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Legal and Democratic Services



LICENSING AND PLANNING POLICY COMMITTEE

Thursday 15 July 2021 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

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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 David Reeve (Chair)
Councillor Steven McCormick (Vice-Chair)
Councillor Steve Bridger
Councillor Monica Coleman
Councillor Neil Dallen

Councillor Chris Frost
Councillor Rob Geleit
Councillor Julie Morris
Councillor Phil Neale
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

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

Public information

Please note that this meeting will be 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.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Licensing and Planning Policy Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 1 July**.

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, 13 July**.

AGENDA

1. QUESTION TIME

To take any questions from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 6)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 27 May (attached) and to authorise the Chairman to sign them.

4. HOUSING DELIVERY TEST ACTION PLAN (Pages 7 - 30)

The HDT action plan has been updated as required by the National Planning Policy Framework (NPPF) following the publication of the HDT results by the Ministry of Housing, Communities and Local Government (MHCLG) in January 2021. The update comprises significant changes to the layout, formatting and structure of previous two action plans. However, the action points arising from the plan have only been slightly amended.

5. LOCAL PLAN MEMBER WORKING GROUP (Pages 31 - 50)

This report concerns the establishment of an informal cross-party Local Plan Member Working Group to advise the Licensing and Planning Policy Committee on planning policy matters.

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**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held at the Council Chamber, Epsom Town Hall on 27 May 2021**

PRESENT -

Councillor David Reeve (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Alex Coley (as nominated substitute for Councillor Neil Dallen), Chris Frost, Liz Frost (as nominated substitute for Councillor Monica Coleman), Rob Geleit, Julie Morris, Phil Neale and Clive Woodbridge

Absent: Councillor Steve Bridger, Councillor Monica Coleman and Councillor Neil Dallen

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), John Cheston (Planning Policy Manager) and Tim Richardson (Committee Administrator)

1 QUESTION TIME

No questions had been submitted or were asked by members of the public.

2 DECLARATIONS OF INTEREST

The following declarations were made in relation to Item 4 of the Agenda:

In the interests of openness and transparency, Councillor Alex Coley declared that he is a patron of the Friends of Horton Cemetery.

In the interests of openness and transparency, Councillor Chris Frost declared that he is a patron of the Friends of Horton Cemetery.

In the interests of openness and transparency, Councillor Liz Frost declared that she is a patron of the Friends of Horton Cemetery.

In the interests of openness and transparency, Councillor Rob Geleit declared that he is a patron of the Friends of Horton Cemetery.

In the interests of openness and transparency, Councillor Steven McCormick declared that he is a patron of the Friends of Horton Cemetery.

3 MINUTES OF PREVIOUS MEETING

The Minutes of the previous Meeting of the Licensing and Planning Policy Committee held on 4 March were agreed as a true record and signed by the Chair.

4 LOCAL LISTING: HORTON CEMETERY

The Committee received a report proposing that a public consultation be undertaken with a view to the designation of Horton Cemetery as a locally listed heritage asset.

The Committee received an introduction from the Planning Policy Manager.

The following matters were raised by the Committee:

- a) **Funding:** Following a question from a Member, the Officer noted that, whilst the cemetery is in private ownership, there is a possibility for maintenance and upkeep funding to be obtained, for example, from Historic England. It was noted that available funding grants would be looked into as to not burden the Council.
- b) **Consultation:** Following a question from a Member, the Officer confirmed that the consultation would be a full and open consultation, allowing the owner of the site and any interested parties – including members of the public – to respond.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Agreed to undertake a public consultation on the proposed addition of Horton Cemetery to the local list of heritage assets.**

The meeting began at 7.30 pm and ended at 7.46 pm

COUNCILLOR DAVID REEVE (CHAIR)

HOUSING DELIVERY TEST ACTION PLAN

Head of Service: Viv Evans, Head of Planning

Wards affected: (All Wards);

Urgent Decision? Yes

If yes, reason urgent decision required: The Housing Delivery Test (HDT) action plan is required to be published within 6 months of the publication of the national HDT results. The results were published in January 2021. July is the latest that the action plan can be published.

Appendices (attached): Appendix 1- Epsom & Ewell Borough Council Housing Delivery Test Action Plan 2021

Summary

The HDT action plan has been updated as required by the National Planning Policy Framework (NPPF) following the publication of the HDT results by the Ministry of Housing, Communities and Local Government (MHCLG) in January 2021. The update comprises significant changes to the layout, formatting and structure of previous two action plans. However, the action points arising from the plan have only been slightly amended.

Recommendation

The Committee is asked to:

- (1) Approve the Epsom & Ewell Housing Delivery Test Action Plan as drafted for publication on the Council website.

1 Reason for Recommendation

- 1.1 The Council is required to produce a housing delivery test (HDT) action plan within six months of the publication of the HDT results (January 2021) under the terms of the National Planning Policy Framework (NPPF). As well as meeting this requirement, the plan should assist in meeting the priorities of the Council's Four Year Plan, particularly addressing the housing needs of the Borough, including affordable housing needs, through the development of our Local Plan.

2 Background

- 2.1 The HDT action plan demonstrates how the Council intends to address its housing delivery shortfall for the rest of the year (up to January 2022). The HDT was introduced in parallel with revisions to the NPPF and Planning Practice Guidance (PPG) in 2018. Each year MHCLG publishes results of the HDT, which are based on the amount of homes delivered against nationally prescribed housing targets. The test determines whether or not the Council has to produce an action plan or not. This is the third year in a row that the Council has been required to produce an action plan. To view previous action plans and to better understand the context of the document for which approval is being sought, please see the background papers.
- 2.2 The document for which approval is being sought differs only slightly from the previous action plans in relation to what action points are proposed. However, more significant changes have been made to the background and contextual sections of the document. This is because the general background and contextual information is included in previous iterations of the plan and, as they are meant to be read in conjunction with each other, would otherwise be repetitive and therefore less accessible.
- 2.3 As the action points from previous years have been carried forward, some text under the progress column of the table at the end of the document has been included summarising what progress has been made against them. In some cases the “priority” as indicated by the background colour has been changed. In these cases the rationale for changing the priority is explained in the cell itself.
- 2.4 Progress against the action points is dependent on a number of variables like the extent of progress with the local plan and variations in evidence bases as a result of Covid 19. For example, whilst Compulsory Purchase Orders (CPOs) are considered in the action plan, the decision about where to use them will depend, to an extent, on what sites are allocated in the local plan. Such allocations will depend on current strategic options currently being considered by the Licencing and Planning Policy Committee and wider Residents Association.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 The intent of this document is to aid the Council in its housing delivery objectives both in the local plan and Four Year Plan. Whilst delivery is also dependent on a number of external factors, the Council can aid housing delivery through use of its planning powers. The plan should assist the borough in meeting housing targets, having a positive impact on the borough by creating and enhancing sustainable communities.

3.1.2 Failure to demonstrate intent to address low rates of housing delivery has consequences for planning decisions insofar as they must be made with the presumption in favour of sustainable development. Whilst this does not mean planning permission should automatically be granted in safeguarded areas (e.g. Green Belt and Conservation Areas) it does mean that the planning balance can be “tilted” in favour of such development. By setting out how EEBC intends to address under delivery, this can be useful in a strategic sense but also in day to day planning decision making.

3.2 Crime & Disorder

3.2.1 There are no implications for crime and disorder.

3.3 Safeguarding

3.3.1 There are no implications for safeguarding.

3.4 Dependencies

3.4.1 There are no implications for dependencies.

3.5 Other

3.5.1 There are no other risks associated with this proposal.

4 Financial Implications

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

5 Legal Implications

4.2 **None arising from the contents of this report.**

4.3 **Monitoring Officer’s comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

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

6.1.1 Address the housing needs of the Borough, including affordable housing needs, through the development of our Local Plan.

6.2 **Service Plans:**

6.2.1 The housing delivery test relates to meeting the borough's housing need, a key component of the local plan which the planning services service plan identified as a priority.

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

6.3.1 None arising from the contents of this report.

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

6.4.1 None arising from the contents of this report.

6.5 **Partnerships:**

6.5.1 Part of the action plan requires working in conjunction with the Surrey Property Forum. However, no new partnerships are proposed.

7 Background papers

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

Previous reports:

- [Housing Delivery Test Action Plan 2019](#)
- [Housing Delivery Test Action Plan 2020](#)

Other papers:

- Housing Delivery Test Action Plan 2021



Housing Delivery Test Action Plan

July 2021

Introduction

1. This is an updated action plan produced by Epsom and Ewell Borough Council (EEBC) following the publication of the latest set of national Housing Delivery Test (HDT) results in January 2021. The HDT was introduced in parallel with the revised National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) in 2018 to incentivise higher rates of housing delivery. The results of the test are determined by the number of homes delivered in the previous three years against housing targets.¹ To view previous action plans and to better understand the context of this document please visit the previous two action plans hosted on EEBC's [website](#).²

Housing delivery performance 2019-2020

2. The [Council's Annual Monitoring Report 2019-2020](#)³ included an assessment of the number of homes delivered between 1 April 2019 and 31 March 2020. In total 195 additional dwellings were delivered in this period, an increase of 18% from the previous year. However, it is the third lowest number of homes delivered since 2006 and approximately 36% lower than when the new standard method for calculating housing need and associated amendments were introduced.

