves to deal with, they are entirely reliant on the market and people submitting applications to the Council. The Chief Accountant explains that due to Development Management having fixed costs, it must also have fixed budgets. The Council does budget to increase the charges year on year by a set percentage, this is currently set at 6% for the 2023/24 financial year. The planning application income budget, currently set at £456,000, has stayed the same since the 2018/19 financial year. That was the year the government increased charges for planning applications, so it was set in line with those changes. The fees and charges for planning applications are set by central government and therefore, we do not increase that budget year on year. The 2019/20 financial year, the budget was exceeded by £65,000 and the year before that it was exceeded by roughly the same amount so traditionally there

wasn't this budgetary issue we are currently seeing. Planning Application numbers haven't recovered since COVID, in terms of budget, if we wanted to reduce income budget then we need to fund that somehow and we need to create more income somewhere else or reduce costs, so when there is a fixed cost base, there needs to be a fixed budget so that explains why things have gotten out of kilter. For the income budget to be cut, there would need to be cuts made elsewhere to enable this. The Chair confirms that there will be more coming to the committee on Budget Targets over the coming meetings.

- c) Mitigation and shortfall.** A Member of the Committee raised that all mitigation strategies are long-term and asked whether short-term mitigations should be introduced if changes to the framework from central government are still a long way off. The Interim Head of Place Development informs the committee that central government hopes to introduce changes by summer of 2023. The Chair confirms that any changes will be brought back to this committee.

Following consideration, the Committee;

Resolved (5 for, 1 abstained, and the Chair not voting) to:

- (1) Agree that the reasons for the reduction in planning related fees is for reasons outside of the Council's control.**

Unanimously resolved to:

- (2) Note the reduction in planning-related fees and the measures taken to address this, noting the limited opportunities for mitigation measures for income that is market led.**
- (3) Agree that future budget setting will take into account the outcome of government's technical fee consultation and officer knowledge of development in the pipeline.**

38 LOCAL PLAN UPDATE

Public consultation on the Draft Local Plan (2022-2040) was undertaken between 1 February 2023 and 19 March 2023. Following the closure of the public consultation an extraordinary Council meeting was held on the 22 March 2023 where the decision was made to pause the Local Plan to enable specified tasks to be undertaken.

The Committee received a report providing an update on the work undertaken following the decision on the 22 March by Council and made recommendations on the work that can progress prior to a decision being made at a future committee on a revised timetable for producing the Local Plan.

The following matters were considered:

- a) **Member Briefings.** The Chair confirmed that several briefings on the Local Plan will be scheduled for members to attend, enabling returning and new Councillors to be brought up to speed on the Local Plan.
- b) **Greenfield sites.** A Member of the Committee expressed support for the direction of the Local Plan, particularly with the efforts to look at more Brownfield sites rather than Greenfield sites, in order to meet housing targets but protect Greenfield land.
- c) **Consultation Comments.** A Member of the Committee asked for a confirmation date on the publishing of the Consultation Comments. The Chair confirmed that they would be published by the 30th of June 2023. A Member of the Committee asked if Consultation Comments that have been submitted using a template response will still be considered and published. The Planning Policy Manager confirmed that any comments submitted by an independent individual or organisation during the consultation period, and through one of the designated channels, will all be processed, recorded, and published.
- d) **2018 Data - Epsom and Ewell Future Housing Numbers.** A Member of the Committee asked what the achieved outcome is now that the 2018 data has been analysed. The Chair informed the Committee that they are driven by policy and requirements to use the 2014 data. The Planning Policy Manager informed the Committee that it is the Government who set and decide the standard method and all local authorities throughout England are also bound to use the 2014 data. In the report, the 2018 data has been set out to show what would happen if more up to date data could be used and the Government did not change any other methodology.
- e) **Housing Targets.** A Member of the Committee asked if the housing targets will be able to be achieved using 2014 data. The Chair responded to inform the Committee that non-greenbelt sites are still being looked for, the call for sites is still open and further workstreams are progressing, however, it is looking unlikely at present that housing targets will be achieved. A Member responded to ask, if there is an understanding and acceptance about not reaching housing targets, can a commitment be made by the Council not to build on any greenfield sites. The Chair confirmed that the Council cannot commit to not building on greenfield sites at present but that there would be further opportunities for a wider discussion at Member Briefings concerning spatial strategy. The Planning Policy Manager informed the Committee that creating a Local Plan is about finding balance and that the draft Local Plan included both greenfield and brownfield sites which were all put out to public consultation.

