

DUTY TO CO-OPERATE - RESPONSE TO ELMBRIDGE BC AND MOLE VALLEY DC LOCAL PLAN CONSULTATIONS

Head of Service/Contact: Ruth Ormella, Head of Planning

Urgent Decision?(yes/no)

If yes, reason urgent decision required:

Annexes/Appendices (attached): Annex 1; Draft response to Elmbridge BC
Annex 2: Draft response to Mole Valley DC

Other available papers (not attached):

Report summary

Elmbridge Borough Council (EBC) and Mole Valley District Council (MVDC) are currently holding public consultations on their emerging Local Plans. The consultations provide an opportunity for all to make comments on their emerging Local Plans. It is important that Epsom & Ewell Borough Council make comments and raise any particular strategic cross boundary issues with the relevant authorities.

A response has been drafted to the respective authority's consultation document. This report summarises the contents of the consultation and sets out draft responses.

Recommendation (s)

The Committee considers the proposed draft responses and subject to any changes or additions agrees the submission to the respective authority's consultation.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 As part of Plan Making process, strategic policy making authorities are required to cooperate with each other on the preparation of policies on strategic matter. Epsom and Ewell will be fulfilling that duty in responding to the formal consultations of Elmbridge Borough Council (EBC) and Mole Valley District Council (MVDC) emerging Local Plan consultations.

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- 1.2 It is expected that these authorities will make responses to the emerging Epsom and Ewell Local Plan in due course.

2 Background

- 2.1 As part of the Plan Making process, Strategic Planning authorities are required¹ to cooperate with each other and identify relevant strategic matters. Plans need to be shaped by early, proportionate and effective engagement with a range of stakeholders including plan makers, local residents, businesses, and infrastructure providers.
- 2.2 As Local Plans progress to the final stages, authorities will be required to detail the cooperation in a statement of common ground.
- 2.3 EBC are currently holding a public consultation on their vision and objectives for their emerging plan. The consultation is due to close on the 9 March 2020. MVDC are also consulting on their draft Local Plan and this is due to close on 23 March.

3 Proposals

Elmbridge Borough Council

- 3.1 EBC are currently consulting on their visions and objectives for their local plan and development management policies. The consultation is titled '[Creating our vision, objectives and the direction for development management policies 2020](#)'. Representations on the documents are being accepted between 27 January 2020 until 9 March 2020.
- 3.2 The current consultation is part of a number of consultations EBC have held on their emerging Plan, the chronology is set out in one of their supporting documents published alongside this consultation.
- 3.3 The formal stage the consultation falls under is Regulation 18 in The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.4 The Consultation sets out three key themes under which there are five objectives. The themes and objectives are:

Themes:

- Our natural environment
- Growing a prosperous economy
- Ensuring health and wellbeing for all

¹ This forms part of the tests of soundness, as set out under National Planning Policy Framework Paragraph 35.

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Objectives:

- Deliver sustainable development and vibrant places that are excellently designed to achieve a better quality of life, a prosperous economy and a healthy built and natural environment for the benefit of existing residents and future generations.
- To adapt to, and mitigate, the effects of climate change; to reduce carbon dioxide emissions, minimise energy use; improve air quality and protect and enhance our natural environment.
- To provide the environment and opportunities to foster a prosperous economy with modern, flexible and well-connected workspaces where industries and businesses can thrive. Where our locally distinctive centres offer a vibrant place to live, work and socialise, continuing to be the heart of our communities.
- To deliver quality homes for all to create inclusive communities, promoting healthy lifestyles and positively contribute to the physical and mental health and wellbeing of those that live, work and visit the borough.
- Ensure the delivery of the right infrastructure in the right place and at the right time to support growth.

3.5 The consultation is generally high level, seeking views on the themes and objectives. Whilst it sets out the general principles their policies may take, the detail behind their policy proposals and options is largely absent. It is assumed that there will be further consultation at a later stage. EBC have indicated this will form part of their Regulation 19 consultation.