¹ The formula has been amended to a reduced requirement this year as a result of the pandemic

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953304/2020_HDT_technical_note.pdf

² See <https://www.epsom-ewell.gov.uk/residents/planning/planning-policy/epsom-and-ewell-local-plan>

³ https://www.epsom-ewell.gov.uk/sites/default/files/documents/residents/planning/planning-policy/AMR%202019-20%20__V1_FINAL.pdf

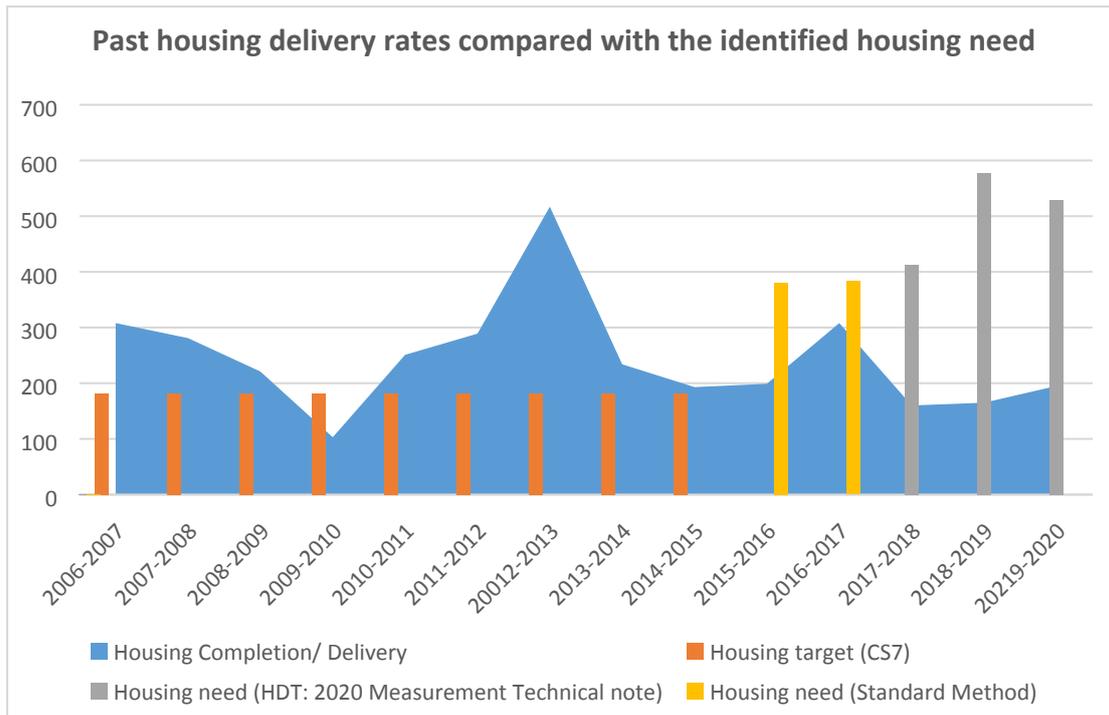


Figure 1: Chart showing housing delivery rates compared with the identified need since 2006.

3. The sites that yielded the most homes included a care home at the former Salesians site⁴, which was completed in February 2020, and remaining units on the former Nescot Agricultural Land site on Reigate Road, Ewell.⁵
4. The majority of homes currently under construction or proposals for homes that had planning permission granted within the monitoring period comprise mainly minor developments (fewer than 10 units). Major sites (above 10 units) included proposals at Mill Road, Kingston Road, Old Malden Road, Chase Road and Alexandra Road.
5. The highest yielding unimplemented permission is Epsom and Ewell High School, where 161 dwellings have been approved with 93 units started.
6. A number of other schemes have been considered or approved in the past year, including approximately 100 apartments at Woodcote Grove, 46 apartments at South Hatch Stables and 29 units at the former police station at Church Street.

⁴ 15/00845/FUL

⁵ 17/00429/FUL

Performance against Housing Delivery Test

7. To work out whether the Council is performing under HDT, the Government use the following formula:

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

Figure 2: Housing Delivery Test formula ([Housing Delivery Test: 2020 measurement technical note](#))

8. In response to the restrictions introduced on 23 March 2020 as a result of the Covid-19 pandemic, the formula has been amended this year so that the total number of homes required has been reduced from a period of three years to a two-year eleven month period.⁶
9. The results of the [2020 HDT](#) were published on 19 January 2021 and are summarised for EEBC as follows:

	Number of homes required			Total required 2017- 2020	Total Delivered 2017- 2020	HDT Result 2020
	2017- 2018	2018- 2019	2019- 2020			
Epsom and Ewell	413	577	529	1519	512	34%

Figure 2: Housing Delivery Test 2020 Results (as published by [MHCLG 19 January 2021](#))

10. The results show that EEBC delivered 34% of the housing required in the previous three years. Under the rules of the test, this means that:
- As housing delivery has fallen below 95% EEBC should publish an action plan;
 - As housing delivery has fallen below 85%, EEBC must identify a five-year supply of deliverable sites including an additional 20% buffer (moved forward from later in the plan period).
 - As housing delivery has fallen below 75% the Council must apply the presumption in favour of sustainable when making decisions on planning applications.

⁶ <https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement>

Root cause analysis

11. The first Action Plan produced under the 2018 test provided a baseline “root cause analysis” explaining the causes for the under delivery of housing against the calculated need. These causes included:
 - Complexities associated with different site typologies (e.g. longer lead in times with major sites).
 - Housing market (e.g. rate at which homes are absorbed into the market).
 - Process (from site identification to build out).
 - Infrastructure and Resources.
 - Geography (including constraints).
 - Housing delivery growth trends.
 - Delay in Local Plan production.
 - Insufficient supply of brownfield land.
 - Uncertainty in relation to national planning reform.
 - Brexit.
 - Balancing employment needs with housing in terms of land availability.
12. It is considered that these causes have remained during the 2019-2020 test period. In addition and looking forward to the 2020-2021 test period, the following causes have also been identified as likely to have impacted or will impact housing delivery.

Covid-19 Pandemic

13. There have been three national lockdowns since March 2020 (March-May 2020, Nov- Dec 2020 and Jan-April 2021), as well as a number of local lockdowns and measures in place to restrict movement and physical communication between people. This has included EEBC’s operations. Although the lockdowns were imposed near to the end of the HDT period (31 March 2020) it is likely that the lead up to this period caused disruption (insofar as strategic uncertainty, movement of labour and materials were concerned).
14. Government advice has required that Local Plans continue to make progress and that planning departments adopt new and innovative ways of operating including exploring technologies where appropriate.
15. EEBC have been able to hold virtual meetings including Planning Committee meetings and Licencing and Planning Policy Committee meetings up to 7 May 2021, after which, physical meetings resumed under Covid safety measures.

16. Government has issued [advice](#)⁷ and [Covid-19 planning updates](#)⁸ to encourage innovative approaches to planning decision making. It has also introduced a number of proposals to amend Permitted Development Rights (PDRs) to allow greater flexibility between uses, operating hours and the use of outdoor pavement space for food consumption. Nevertheless, it is anticipated that the impact on housing delivery will still be significant.

Standard method

17. Epsom & Ewell's minimum housing need remains at 579/577 dwellings per annum. There was a minor period of uncertainty regarding this following the launch of a Government consultation entitled '[Changes to the current planning system](#)'⁹ published on 6 August 2020, which proposed a significant uplift to local housing need figures, including EEBC's. However, this was not carried forward.

Planning White Paper

18. The contents of the [Planning for the Future White Paper](#)¹⁰, published on 6 August 2020 is causing uncertainty for councils. This is because of the concern that introducing a new planning system may result in current work becoming outdated quickly. However the consistent message from Government has been that authorities should continue to progress plan-making as any proposed reforms (particularly those that require primary and secondary legislation) will take time to be implemented.

Supporting Housing Delivery and Public Infrastructure

19. The Ministry of Housing, Communities and Local Government (MHCLG) published a consultation on "[Supporting housing delivery and public infrastructure](#)"¹¹ on 3 December 2020, which may have led developers to put plans to submit change of use applications on hold. This is because the consultation proposed a new PDR enabling the change of use from commercial, business and service use (class E) to residential (class C3). The Government published its response and laid regulations on 31 March 2021; the PDR will be effective from 1 August 2021.