- f) **Biodiversity Net Gain (BNG).** A Member of the Committee raised the potential impact of mandatory BNG on development. The Planning Policy Manager explained that the source of BNG was the 2022 Environment Act, which requires mandatory biodiversity net gain from new developments, this comes into force for major developments in November 2023 and minor developments in April 2024. The Planning Policy Manager explained that DEFRA produced a set assessment to determine BNG, which lay out that the site must be assessed before development to determine the baseline biodiversity value. After development, it must be shown that there is at least a 10% net gain of biodiversity. The Council are still awaiting secondary legislation from government to give more detail as to what exactly contributes towards a biodiversity net gain. In terms of mitigation, ideally this net gain can be delivered on site, however, it can also be delivered offsite, and both are being considered within the borough.
- g) **Kiln Lane and Longmeade sites.** A Member of the Committee asked what percentage of land over the Kiln Lane and Longmeade sites is owned by the Council. The Planning Policy Manager agrees to find out and provide that statistic to the Committee. A Member of the Committee responded to ask what barriers are being experienced over development on the Kiln Lane and Longmeade sites. The Chair explains that the primary barrier is around land becoming available and being put forward in the call for sites to be considered in the Local Plan, if it is not brought forward, then it cannot be considered. The Planning Policy Manager confirmed that, as set out in pages 34 and 35 of the report, the key constraint at the moment is land availability within the Kiln Lane and Longmeade area, therefore, in order to comprehensively consider them, there must be a level of certainty that the land will become available. He further explained that as set out in paragraph 2.4, subject to land coming available on those sites, there will be an opportunity to look at mixed use proposals providing there is no loss of employment. The Planning Policy Manager informed the Committee that the Council and other landowners have been written to about their landownership and they are awaiting any further submissions through the call for sites process. The Chair informed the Committee that the call for sites closes on the 31st of July.
- h) **Updating the Local Plan.** The Planning Policy Manager informed the Committee that Epsom and Ewell Borough Council's current Local Plan exists of three documents, all of which are currently more than 5 years out of date. He further explained that the risks of not having an up-to-date Local Plan in place, are predominantly a lack of 5-year housing land supply and making it more difficult when it comes to defending planning applications and appeals. Therefore, having an up-to-date Local Plan in place, gives the Council and its residents up-to-date policies to determine planning applications against.
- i) **Unpausing the Local Plan.** A Member of the Committee expressed concern about the lack of a concrete date for unpausing the Local Plan and suggested that a motion is brought to Full Council to unpause the

Local Plan. The Chair informed the Committee that a Special Meeting of the Licensing and Planning Policy Committee could unpause the Local Plan without the need to go to Full Council.

Following consideration, the Committee unanimously resolved to:

- (1) Agree to the progression of specific workstreams prior to a revised Local Development Scheme (Local Plan timetable) being considered at a future committee meeting and note the work that has been undertaken since and in line with the decision by full Council to pause the Local Plan.**
- (2) To note that Officers have written to the Council in its capacity as landowner to check the availability of additional sites for promotion through the call for sites process.**
- (3) Agree to request additional information regarding the deliverability of the Council owned Town Centre sites in preparation of Regulation 19 Local Plan.**
- (4) Agree to pause with progressing the Local Heritage List in parallel to the Local Plan whilst Officers prioritise workloads and consider any implications.**

The meeting began at 7.45 pm and ended at 9.00 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)