

RESPONSE TO MOLE VALLEY DC REGULATION 19 PROPOSED SUBMISSION LOCAL PLAN CONSULTATION

Head of Service:	Viv Evans, Head of Place
Wards affected:	(All Wards);
Urgent Decision?	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Draft Response to MVDC Regulation 19 Local Plan consultation Appendix 2: Statement of Common Ground Appendix 3: EEBC response to Regulation 18 Local Plan consultation March 2020

Summary

Mole Valley District Council (MVDC) is seeking responses to its final draft (Regulation 19) local plan. It is proposed to respond to the consultation raising concern that, because MVDC does not intend to meet its Local Housing Need figure in full, there is a risk that Epsom & Ewell might be asked to accommodate some of this unmet housing need, either in its emerging Local Plan or through speculative planning applications for new housing development.

Recommendation (s)

The Committee is asked to:

- (1) Approve the draft response set out at Appendix 1.**
- (2) Delegate authority to the Head of Place, after consultation with the Chair of Licensing and Planning Policy Committee, to make any amendments to the response to the Mole Valley District Council Regulation 19 consultation following the receipt of privileged legal advice.**

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1 Reason for Recommendation

Having considered the evidence put forward as part of its Regulation 19 Local Plan consultation, EEBC is concerned that MVDC does not intend to meet its Standard Method-derived housing need figure in full and that the reduced level of allocation in the MVDC plan proposed through the regulation 19 consultation will increase unmet housing need in East Surrey. This could place greater pressure on EEBC to meet MVDC's need through the local plan and reduce the ability of the council to resist inappropriate development through the planning application and appeals process. The possibility of MVDC assisting EEBC meet its unmet need was raised in its response to the Regulation 18 consultation in March 2020, and whilst a duty to cooperate statement of common ground was signed earlier this year, the evidence and justification for revising MVDC's housing figure was not available at the time. Having now considered the evidence in more detail, it is considered that the MVDC plan could be detrimental to the strategic planning in areas EEBC has responsibility for.

2 Background

2.1 MVDC published its Proposed Submission version Local Plan on 20 September 2021 and is inviting responses, as required by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The deadline for responses is 7 November 2021. Epsom and Ewell Borough Council (EEBC) is intending to submit representations to MVDC as an adjoining planning authority, whose future plans for growth may be impacted by MVDC's plan.

Previous Comments from EEBC

2.2 Prior to the publication of the current draft plan, MVDC undertook a consultation on a previous draft plan, under Regulation 18 of the Local Planning Regulations 2012 in March 2020. EEBC responded, stating that:

- EEBC had no specific comments in relation to the draft policies.
- EEBC supported a "brownfield first" approach.
- Further justification of the densities on the proposed allocated sites was needed.
- Some smaller sites in the site allocations document may more appropriately be considered "windfall sites".
- It may have been more useful for the housing trajectory to be more detailed.
- EEBC would welcome the opportunity to discuss the potential for MVDC to help meet unmet needs from adjoining authorities based on a housing trajectory of 18% over MVDC's minimum need, and that the densities estimated in the site allocations document were low. Such conversations would allow EEBC to offer incentives for meeting needs e.g. in terms of infrastructure investment and economic development. Whilst no further detail was given in the

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response, this could mean, for example, EEBC making contributions to road upgrades, green spaces, biodiversity enhancements etc. in Mole Valley, in order to help make development more acceptable. Or agreeing, through S106 agreements to give employment and training opportunities to the new residents of Mole Valley who otherwise would have been housed in Epsom and Ewell.