7

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf

⁸ <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

⁹ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

¹⁰ <https://www.gov.uk/government/consultations/planning-for-the-future>

¹¹ <https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure>

UK withdrawal from the European Union

20. The UK left the EU on 31 January 2020. Whilst the direct impacts on Epsom & Ewell are difficult to quantify, the general uncertainty caused to markets may have had an impact on the housebuilding industry, not least through variations in prices of materials but access to labour as well.

Planning Policy Update

Epsom & Ewell Local Plan

21. The Council housing delivery strategy is underpinned by the existing Development Plan for Epsom & Ewell Borough, which comprises the:
- [Surrey Minerals Plan](#),
 - [Surrey Waste Plan](#),
 - [Core Strategy 2007](#),
 - [Plan E 2011: An Area Action Plan for Epsom Town Centre](#)
 - [Development Management Policies](#) Document (2015).
22. Sitting alongside these are various Supplementary Planning Documents (SPDs) and guidance.
23. The Council is in the process of preparing a new Local Plan, including compiling and producing an up to date [evidence base](#)¹² to inform its strategy and policies.
24. The scale of the housing need has been calculated to be 579/577 per annum. This is significantly higher than previously identified 181 in the existing Core Strategy.
25. The Council's timetable (Local Development Scheme) for the preparation of the Local Plan is available on the Council's [Local Plan webpage](#).¹³ This was last updated in March 2021 and seeks to ensure a clear spatial development strategy is published as soon as possible to ensure development proposals that come forward are considered through a proper plan led approach.
26. The last [public consultation was a Regulation 18 consultation](#)¹⁴, carried out between October-November 2017. A further Regulation 18 consultation is planned before the end of 2021.

¹² <https://www.epsom-ewell.gov.uk/residents/planning/planning-policy/planning-and-supplementary-planning-documents/evidence-base>

¹³ <https://www.epsom-ewell.gov.uk/residents/planning/planning-policy/epsom-and-ewell-local-plan>

¹⁴ <https://www.epsom-ewell.gov.uk/residents/planning/planning-policy/local-plan-issues-and-options-consultation>

Other plans and strategies

27. Whilst the Local Plan will form the key delivery mechanism for future development in the borough it does not stand alone. It sits under the Corporate Plan and alongside other Council strategies. The Council recently adopted a Four Year Plan, which identifies a number of key priorities for the borough in the next four years under five themes:

- Green and Vibrant
- Opportunity and Prosperity
- Cultural and Creative
- Safe and Well
- Smart and Connected.

28. The priorities identified include a priority that progress should be made on housing needs and the implementation of the Local Plan. The full Four Year Plan is available to view [here](#).¹⁵

29. The preparation and implementation of the action plan has been developed collaboratively across the Council, including, Planning, Housing, Property and Regeneration and Health and Wellbeing.

Action Plan Summary of Changes 2020-2021

30. The action plan has 24 action points (APs). The progress against each AP as of July 2021 is described in the right hand column of the table below. This column is colour coded either red (indicating *not started* or *poor progress*), amber (*good progress* but *not complete*) or green (*very good progress* or *complete*). The Action Plan has been reviewed following the publication of the HDT results in January 2021 and updated to reflect progress made since the publication of the last action plan.

¹⁵ <https://www.epsom-ewell.gov.uk/council/four-year-plan>

Ref	Action	Commentary	Lead/ Responsible department	Priority	Method of Monitoring Progress	Progress so far
1	Identify opportunities to align the local skills base with the need to build a significant level of housing in the Borough	<p>Align local skill base with the housing need.</p> <p>The new Local Plan will promote local labour agreements to secure employment and skills development as part of schemes</p>	Corporate Planning	Long term	HDT Action Plan	<p>Further investigation needed to consider if there are any interventions that can be introduced by the Council to better align the projected growth with the required skillset e.g.construction skills.</p> <p>The Council will work with the Local Enterprise Partnership on wider research regarding skills and the labour market.</p> <p>Progress remains "red" as opportunities for communication and meeting with relevant partners curtailed partly due to resource pressures and complications with Covid 19. As such, poor progress made.</p>
2	Utilise existing 'Agents and Developer Forums' to promote opportunities in the Borough	Developer Forums could identify issues affecting delivery and could open up new opportunities/ventures to provide more housing, better relationships with the development industry.	Corporate Property and Regeneration Planning	Short/Medium and Long Term	HDT Action Plan	<p>The Council will continue to attend the existing The Epsom Property Network and identify opportunities to work with local agents and developers on growth in the Borough.</p> <p>Update May 2021: Heads of Service have attended Surrey wide developer forum. Has been put on hold during pandemic. Once resumed will continue to attend with a view to raising Epsom's Housing Delivery issues and raise</p>

						question of construction skills gaps. Progress therefore remains “yellow”.
3	Investigate with the Development Management Team what practical measures/mechanism can be introduced to speed up the delivery of development schemes.	Further investigation into whether certain DM processes are delaying delivery and what actions can be taken to speed up the process.	Development Management Planning Policy	Short Term/ Medium Term	HDT Action Plan	Work in progress Progress remains “yellow” as service under continual review.
4	Publish guidance on the pre-application process.	Improving pre-application processes. This will provide more certainty for applicant, through clearer guidance and early engagement with applicants, applicants are aware of the Council'	Development Management	Short/ Medium Term	N/A/	Update May 2021: Guidance has been published. DM team will continue to monitor pre app effectiveness. Progress remains “green” as guidance has been published.

5	Progress the Local Plan in accordance with newly published Local Plan timetable (Local Development Scheme LDS).	Progress on the Local Plan will provide greater certainty for the borough council and developers and ensures that future development is plan led.	Planning Policy	Medium/long term	AMR Service Plan Local Plan Progress HDT Action Plan 2021	Progress being made on compiling the evidence base and preparing a draft plan in line with the revised timetable agreed March 2021. Progress remains “yellow” as no evidence to suggest plan is currently behind schedule.
6	Publish a revised Local Plan timetable (Local Development Scheme LDS)	The Council published a revised timetable for the preparation of the new Local Plan in March 2021.	Planning Policy	Short Term	n/a	Completed. The timetable was revised following the coronavirus pandemic and following proposed planning reforms published on 6 August. Progress from “yellow” to “green” as LDS has been published.
7	‘Call for sites’ request	The Council left the ‘call for sites’ open for ongoing submission of sites for future development. Any sites not submitted can still be submitted as part of the regulation 18 consultation.	Planning Policy	Short Term	n/a	Update May 2021 Initial call for sites exercise completed. Consideration being given to boost number of sites received by developing a targeted call for sites strategy, The webpage for the call for sites is live. Progress level stays “green” as call for sites exercise complete but new sites may still be submitted for appraisal.

<p>8</p>	<p>Assess the potential capacity of sites within the urban area to meet the housing need.</p>	<p>The Council has undertaken various capacity assessments of sites within the urban area and its potential to deliver high density development to support the policy of making efficient use land.</p>	<p>Planning Policy</p>	<p>Short Term</p>	<p>n/a</p>	<p>The Council has undertaken urban capacity studies to review the potential capacity of sites within the urban area. These are published on the ‘Evidence Base’ webpage.</p> <p>The Council has also commissioned a Transformation Masterplan to inform what approach the Council takes to deliver more housing.</p> <p>Status remains “green” though current strategic discussions about future growth may necessitate further updates to capacity studies.</p>
<p>9</p>	<p>Commission Transformation masterplan to look at how the Borough could transform in the future to seek to meet the development need.</p>	<p>The Council has been proactive in investigating how the projected growth can be accommodated in the area, through the commissioning of the Transformation Masterplan. A design based assessment exploring how future growth can be accommodated e.g. different typologies and higher densities</p>	<p>Planning Policy</p>	<p>Short Term/ Medium Term</p>	<p>Progress on the Local Plan</p>	<p>The Council has commissioned the piece of work and it is currently being undertaken.</p> <p>Status remains “yellow” as work currently being undertaken.</p>

10	Work with adjoining authorities to identify a strategy to meet the housing need in the area (through continuous Duty to Cooperate).	The Council will work with its partners and neighbours to identify how the housing need can be met in the area.	Planning Policy	Short/ Medium and Long Term	Duty to Cooperate Statement Local Plan Statement of Common Ground	<p>Progress is being made on engagement with neighbouring local authorities and relevant stakeholders in line with <i>the duty to cooperate</i>.</p> <p>This engagement is ongoing and will continue throughout the Local Plan preparation process and through regular officer group meetings.</p> <p>Status remains “yellow” as work is ongoing”.</p>
11	Investigate and implement a new planning monitoring system	To improve efficiency in data collection and monitoring of housing delivery, to inform central government as well as improving Local Plan monitoring process (which informs policy making process).	Planning Policy	Short/ Medium Term	Service Plan HDT Action Plan 2020	<p>Being investigated.</p> <p>Status remains “red” as no progress has been made.</p>
12	Publication and implementation of land use policy/guidance	The Council has published a policy statement ‘Making the Efficient Use of Land- Optimising Housing Delivery 2018’ (8 May 2018) in order to ensure residential housing schemes coming forward are making efficient use land.	Planning Policy Development Management	Short/ Medium Term	n/a	<p>Completed</p> <p>Published on website, applicants are signposted to this at pre-app.</p> <p>Status remains “green” as this has been completed.</p>