3.6 The Borough Council has prepared a draft response that reflects the high level nature of the consultation, which as a consequence does not have any specific comments to make regarding the themes and objectives. However, given that this may be the last opportunity to comment on their emerging Local Plan before it is drafted and published for Regulation 19 consultation, it is considered important for the Borough Council to formally set out that it will not be able to meet any of Elmbridge's unmet objectively assessed housing need (OAHN).

3.7 The Borough Council's draft response is set out in Annex 1

Mole Valley District Council

3.8 MVDC are currently consulting on their draft Local Plan. The consultation is titled '[Future Mole Valley \(Local Plan 2018-2033\)](#)'. Representations on the documents are being accepted between 3 February 2020 until 23 March 2020.

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- 3.9 The consultation is on their proposed draft Local Plan. The formal stage the consultation falls under is Regulation 18 in The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.10 The document sets out MVDC's spatial strategy, policies and proposed site allocations- structured in that order within the document. The policies are divided into different categories Housing, Economy, Environment and Infrastructure. Published alongside the draft Local Plan is the Policies Map which illustrates the proposed policies spatially on an Ordnance Survey map.
- 3.11 The consultation is on their draft Local Plan. Overall, it is a comprehensive document that sets out its growth strategy and policies clearly. MVDC are committing to meeting the housing need for their area in full and have set out the distribution of these in the sites being proposed for allocation. There are a few sites proposed for allocation close to the Borough boundary. These include SA04 Marsden Nurseries, Pleasure Pit Road and SA01 and SA02 Land South of Ermyn Way and Ermyn House. Our draft response draws attention to these sites and includes relevant comments.
- 3.12 In particular, it is highlighted that their proposed housing development densities are generally low. It is also noted that their draft Local Plan housing trajectory appears to suggest that housing delivery would result in Mole Valley exceeding their OAHN – if all of their proposed site allocations came forward during their Plan period at their identified development yields. Given our spatial relationship with Mole Valley and the constraints to housing land supply present in Epsom & Ewell, it is suggested that the Borough Council explore this matter further with MVDC.
- 3.13 The consultation is advertised as Regulation 18. Comments received at this stage will inform whether any revisions to the draft Local Plan will be needed to be published for Regulation 19 consultation before it is submitted for independent Examination.
- 3.14 The Borough Council's draft response is set out in Annex 2.

4 Financial and Manpower Implications

- 4.1 Responding to other authorities Local Plan consultations on cross boundary issues is a requirement of the Duty to Cooperate. Responses are resourced through the Planning Policy Team.
- 4.2 **Chief Finance Officer's comments:** none for the purposes of this report.

5 Legal Implications (including implications for matters relating to equality)

- 5.1 Strategic policy-making authorities are required to cooperate with each other (and other bodies) when preparing policies which address strategic matters.

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5.2 Local Plans are examined to assess whether they are prepared in accordance with legal and procedural requirement and whether they are sound. The test of soundness include whether it has been: *positively prepared; justified, effective and consistent with national policy.*

5.3 **Monitoring Officer's comments:** *none arising from the contents of this report.*

6 Sustainability Policy and Community Safety Implications

6.1 Local Plans are required to achieve sustainable development through the three overarching objectives of economic, social and environmental². Plans are required to be supported by Sustainability Appraisals

7 Partnerships

7.1 As part of the Plan Making process, Strategic Planning authorities are required to cooperate with each other and identify relevant strategic matters and will be required to detail the cooperation in a statement of common ground.

8 Risk Assessment

8.1 As part of the Plan Making process, Strategic Planning authorities are required to cooperate with each other and identify relevant strategic matters. Failure to demonstrate this could result in Local Plans being unsound.

9 Conclusion and Recommendations

9.1 The Committee is asked to review the proposed draft responses and subject to any changes and additions agree their submission to the respective consultations.

Ward(s) affected: (All Wards);

² These are set out National Planning Policy Framework Paragraph 8.