2.3 For the full response, see appendix 3.

Amendments since MVDC Local Plan Regulation 18 draft

2.4 In considering responses to the Regulation 18 consultation MVDC has published an amended plan, and provided the following summary of amendments made in response:

- The amount of Green Belt 'take' has been almost halved to 0.7% of the current Green Belt.
- The amount of allocated brownfield land is now in excess of the greenfield land.
- MVDC has reduced its housing target from 449 new homes per year to 353 new homes per year, to create a fair balance between meeting the housing need and protecting Mole Valley's landscape and character. MVDC revised its housing strategy following the Regulation 18 consultation and the proposed reduction in homes was the result of a revised site selection process. The consequence is that there will be an unmet need of 1700 homes over the plan period compared with the Government's housing need figure for the district.
- Climate change, design, heritage and biodiversity policies have been strengthened.
- Stronger infrastructure policies and more infrastructure allocations have been inserted.
- A number of the proposed development sites have been withdrawn, including:
 - Marsden Nurseries, Pleasure Pit Road, Ashted
 - Land South of Beare Green
 - Land North of Guildford Road, Bookham
 - Former Chalcraft Nurseries, Reigate Road, Dorking
 - Land at Fetcham Springs, Cobham Road, Fetcham
 - Land North and South of Barnett Wood Lane, Leatherhead

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- 2.5 It is proposed to frame EEBC's response to the current (Regulation 19) consultation in the context of previous comments made in relation to the Regulation 18 consultation. In considering the response, the issues raised in the Regulation 18 consultation have been analysed in the MVDC plan and the following assessment has been made:

Changes to policies

- 2.6 Whilst a number of changes have been made to the MVDC policies, none are so significant that they would alter EEBC's position from its response to the Regulation 18 consultation or would lead it to make a negative assessment in relation to questions over legal compliance or soundness. However, it is noted that climate change, design, heritage and biodiversity policies have been strengthened. These may influence the development of the EEBC Local Plan particularly as strategic areas over which cooperation would be beneficial.

Brownfield first

- 2.7 EEBC supported this approach. The analysis of the Regulation 18 consultation responses shows that, understandably, this question attracted a wide range of comments. It is understood that the decision to undertake a revised site selection process was partly in response to these wider comments. Whilst the revised site selection process has led to a revised housing target, which EEBC has concerns with, broadly it appears that a "brownfield first" approach has still been followed. Therefore, in principle, EEBC maintains its support for this approach.

Strategic Allocation (Development Site) Density

- 2.8 Based on a rough calculation of densities undertaken by EEBC officers, in its response to the Regulation 18 draft, EEBC suggested that MVDC could aim for a higher number of homes on the sites identified in the draft site allocations document. A significant difference between the Regulation 18 and new Regulation 19 site allocations document is that the size of many of the sites have now been revised to show the estimated net "developable area" as opposed to the entire site area. The resulting effect is that density (number of dwellings/net developable area) for each site is now shown as generally higher across all sites in the new site allocations document. A table of indicative residential densities (p116 of Chapter 9 – Development Site Densities) shows densities ranging from 20dph in villages to 50dph in built-up areas, stating that sites in "inner" built-up areas will be considered on a case-by-case basis. Whilst this does show a higher density overall, it is considered that there may still be scope to achieve higher densities on some sites. However, further work would need to be done to prove this.

More detailed housing trajectory

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- 2.9 The information shown relating to MVDC's housing trajectory in the Regulation 19 draft is significantly more detailed than shown in the Regulation 18 version insofar as whilst the Regulation 18 version displayed a simple table showing the total number of homes in each 5-year period, the Regulation 19 version shows a graph with projected annual completions. It is therefore considered that this is acceptable.

EEBC's unmet housing need

- 2.10 Following EEBC's request to discuss meeting adjoining authorities' unmet needs, a "stocktake" meeting in December 2020 took place, in which EEBC were informed that MVDC could not meet any of EEBC's unmet need or MVDC's own need, owing to a revised site selection methodology. The issue of unmet need was therefore considered "unresolved" by MVDC until a Statement of Common Ground was presented for EEBC to sign in which both parties agreed that:

- Due to constraints including the statutory Green Belt, and other primary constraints EEBC may not be able to meet its own housing need figure, let alone another authority's target.
- Due to the fact that 76% of the district is designated as Green Belt and 45% is designated as an Area of Outstanding Natural Beauty or Area of Great Landscape Value and both its principal towns are Conservation Areas, MVDC is unable to meet its own local housing need in full and so cannot meet any unmet housing need which may arise from Epsom & Ewell borough.
- Both authorities will seek to meet their own need for additional Gypsy and Traveller pitch provision.