13	Article 4 Directions on Employment Floorspace	<p>The Council has a number of Article 4 Directions on some of its key employment buildings within the Town Centre. There are 16 Office Building</p> <p>This assists in managing the balance of housing and employment to meet future development needs.</p>	<p>Planning Policy</p> <p>Development Management</p>	Short Term	AMR	<p>The Council has a number of Article 4 (2) directions in place which prevent the exercising of permitted development rights for the conversion of office premises to residential use. Whilst the A4(2) directions were deemed necessary to protect employment space within the town centre, consideration is being given to the impact of the restrictions on housing supply and whether a review of the A4(2) directions is needed.</p> <p>Whilst the Council continues to consider the effect of A4(2) directions on housing supply, no reviews have been carried out. The status has therefore been changed from “green” to “yellow”.</p>
14	Identify briefings/Training for members on the Local Plan and Housing delivery	The briefings will ensure members are informed about the Planning system their role in decision making.	<p>Planning Policy</p> <p>Development Management</p>	Short Term/ Medium Term	HDT Action Plan	<p>A training plan has been developed and implemented following the May 2019 Local Elections.</p> <p>Update May 2021 Members have received training from the Planning Advisory Service and officers.</p> <p>Attention was drawn to the risks of</p>

						<p>making poor decisions- including reference to the NPPF and the presumption in favour of sustainable development, appeals, judicial review and ombudsman.</p> <p>The Planning Service will continue to identify additional areas to ensure members are fully informed: Topics could include the Local Plan process, Housing delivery and Urban design.</p> <p>Status remains “yellow” as further training will be required e.g. after elections.</p>
15	Update and review the Brownfield Land Register	<p>Updated annually. Suitable sites identified through this process will be included for consideration.</p> <p>Joint working between Planning and Property and Regeneration to review opportunities available from Council assets.</p>	<p>Planning Policy</p> <p>Property and Regeneration</p> <p>Housing</p>	Short Term	AMR	<p>Reviewed annually</p> <p>Data is used to inform Local Plan evidence on land supply.</p> <p>Consideration being given to advertise brownfield register through Council communication channels.</p> <p>Status amended from “green” to yellow” as further work to promote Brownfield Land Register may be required following strategic discussion about future direction of growth.</p>
16	Update and review Self-build and Custom build Housing Register	Updated annually. The register helps to inform what the need is within the borough.	<p>Planning Policy</p> <p>Property and Regeneration</p>	Short Term	<p>Plan monitoring</p> <p>AMR</p>	<p>Reviewed annually.</p> <p>Data is used to inform Local Plan evidence on need</p>

		Joint working between Planning and Property and Regeneration to review whether there are opportunities available from Council assets.	Housing			<p>Consideration being given to advertise Custom and Self Build Register through Council communication channels.</p> <p>Status changed from “green” to “yellow” as further work to promote register may be required following strategic discussion about future direction of growth.</p>
17	Review of the CIL charging schedule	The CIL charging schedule will be updated to reflect the significant growth projected to occur in the future to ensure sufficient contributions are being sought towards infrastructure.	<p>Planning Policy</p> <p>Development Management</p>	Short Term/ Medium Term	CIL AMR HDT Action Plan	<p>A review of the CIL rates is being undertaken in parallel with the emerging Local Plan. A viability assessment has been commissioned. The conclusions of this will inform the review of the CIL.</p> <p>Status remains “yellow” as work not yet completed.</p>
18	Update the Council's Asset Management Plan	The Council will review its own assets in order to create opportunities for future development.	Property and Regeneration	Short/ Medium and Long Term	Service Plan HDT Action Plan	<p>Update 2021 The updated Asset Management Plan for 2020-30 was approved in July 2020.</p> <p>The officer-led Property and Regeneration Board was formed to manage the Council’s land/property assets, prioritising delivery of the Council’s strategies and key priorities, including deliver of new housing.</p> <p>Status remains “yellow”. Although the management plan has been completed, it will need to be continually updated.</p>

19	The creation of a Property and Regeneration Board to manage Council's assets to meet future development needs within the Borough	The Council will review its own assets in order to create opportunities and facilitate future development.	Property and Regeneration	Short/ Medium and Long Term	Service Plans HDT Action Plan	<p>The Property and Regeneration Board comprising senior management team, meets regularly to consider potential development opportunities on Council owned land.</p> <p>Status remains “yellow” as discussions over Council owned land is ongoing.</p>
20	Create a Housing Delivery Working Group to monitor and manage the progress being made on the housing delivery action plan	<p>Officers from various departments to monitor the delivery of actions in the HDT Action Plan.</p> <p>The involvement of all departments will ensure coordinated action to deliver the HDT action plan that aligns with the various priorities of the Council.</p>	<p>Property and Regeneration</p> <p>Housing</p> <p>Planning Policy</p> <p>Development Management</p>	Short/Medium and Long Term	n/a	<p>Officers will continue to monitor progress on actions to assist in increased housing delivery.</p> <p>Status changed from “green” to “yellow” as, whilst the group has been established, it has not been meeting regularly due to the Covid-19 pandemic and senior staff vacancies.</p>

<p>21</p>	<p>Identify and finalise key infrastructure requirements and priorities to support future growth.</p>	<p>Investment attracts investment. Investment toward infrastructure can unlock housing potential.</p> <p>Information on future infrastructure requirements will inform where there are funding shortfalls and where the Council should seek to obtain additional funding.</p>	<p>Property and Regeneration</p> <p>Housing</p> <p>Planning Policy</p> <p>Development Management</p> <p>Economic Development (Future 40 team)</p>	<p>Short/Medium and Long Term</p>	<p>HDT Action Plan</p>	<p>The Council has a draft Infrastructure Development Plan that will help to identify where there are potential gaps in funding.</p> <p>This will be the starting point to identify where additional funding could be made available.</p> <p>Status remains “yellow” as progress is ongoing.</p>
<p>22</p>	<p>Commission an assessment of the car parks within the borough to consider level of use and whether there are potential opportunities available for more efficient use of land.</p> <p>Prepare a Car Park Strategy to identify the any spare land capacity to deliver additional housing.</p>	<p>It is considered important that all car parking should be assessed to understand whether there are any opportunities available to potentially to meet some of the housing need.</p>	<p>Property and Regeneration</p> <p>Planning Policy</p>	<p>Short Term/ Medium Term</p>	<p>HDT Action Plan</p>	<p>Investigations into feasibility of doing a study ongoing.</p> <p>Status upgraded from “red” to “yellow”. Internal discussions have progressed with next steps including whether there is budget in the planning policy team to undertake this study.</p>

23	Engage with other public bodies	The Council will engage with other public bodies to explore opportunities for joint working to bring forward sites for development.	Property and Regeneration Planning Policy	Short/Medium	Local Plan HDT Action Plan	Early engagement with Surrey County Council and Utility companies, regarding their land/ property assets that may be surplus to requirements. Status remains at “yellow” though little progress made.
24	Investigate further whether CPOs (Compulsory Purchase Orders) should be considered as a measure on stalled housing sites	At present the Council has an Empty Property Strategy that identifies CPO as a potential solution.	Corporate	Long term	HDT Action Plan	Action point still under consideration. Status remains “red” as little progress made.

Action Plan 2021

Monitoring and Review

31. The Actions will be closely monitored through a number of monitoring mechanisms including the Local Development Scheme (LDS), Annual Monitoring Report (AMR), Service Plans and the Action Plan itself. The relevant departments will be responsible for implementing the identified actions.

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LOCAL PLAN MEMBER WORKING GROUP

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Draft terms of reference for Local Plan Member Working Group

Summary

This report concerns the establishment of an informal cross-party Local Plan Member Working Group to advise the Licensing and Planning Policy Committee on planning policy matters.

Recommendation (s)

The Committee is asked to:

- (i) **Agree to establish an informal cross-party Local Plan Member Working Group to advise the Licensing and Planning Policy Committee on planning policy matters; and**
- (ii) **Agree the draft terms of reference for the Local Plan Member Working Group**

1 Reason for Recommendation

- 1.1 The creation of a Member Working Group can be expected to support Local Plan progression and reduce the likelihood of fundamental changes to the Plan's spatial strategy or challenges further down the line.

2 Background

- 2.1 Consultants on behalf of the government's Planning Advisory Service (PAS) recently conducted a 'Local Plan Gateway Review' of the Epsom & Ewell Local Plan. This Gateway Review considered the challenges and opportunities that the Council is currently facing in progressing its Local Plan with the aim of meeting the government's target that all local planning authorities should have an up-to-date plan in place by the end of 2023. PAS submitted an advice note on 26 May 2021 to provide a summary of the findings from the Gateway Review and some recommended next steps.
- 2.2 The PAS advice note observed that the Council does not have a councillor Local Plan advisory group or working group of any kind. It therefore recommended that consideration should be given to establishing a cross-party Local Plan councillors' working group in an advisory rather than a decision-making capacity. Officers consider that there would be merit in setting up such a working group as it would (1) provide them with an informal and discrete sounding board to assist in the development of the Local Plan and (2) be able to advise the Licensing and Planning Policy Committee on specific topic areas relevant to the Plan.
- 2.3 Officers recommend that the working group should be cross-party but informal, and that it should act as a sounding board for the Licensing and Planning Policy Committee. Paragraphs 2.8 and 2.9 of Part 3 of the Constitution state that, in addition to the main committees and sub-committees, the Council may set up time-limited sub-committees for specific purposes. Committees may also appoint sub-committees and working groups, and if appropriate agree their terms of reference, a chairman and, if considered necessary, a vice chairman and substitute members of the sub-committee or working group.
- 2.4 Any working group will only have advisory functions and Licencing & Planning Policy will remain the decision-making Committee.
- 2.5 Suggested terms of reference to be adopted for the Working Group are set out at **Appendix 1**.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 The use of governance structures such as the Member Working Group which is proposed may support Local Plan progression and reduce the likelihood of fundamental changes to the Plan's spatial strategy or challenges further down the line.

3.1.2 Whilst it is recommended that the working group be established on an informal basis, this would not be without risk. These risks include:

- There may be suspicion of the purpose of the working group from outside the Council because discussions would not be conducted in an open and transparent manner.
- This may generate Freedom of Information requests being submitted by anyone interested in the topic areas discussed by the working group.
- There would be no formal minutes of the meetings so no record of what was being debated or agreed.
- There would still be a need for agreement of members of the working group to abide by 'Chatham House' rules, so as not to stifle full and frank discussion.

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 None arising from this report.

3.5 Other

3.5.1 None arising from this report.

4 Financial Implications

4.1 The modest additional cost of administering the Member Working Group could be borne by existing budgets. The working group meetings may to some extent reduce the frequency of Licensing and Planning Policy Committee meetings.

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

5 Legal Implications

5.1 There are no specific legal implications arising from the contents of this report.

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

6 Policies, Plans & Partnerships

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

Effective Council

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:** Plan-making is a matter included within the current Service Delivery Plan.

6.4 **Climate & Environmental Impact of recommendations:** The Local Plan itself will have a key role in implementing a number of key objectives that are set out in the Council's Climate Change Action Plan.

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

6.6 **Partnerships:** None arising from this report.

7 Background papers

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

Previous reports:

- None

Other papers:

- Planning Advisory Service – Local Plan Gateway Review Summary Advice Note – Epsom and Ewell Local Plan, 26 May 2021

Local Plan Member Working Group - Draft Terms of Reference

Purpose and principles

- To act as an informal sounding board for the Licensing and Planning Policy Committee.
- To discuss and advise the Licensing and Planning Policy Committee on specific topic areas in relation to planning policy to be agreed beforehand by the Committee.
- It has no formal decision-making powers.
- It is informal with no public reporting of any discussions.

Membership

- A number of members [number to be determined] from across the political parties represented on the Council to be agreed by the Chair of the Working Group.

Meetings

- Meetings to be chaired by the Chair of the Licensing and Planning Policy Committee.
- In terms of frequency of meetings, these should be programmed to align with relevant stages of Local Plan preparation rather than be set at regular intervals. Meeting dates will be determined by the Chair of the Working Group.

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Planning Advisory Service – Local Plan Gateway Review

Epsom and Ewell Local Plan

May 2021

PAS Project Team lead contacts:

Karen Moore
Sara Dilmamode

Local Planning Authority lead contacts:

Viv Evans
Wai Po Poon
John Cheston

Background

Karen Moore (KJM Planning & Management, part of the DAC Planning & Arup project team), with Sara Dilmamode (CITIESMODE, part of the DAC Planning & Arup project team), carried out a Gateway Review with members of the Epsom and Ewell Planning Policy Team. The [Gateway Review](#) considers the challenges and opportunities that the Council is currently facing in progressing their Local Plan towards meeting the Government’s target that all local planning authorities should have an up to date plan in place by the end of 2023. This note provides a summary of the findings from the Gateway Review and the recommended next steps.

The Gateway Review takes a light-touch, critical friend approach. The advice and recommendations have been formulated following discussions with members of the Council’s Planning Policy Team, a high-level desktop review of documentation and information provided to PAS during a scoping meeting held on 25 March 2021, this follows an initial meeting focussed on the Local Development Scheme on 27 January 2021 (the outcomes of which are included as Appendix 1). Other evidence or information may exist that has not been reviewed, which might lead to other comments, advice, or conclusions. This note is advisory only rather than a legal view, and it should be read in the context of relevant legislation, national planning policy and guidance.

Summary of Main Risks

Key operational risk(s)

- The approach to meeting housing need, site selection, and any Duty to Cooperate activity related to unmet need, is likely to be the subject of a high degree of scrutiny at the independent examination of the Local Plan. Failure to demonstrate a rigorous approach that justifies the spatial strategy and selection of individual sites could pose a risk to Local Plan progress.
- Considerable work has been undertaken by the Council to develop a new Local Development Scheme and secure resources; however, the lack of a more detailed day-to-day project plan could make keeping the timetable ‘on track’ challenging.

Key political risk(s)

- There is a risk of low political buy-in to the emerging spatial strategy. If the approach to the Regulation 18 (Stage 2) Issues and Options consultation is insufficiently detailed, this may further compound this risk and could lead to significant delay in progressing to the Regulation 19 publication stage.

Local Plan Gateway Review

Local Plan Context

- Epsom and Ewell’s adopted development plan consists of: [Epsom and Ewell Core Strategy \(2007\)](#), [Plan E - An Area Action Plan for Epsom Town Centre \(2011\)](#) and [Epsom and Ewell Development Management Policies Document \(2015\)](#).
- The Epsom and Ewell Residents Association runs the Council which operates on a committee system without the Leader or Portfolio Holder roles common to other councils ([see Epsom and Ewell Constitution, updated July 2020](#)). The Chair of Licensing and Planning Policy Committee (LPPC) is effectively the lead member for Planning.
- Work has commenced on the new Local Plan. Consultation on Issues and Options (Part 1) concluded in 2017, and responses to the questionnaire are set out in the [Epsom & Ewell Local Plan Partial Review of Core Strategy – Consultation Response, December 2017](#). The Allies and Morrison [Draft Epsom & Ewell Masterplan, 2019](#) was endorsed by the LPPC in September 2019.
- Officers advised that the Council intended to publish a Regulation 18 (Stage 2) Issues and Options consultation early in 2020. Covid-19 impacts, uncertainty caused by the publication of the [Planning White Paper](#) in August 2020, and a lack of clarity on housing numbers have delayed plan making.
- The Council’s new Local Development Scheme (LDS) (2021) was approved by [committee on 4 March 2021](#) following PAS interim advice (see Appendix 1). Consultation on Regulation 18 (Stage 2) Issues and Options is anticipated in November 2021.
- The capacity of the Planning Policy Team is being increased to support delivery of the new Local Plan, but the team is currently very small. A new Local Plan Manager started in post in February 2021; new planner and senior planner posts have been created. Officers have identified economic development as a skills gap and a policy area where more input is needed. A budget of £750,000 was secured at a [committee meeting on 30 March 2021](#) to support Local Plan development.
- Officers are currently reviewing and updating the evidence base to support preparation of the Local Plan. This includes considering whether the Council may need to commission transport modelling due to lack of capacity at Surrey County Council to take this forward before 2022. Work to commission Sustainability Appraisal consultants is underway and officers have identified that further viability work is not required until the Regulation 19 publication stage. The Council has also commissioned an update of the Spatial Economic Growth Strategy (February 2020).
- There is a fortnightly meeting between the Head of Planning and the Lead Member for Planning. There is also a monthly meeting with the chairs of committees. The Council does not have a Councillor Local Plan Advisory Group or working group of any kind.
- The Housing Delivery Test 2020 measurement (published in January 2021) identified that the Council’s Local Housing Need requirement over 3 years was 1,519 dwellings with only 34% of this being delivered. The presumption in favour of sustainable development now applies.
- Regular meetings are held with neighbouring Surrey authorities and the London Borough of Kingston. The authorities have been clear that they will not be meeting unmet housing need from other authority areas. It is anticipated that Elmbridge Council, whose Local Plan timetable is running ahead of the other Councils, will formally write to the Epsom and Ewell Council for support in meeting its unmet housing need. This is to ensure a clear audit trail and enable formal confirmation to be provided by Epsom and Ewell Council that it will not be able to assist its neighbours.
- The Borough is 47% Green Belt and this, combined with environmental designations, presents a challenging plan making context. There is considerable resistance to Green Belt release locally, and there has been a culture of a more prohibitive approach to higher density development.