- 2.11 However, the evidence upon which MVDC's revised site selection process was based was not available at the time the Statement of Common Ground was signed. Consequently, there is now concern that the reduced level of allocation in the MVDC plan proposed through the regulation 19 consultation will increase unmet need in East Surrey. This could place greater pressure on EEBC to meet need through the local plan and reduce the ability of the council to resist inappropriate development through the planning application and appeals process.

- 2.12 For the full Statement of Common Ground please see appendix 2.

Allocated sites

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- 2.13 In response to the Regulation 18 consultation EEBC commented on two sites in particular in the draft site allocations document. This was due to concern that the scale of development on these two sites had the potential to have a significant impact on one of the key A roads (the A24) that serves the Borough. It was suggested that the traffic impact needed to be fully assessed which may involve further cross boundary engagement through the Duty to Cooperate.
- 2.14 One of the sites, Marsden Nurseries, has been removed from the draft plan following a revised selection process.
- 2.15 The other, Emryn House, Emryn Way remains in the draft plan. A further concern relating to this site was the potential loss of employment, including the jobs of Epsom & Ewell residents. The site appraisal in the Strategic Housing and Economic Land Availability Assessment (*SHELAA*) (January 2020) indicates that:

“This site currently accommodates one of the District’s major large firms and is one of a number of business HQs located within the District. Accordingly, part of the site is currently safeguarded for industrial and commercial uses. In light of changing working patterns and office requirements, there is potential for a mixed-use development, which could enable the existing occupier to remain on site in a more fit for purpose building. Should it become clear that there is no reasonable prospect of employment use continuing, there is alternatively potential for a higher level of residential development. It is considered that in light of the size of the site, it could be repurposed and redesigned to include a more suitable offer.”

- 2.16 Given that the potential cumulative highway impacts arising from development at these two sites have diminished (by virtue of one site having been removed), and that EEBC would be consulted as an adjoining authority were a planning application to be forthcoming, it is considered that no further objection should be raised to the plan in this regard. Similarly, the consideration given to the potential loss of employment in the SHELAA is sufficient to overcome concern.

Additional sites

- 2.17 The plan also proposes 21 new sites. These vary in terms of residential yield but the majority are small scale and not close to the borough boundary with Epsom and Ewell. Accordingly, it is considered that these are not of concern.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 There are no additional impacts arising from this report.

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3.2 Crime & Disorder

3.2.1 There are no implications regarding crime and disorder arising from this report.

3.3 Safeguarding

3.3.1 There are no implications regarding safeguarding arising from this report.

3.4 Dependencies

3.4.1 There are no implications regarding dependencies arising from this report.

3.5 Other

3.5.1 There are no other impacts arising from this report.

4 Financial Implications

4.1 There are no direct financial implications for the purposes of this report.

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

5 Legal Implications

5.1 **Legal Officer's comments:** None arising from the content of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The MVDC Local Plan relates to a number of key objectives in the EEBC Four Year Plan and Annual Plan as development decisions based on the MVDC Local Plan will have strategic implications on matters which affect both authorities. The objectives are:

- Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.
- Address the housing needs of the Borough, including affordable housing needs, through the development of our Local Plan.
- Encourage and support business creation and growth.
- Work with partners to develop and improve transport and infrastructure with particular emphasis on sustainable travel options.

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6.2 **Service Plans:** This matter relates to “Priority Area 1: Local Plan” of the Service Delivery Plan 2020-21. By agreeing with MVDC that the district is too constrained to meet its locally identified housing need, EEBC will not be able to ask MVDC to help meet any of EEBC’s unmet need.

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

The MVDC draft Local Plan includes measures for addressing impacts on the climate and environment.

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

None arising from this report.

6.5 **Partnerships:**

None arising from this report.

7 Background papers

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

Previous reports:

7.2 The response to the MVDC Regulation 18 Local Plan consultation was approved at LPPC on 5 March 2020. The report can be accessed here:

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=131&MId=810&Ver=4>

Other papers:

- All documents relating to the MVDC Regulation 19 Local Plan consultation are available here:

<https://futuremolevalley.org/>