- CPRE (and a number of other special interest groups) are particularly active in Epsom and Ewell and in response, the Council adopted a [Local Plan Draft Communications and Engagement Strategy](#) in August 2020. In recent weeks, there have been meetings with promoters of sites keen to understand the next steps on the Local Plan. Epsom Civic Society is keen to be involved in Local Plan development.

Key Risks and Issues

Risk / Issue	Mitigation
<p>1. The approach to meeting housing need, site selection, and any Duty to Cooperate activity related to unmet need, are likely to be the subject of a high degree of scrutiny at the independent examination of the Local Plan. Failure to demonstrate a rigorous approach that justifies the spatial strategy and selection of individual sites could pose a risk to Local Plan progress.</p> <p>The Council is still developing its approach to site selection but considers that meeting its housing needs will be a challenging task in a compact Borough with significant environmental and policy constraints. Knowledge gaps arising from the high recent turnover of staff adds a further layer of challenge to progressing work on the evidence for newly appointed Officers.</p> <p>The Council has completed a Green Belt review, which shows the Borough’s Green Belt is largely performing well. Officers acknowledged that Members will have difficult decisions to make.</p> <p>Officers also consider that the statements from Government in response to consultation on Changes to the Planning System, published in April 2021, reinforce that Local Housing Need does not ‘trump’ local constraints such as Green Belt on the basis that it: <i>“provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt”</i>.</p> <p>The approach to site selection including the approach to Green Belt will inevitably be a major</p>	<p>Suggested Approach: The Local Plan needs to be supported by a robust approach to testing realistic scenarios for the quantum of new homes and distribution of this development. A robust approach to site selection is needed which ensures that, both short term and longer term, local housing needs will be met. While addressing local housing need is a starting point, rather than a fixed target, the Council must seek to accommodate it, where sustainable to do so or where it cannot, unequivocally demonstrate it is not possible to meet needs and still comply with national planning policy.</p> <p>It will be vitally important to ensure that the approach towards meeting the Duty to Cooperate will ultimately provide robust and convincing evidence.</p> <p>Suggested Mitigation: The Council will need to clearly show how options for accommodating the Borough’s housing needs have been assessed through the Sustainability Appraisal and how the options have been informed by a robust site assessment and selection process. This evidence will need to demonstrate that the Council has sought to deliver the maximum amount of its housing needs that can be sustainably delivered, and where it cannot meet needs in full demonstrate why this is not possible.</p> <p>While the link between economic development and housing growth was not explored in detail in the scoping meeting, this needs to be factored into emerging work on the spatial strategy.</p> <p>In accordance with national planning policy, the spatial strategy and supporting evidence should demonstrate that:</p> <ul style="list-style-type: none"> • suitable brownfield sites and underutilised land have been maximised as much as possible – this should include previously developed land

Risk / Issue	Mitigation
<p>focus of scrutiny at independent examination. Given the level of challenge through judicial review to Local Plan adoption experienced in the sub-region, this evidence may also be a focus of such a challenge.</p> <p>If the Council cannot demonstrate to the independent examination that the approach to site selection is robust and justified by the evidence, or that the Local Plan will provide for local housing needs to be met in the short or longer-term, there is a considerable risk of an extended independent examination or worst case risk that the Council would have to withdraw the plan from examination.</p> <p>Discussions on meeting (unmet) housing need, with neighbouring authorities, currently lack formality. While there <i>are</i> regular meetings, the Council has only recently started to record the key issues discussed. Failure to capture and evidence this Duty to Cooperate activity - and not just the issues identified but also outcomes and actions in response - could be a significant obstacle to plan progress.</p> <p>The Council must ensure that the Duty to Cooperate has been met prior to the submission of the Local Plan. Any potential failure in meeting the Duty to Cooperate cannot be rectified through the independent examination process, and therefore would require the withdrawal of the Plan. This would significantly delay the adoption of the Local Plan and leave the Borough without an up to date Local Plan for an extended timescale, reducing the ability of the Council to strategically plan growth and infrastructure required to meet the needs of the Borough.</p>	<ul style="list-style-type: none"> in the Green Belt and present the rationale for continuing to protect urban open space(s); • the density of development is optimised, including a significant uplift in minimum density standards in town centres and other locations well served by public transport – this could be informed by an urban characterisation or capacity study; • it has been informed by discussions with neighbouring authorities about whether they could accommodate identified housing needs and the outcomes of these discussions documented through Statement(s) of Common Ground; and • consideration has been given to whether exceptional circumstances exist to support the release of land in the Green Belt. Where it has, preference should be given to locations well-served by public transport before other locations are considered. <p>PAS could undertake a critical friend review of the evidence base prepared to-date to support the identification of the preferred spatial strategy and provide independent advice on further work required.</p> <p>The process followed in working with other authorities to seek to meet unmet needs, and critically the outcomes agreed must be formally documented in a Statement of Common Ground to demonstrate the requirements under the Duty to Cooperate have been met. The Council therefore needs to demonstrate early, and on-going engagement with its neighbours in respect of this and any other cross boundary matters through Statements of Common Ground.</p> <p>The risk may be mitigated by a review of work undertaken to date and the planned next steps. PAS could potentially provide independent advice on further work required and how this process could be expedited.</p> <p>If Green Belt release is required to meet development needs, the Council will need to ensure that exceptional circumstances can be demonstrated in accordance with the requirements of the National Planning Policy Framework (and specifically paragraphs 137 and</p>

Risk / Issue	Mitigation
	<p>138). The strategic and site-specific exceptional circumstances case for this release must be clearly and robustly demonstrated.</p> <p>The PAS Local Plan Route Mapper and Toolkit, drawing on national policy and guidance (particularly parts 2 and 4), can assist in identifying requirements that will need to be met.</p> <p>The Council should seek an advisory meeting with the Planning Inspectorate to obtain preliminary advice from an inspector on this matter and consider seeking legal advice, particularly given the potential risk of legal challenge.</p>
<p>2. Lack of political buy-in to the Local Plan strategy will pose a significant risk to plan progress; failure to have an agreed spatial strategy at an early enough stage in plan preparation could derail the Local Plan later on.</p> <p>Inevitably the level of local housing need that the Local Plan is required to accommodate creates significant political pressures locally. The Local Plan is often a campaigning issue in areas where there is significant Green Belt coverage. There are also community concerns about Green Belt encroachment.</p> <p>The new LDS presents the Regulation 18 (Stage 2) consultation as ‘Issues and Options’. As indicated in the initial PAS advice, there are risks associated with this approach if the Council does not at least indicate its preferred approach at the Regulation 18 stage (see Appendix 1). An insufficiently specific Issues and Options consultation could simply be ‘kicking the decision down the line’ on the preferred spatial strategy. If political buy-in for the preferred approach cannot be achieved, significant delay to the Regulation 19 publication stage, is likely. This risk is evident from the experience of other Councils in the County where the Regulation 18 Stage 2 document has not established a sufficiently clear direction of travel.</p>	<p>Suggested Approach: Ensure all Members are kept closely engaged in the Local Plan’s progress and the necessity of planning to meet housing need. The use of governance structures and other supporting material might support plan progression and reduce the likelihood of fundamental changes to the spatial strategy or challenge further down the line.</p> <p>Suggested Mitigation: Consistent and regular engagement with the key Councillors should continue. Consideration should be given to establishing a cross party Local Plan working group in an advisory rather than decision making capacity. This could be supplemented with:</p> <ul style="list-style-type: none"> • Regular (written or verbal) briefings with a wider group of councillors; • Targeted engagement with ward members in areas where more significant growth or change is anticipated; and • Provision of materials for local media and councillors to use with constituents to support accurate and consistent messages. <p>The timetable for this Member engagement should be factored into the project plan (see point 3 below). Based on the new LDS, the plan-making stage from now until the end of the year will be particularly critical to taking Members on this journey.</p> <p>PAS could provide a member briefing session to outline the importance of having an up-to-date Local Plan as well as a robust approach to the</p>

Risk / Issue	Mitigation
	<p>spatial distribution of growth, including site selection.</p> <p>It may be also helpful to consider the role and extent of the proposed Regulation 18 (Stage 2) Issues and Options consultation. Under the Local Plan Regulations (2012) it <i>could</i> be a complete or near complete draft of the intended Regulation 19 Local Plan or at least a plan that indicates the <i>preferred</i> growth strategy in a sufficiently detailed way. This will ensure that Members have committed to a spatial strategy in advance of Regulation 19 publication stage. It would also have the benefit of allowing stakeholders (including the County Council and statutory consultees) to comment on the plan's full text before the Regulation 19 publication stage. This could potentially reduce the extent of main modifications identified as required through the independent examination or any need to re-consult on the Regulation 19 Local Plan ahead of the submission to the Planning Inspectorate should soundness issues be raised.</p>
<p>3. Achieving the new LDS timeline is contingent on the work being underpinned by a project plan for delivery. Without this, it will become difficult to ensure that the plan drafting activity, and evidence that informs it, is on track.</p> <p>The LDS has now been revised and formalised. However, an up-to-date project plan (linked to workplans) is not yet in place. Without a detailed project plan, mapping out the key tasks and responsibilities, it may be difficult to assess whether the LDS is on track – or at risk of falling behind schedule.</p> <p>It was previously recommended (as set out in Appendix 1) that the Regulation 18 (Part 2) consultation should be set out the intended direction of travel. This is to ensure key policies and sites have been consulted on. Failure to do this could inhibit preparation of the Regulation 19 Local Plan and/or potentially require further work after the Regulation 19 publicity has been undertaken, if changes are required to the Local Plan to ensure it is sound prior to it being submitted to the Planning Inspectorate. If insufficient detail is consulted upon at the</p>	<p>Suggested approach: Develop a more detailed project plan which sits below the LDS. While ‘project management’ should not become an industry in itself, a project plan can help monitor plan making progress and signal the need to take action at an early enough stage if key tasks fall behind schedule or if there are changes to the level staff resource available.</p> <p>Suggested Mitigation: The Council is encouraged to ensure that a robust, comprehensive and achievable project plan/programme is put in place. Advice in the PAS Local Plan Route Mapper and Toolkit, (particularly Section B and part 3) can assist in appropriately scoping work requirements and ensuring that procedural requirements are met. The Council should also have regard to the Procedural Guidance produced by the Planning Inspectorate. This project plan/ programme should include timelines for production of key evidence needed to justify the Council’s approach, particularly related to site selection.</p> <p>Key evidence, particularly related to sites and deliverability, and linked to this viability and infrastructure evidence, will need to be in place to</p>

Risk / Issue	Mitigation
<p>Regulation 18 (Part 2) consultation, there is a significant risk that the Council will not be able to have an up to date plan in place by December 2023.</p> <p>There are multiple workstreams that must be progressed, and failure to identify, at least at a high level, timescales, responsibilities and any interdependencies associated with these could inhibit progress.</p> <p>The Council is already progressing updates to the Local Plan evidence base and considering how to expedite production where delay is anticipated (for example, the transport modelling). Failure to complete key evidence in a timely fashion will hinder the preparation of the Regulation 18 (Stage 2) Local Plan, which will need to be sufficiently detailed to meet the current LDS timetable. As noted above, knowledge gaps arising from staffing changes has made this exercise more challenging.</p>	<p>support consultation at the Regulation 18 (Part 2) stage. Presenting the outcomes of the site selection process followed and the evidence which has informed the Council’s decisions should be made available as part of the Regulation 18 (Part 2) consultation. This will enable a more detailed Regulation 18 (Stage 2) consultation to be undertaken, where potential soundness issues can be ‘flushed out’, and, where possible, resolved prior to Regulation 19 stage publication.</p> <p>In developing the more detailed project plan, regard should be had to capacity of the Planning Policy Team and the appropriateness of securing additional consultancy support. For example, given the need to stay on track with timelines (and outstanding recruitment efforts), there might be value in commissioning consultancy support in developing the site selection methodology and compiling the associated evidence.</p> <p>As well as factoring in formal decision-making stages by Members and lead in times, the timetable for Member engagement activities should also factored in (see point 2 above). These governance arrangements can expedite plan making – but take time and resource to manage and this should be reflected in any project plan.</p>

Recommended Next Steps

The key potential risk areas and issues identified through the Gateway Review, which could impact upon the timely and successful progression of the Local Plan, are set out above. To help mitigate the potential risks identified the following actions are recommended.

- Recommendations to the Council:
 - Ensure the evidence prepared to support the Local Plan (chiefly the site selection process and Sustainability Appraisal) demonstrates that the Council has sought to accommodate the maximum amount of its housing needs that can be sustainably delivered, and where it cannot meet its housing needs in full, demonstrate why this is not possible with complying with the requirements of national planning policy.
 - Develop, with relevant authorities, a robust audit trail for dealing with strategic planning matters under the Duty to Cooperate and use Statement(s) of Common Ground to document the outcomes of discussions.
 - Develop a structured programme of Member engagement and identify existing or new channels that can be used to provide a manageable level of engagement with a wider group of councillors.
 - Develop a detailed project plan to ensure the LDS timeline stays on track alongside other policy tasks and any dependencies, such as the timing of key evidence, are effectively managed.

- Potential further support from PAS:
 - A critical friend review of the evidence base prepared to-date to support the identification of the preferred spatial strategy and provide independent advice on further work required.
 - An independent review of the arrangements for meeting the Duty to Cooperate and activity undertaken to date, independent advice on further work required and how this process could be expedited.
 - A member briefing session to outline the importance of having an up-to-date Local Plan and the requirement to have a robust approach to the spatial distribution of growth, including site selection.

APPENDIX 1

Summary of Interim advice and recommendations provided in February 2021

Background

1. The DAC Planning and Arup led Project team appointed to deliver this support met with Viv Evans, Head of Planning, and Wai-Po Poon, Senior Planning Officer in the Planning Policy Team on 27 January 2021. This scoping meeting was to discuss and clarify the issues and the range of challenges the Council is facing in progressing the Local Plan. The Council has requested PAS assistance to sense check and “*take a critical friend look at LDS*” immediately to enable officers to meet their LPPC deadline in February 2021. The Council wanted to publish a new [Local Development Scheme](#) (LDS).
2. At the time of writing this initial advice there was a degree of flux in staffing levels. The Council had recently appointed a new Planning Policy Officer, who will start on 15th February 2021, and brings considerable Local Plan experience. However, the team's Senior Policy Planner (and most senior remaining team member) will be on maternity leave from the end of April for one year.
3. The published LDS dates and the proposed new dates the Council **initially** intended to report to LPPC are set out below (now superseded as set out in the main advice note).

Key Stages	Published LDS Dates (at 2020)	Proposed new LDS Dates (at Jan 2021)
Issues & Options and Call for Sites Consultations (Regulation 18 Part 1)	September – December 2017	September – December 2017
Consideration of Consultation Responses	December 2017 – March 2018	December 2017 – March 2018
Preparation and Production of the Masterplan for Epsom & Ewell	June 2018 – June 2019	June 2018 – June 2019
Preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan	September – October 2018	September – October 2018
Final Issues & Options Consultation (Regulation 18 Part 2)	November - December 2020	November - December 2021
Consider consultation responses and prepare revised draft Local Plan	January – June 2021	January – June 2022
Report to LPPC Reg.19 Publication Version of the Draft Local Plan	June 2021	June 2022
Pre-Submission Reg 19 Public Consultation	July – September 2021	July – September 2022
Date of Submission to Secretary of State	October 2021	October 2022
Pre-Examination Meeting	December 2021	December 2022
Public Hearing	January 2022	January 2023
Estimated Date for Adoption	December 2022	December 2023

4. **The remainder of this Appendix sets out the interim advice provided to the authority in February and specific to the initial draft LDS which has now been replaced.**

Interim Advice on the draft LDS

5. A Local Development Scheme can set a timetable and the authority define the resources required to put in place to deliver this – or more commonly it can be led by resource decisions with the LDS an output of the resource planning exercise. Most often it will be some reconciliation of the two. The comments in this note related to timetable are made with the caveat that forthcoming resource decisions – and the degree to which these can be realised will impact the timetable. This may lead to a need for revisions to the LDS. In any case observations are made with this caveat in mind and are set out below with reference to the main plan making stages defined in the LDS.
6. In order to avoid a certain revisit of the LDS it is strongly recommended that if possible, the Council awaits the arrival of the new Planning Policy Manager to endorse the LDS prior to agreement by members and pushes back the LDS approval to be undertaken simultaneously with the resources plan to meet it. The Planning Policy Manager will have a key role in mustering and managing the resources to deliver the LDS and should have ownership of it.
7. That said, it is not advisable to include a stage in the LDS that notes the “preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan” starting after plan production began. This might suggest that the Council has not undertaken its obligations under the Duty to Co-operate from an early stage and in an ongoing manner. It is recommended that this line of the LDS is deleted.

<i>Key Stages</i>	<i>Published LDS Dates (at 2020)</i>	<i>Proposed LDS Dates (at Jan 2021)</i>
Preparation of the Epsom & Ewell Duty to Co-operate Engagement Plan	September – October 2018	September – October 2018
Final Issues & Options Consultation (Regulation 18 Part 2)	November - December 2020	November - December 2021

8. Officers advised that the planned Final Issues and Options (Regulation 18 Part 2) Consultation is likely to take a scenario-based approach centred on the following three ‘options’:
 - Meeting the housing needs identified.
 - A more modest target avoiding land with environmental constraints and Green Belt.
 - Low target low/ limited growth approach.
9. This mirrors the three option approach taken by Elmbridge District Council Strategic Options Consultation Document. There is no agreement with neighbouring authorities to accommodate any unmet housing need.
10. The existing team appears under-resourced to deliver the Final Issues and Options (Regulation 18 Part 2) document by 2020, associated evidence and manage the necessary councillor engagement. While the appointment of a new experienced Planning Policy Manager is an excellent decision and will support faster plan-making progress, the one-year absence of senior planner from April with knowledge of internal processes and sites is a significant loss – albeit a temporary one. At present, there appears insufficient resilience in the Planning Policy Team to ensure service sustainability over the life of the Local Plan preparation. There is a need to expand the team and possibly the skills base, as well as back fill the Senior Planner post as expected. If approval for this is not achieved until March, new officer(s), allowing for recruitment and notice periods, may not be in post until May. This compresses the time available to draft the document and for engagement with councillors.

11. Linked to this, there may be a need to rethink the three scenario based options approach presentation (set out above), particularly the low growth ‘option’ which is not a genuine option, and unless it can be shown that full need can be delivered by avoiding the Green Belt (including that being provided by neighbours) the second option also is not a genuine option. This approach has been adopted in the sub-region by other authorities. But it is noted that this has neither speeded up nor added certainty to these authorities' plan-making process, none of whom have yet reached examination stage. The Local Plan is highly unlikely to be ‘found sound’ by a planning inspector at an examination if it is not based on an option that demonstrably meets needs sustainably *or unequivocally demonstrates it is not possible to meet needs and still comply with National policy.*
12. Considerable work on the evidence base has been undertaken, but this will need to be developed and updated and funding will be needed to meet consultancy costs. The Council should recognise that procuring and managing contracts will also take officer time.
13. The proposed consultation period of two months falls short of the indicative 12-week minimum that has recently been publicly endorsed by the Council in the [Local Plan Draft Communications and Engagement Strategy](#). Riding back from this commitment might be unwise (or politically unacceptable) and it may need to be extended to 12 weeks.

Key Stages	Published LDS Dates (at 2020)	Proposed LDS Dates (at Jan 2021)
Report to LPPC Reg.19 Publication Version of the Draft Local Plan	June 2021	June 2022
Pre-Submission Reg 19 Public Consultation	July – September 2021	July – September 2022
Date of Submission to Secretary of State	October 2021	October 2022

14. The proposed timeline allows for six months from the close of consultation on the Final Issues and Options (Part 2 Regulation 18) document to develop a Regulation 19 Local Plan. If the Council pursue three equally weighted scenarios at Regulation 19 and fails to secure a decision on the preferred option, this timeline may not be achievable.
15. The risk of delay is increased if a very large number of consultation responses is received (something already anticipated by officers). Only a month has been allowed from the close of consultation to the submission to PINS. This could be very tight if a large number of responses are received. There will still be a requirement to ready submission documents and to provide a summary of main issues. There is a need to ensure that resource is in place to deal with this surge in activity required to deal with consultation responses and submit to PINS.

Key Stages	Published LDS Dates (at 2020)	Proposed LDS Dates (at Jan 2021)
Pre-Examination Meeting	December 2021	December 2022
Public Hearing	January 2022	January 2023
Estimated Date for Adoption	December 2022	December 2023

16. The Council advised that the lengthy period between the Public Hearing and estimated adoption date is to allow time in programme for a potential judicial review. Judicial review has become a common feature of plan-making for this part of the country most recently experienced in Waverly.

17. Based on our experience, an *average* Local Plan independent examination takes around one-year under current procedures only on the assumption that significant rework of the local plan is not required as part of the independent examination. Many extend beyond a year.
18. Based on this, a 12-month period seems prudent. PINS *are* working to increase the speed of examinations, and their improvement programme may have achieved this objective by 2023. This is a more relevant consideration than trying to predict any risk of judicial review.
19. A minor point is that there may or may not be a pre-examination meeting. A Planning Inspector determines the need for a pre-examination meeting, and they are becoming rare. The Council should delete this from the LDS.
20. Adoption of the Local Plan must be a decision of Full Council as prescribed in planning regulations. It is prudent to work with democratic services to forward plan this to ensure the December 2023 deadline is achievable and achieved. This point also applies to working back from Regulation 19 publication date in respect of the governance path for approval as a key issue in setting LDS milestones.

Key Risks & Issues

Risk / Issue	Mitigation / Option
There are insufficient staff resources in house to achieve Regulation 18 deadlines (ensuring evidence is in place and aligned with NPPF requirements and using this evidence to support plan making). The current level of staffing would not provide resilience across the plan preparation timeline. Failure to address this will make achieving the proposed LDS timeline challenging and put adoption by December 2023 at risk.	Expand the team (at more senior levels) to achieve greater resilience. If the Council cannot make appropriate appointments, commissioning options for drafting the local plan should be explored. Consideration should also be given to delaying finalising the LDS until the Planning Policy Manager is in place.
The proposed LDS does not provide for consultation on a full draft Local Plan until Regulation 19 stage. A short turnaround is required between Regulation 18 consultation and Regulation 19 to meet the proposed timeline. There is limited scope to expand the period allocated to the Regulation 19 preparation stage (without compressing consultation periods).	Ensure the Regulation 18 draft is advanced/complete enough to set out the intended direction of travel to ensure key policies and sites have been consulted on. This will also help to expedite Regulation 19 Local Plan preparation.
There has been a public commitment to 12-week consultations – and significant engagement as part of this.	Ensure resources are in place to manage consultation responses and analysis – establishing templates in advance and identifying short-term consultancy/ in house support should it be required to process reps.
There remains the risk of a lengthy examination and requirement for consultation on proposed main modifications, the latter is common.	Keep PINS apprised of progress at Reg 19 and identify short term consultancy/ in house support should it be required to cover peak periods of demand associated with the examination.

Next steps and Recommendations regarding other matters

21. It is recommended that the Council consider the following actions to improve their chances of successful plan adoption by 2023 and bear these in mind in respect of the LDS:

- Secure adequate additional staff resource, budget and the Planning Policy Manager actively manages the overall project to ensure all workstreams stay on track. The broad timelines proposed for the LDS, may be achievable if the Council can:
 - Ensure that adequate resource in-house (or outsourced) is in place to deliver the Final Issues and Options (Part 2, Regulation 18), if these cannot be secured within the next 3 – 4 months this will put achieving the proposed LDS timeline at significant risk and the plan-making approach will need to be revisited.
 - Ensure that there is sufficient time in the programme to properly assess the evidence and use it to develop the strategy and policies in the plan.
 - Ensure that Final Issues and Options (Part 2, Regulation 18), is sufficiently detailed and decisive on important policy matters to enable swift development of a Regulation 19 Local Plan.
 - Ensure the governance path (including any lead-in dates for committee meetings) has been properly factored into the LDS timeline.
 - Update Statement of Community Involvement and ensure it is accounted for in the Programme for the LDS.
 - Retain the current one year allowed from submission to adoption, which seems reasonable allowing for the likelihood of a proposed main modifications consultation.
 - Delete reference to a Pre-Examination meeting and duty to cooperate as line items in the LDS.

- Establish a clear councillor engagement programme with the objective of achieving support for a preferred option by Regulation 18 stage – and taking this beyond an issues and options style document to establish a clear direction of travel making difficult policy choices explicit. This is likely to be more akin to a draft Regulation 19 stage Local Plan or as a minimum a consultation document that clearly articulates the preferred option(s) addressing key policy areas and sites. This avoids deferring difficult decisions to later in the timeline – for which there is not really time in the programme i.e. there may not be time to resolve and agree approaches in the six months between the close of Regulation 18 stage consultation and the start of Regulation 19.

Options for further support

- A meeting is between the Project Team and the Council's Planning Policy Team on 3 February 2021 (as part of this support package) to discuss this advice and consider define the approach to the next stage of the Gateway Review Support.

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