

## PLANNING FRAMEWORK - LOCAL PLAN PREPARATION

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| <b>Head of Service:</b>                         | Victoria Potts, Head of Place Development |
| <b>Wards affected:</b>                          | (All Wards);                              |
| <b>Urgent Decision?(yes/no)</b>                 | No  |
| <b>If yes, reason urgent decision required:</b> |   |
| <b>Appendices (attached):</b>                   | N/A                                       |

### Summary

This report sets out the framework in which the new local plan will be prepared.

An up-to-date framework is presented which includes changes to the basis on which the council will prepare the local plan to reflect changes in national planning policy and the revised evidence base.

This will be what shapes the strategic direction of the spatial strategy and policies of the new Local Plan.

### Recommendation (s)

#### The Committee is asked to:

- (1) Agree the revised planning framework which will be the foundation for the Local Plan preparation.**
- (2) Agree the framework will be kept under review and any changes to national planning policy which have implications for the local plan preparation will be reported to the LPPC.**

### 1 Reason for Recommendation

- 1.1 To update members on the legal and planning framework for the Local Plan preparation.

## 2 Background

- 2.1 In 2016 the Council commenced the production of a new Local Plan. Several key work streams were progressed to support the Local Plan's preparation. Time has elapsed since its production, and it has been necessary to review previous studies that formed part of the evidence base to ensure they provide a robust basis for the new Local Plan. Evidence that relates to topics that do not change over time can still be relied upon, for example Green Belt Study and Landscape Studies. However, evidence that assesses needs such as housing and economic needs must be up to date to inform planning policies that are to be found sound at examination and there have been significant changes over the last few years such as Brexit and Covid together with new national planning policy that must be reflected in up-to-date evidence. It is best practice to have evidence no more than three years old at the time of examination.
- 2.2 This report sets out the key evidence base studies that are being prepared to support the new Local Plan which will supersede previous studies and the outcomes of which could lead to a different direction than has been previously reported.
- 2.3 The [14 November 2019 LPPC](#) considered a report which proposed 6 key principles for the strategic direction of the Local Plan. These were based on the information at that time. This report provides the review as per that report's second recommendation. The strategic direction for the Local Plan will now be informed by the emerging up to date evidence and will be developed through the vision, objectives, and spatial strategy for the Local Plan.
- 2.4 **Update to Planning Legal, procedural, and plan-making Framework.**
- 2.5 Legal and procedural framework.
- 2.6 There are several workstreams that relate to legal compliance for the Local Plan preparation, and these are the first test at a Local Plan examination. An overview is provided below.
- Local Development scheme (LDS)** – The preparation of a Local Development Scheme is compulsory. The preparation of a Local Plan must be in line with the published LDS and is a procedural test at examination into the Local Plan. The most recent LDS was agreed on 26 April by the Licensing and Planning Policy Committee.
- 2.7 **Statement of community involvement (SCI)** - The preparation of a Local Plan must conform to the Council's adopted SCI. Since the previous SCI was adopted, legislation and technology has changed. A revised SCI appears on this committee agenda which is proposed to contribute to create a sound up to date basis for preparing the Local Plan.

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- 2.8 **SEA/SA** - Preparing a Sustainability Appraisal (SA) is a compulsory requirement under the 2004 Planning and Compulsory Purchase Act and the 2001/42/EEC European Directive. The first stage is the preparation of an SA scoping report. This is a tool to appraise planning policies and spatial options for development. It is made up of objectives, indicators and targets tailored to the key sustainability issues for Epsom and Ewell Borough. Planning policies are looked at against these to understand how they will contribute towards sustainable development of the borough.
- 2.9 The previous SA scoping was completed in 2017. This is now 5 years old. An up-to-date revised SA Scoping is critical to the Local Plan preparation as much has changed over time and we need to ensure for example, climate change and biodiversity objectives, targets and indicators are accurately reflected.
- 2.10 The Sustainability Appraisal is key evidence to develop and refine plan options and the SA report will highlight which option is the most sustainable and how it can be improved. This is therefore fundamental to inform for example, the spatial strategy and location and level of growth over the local plan period.
- 2.11 **Duty to cooperate (DTC)** - A duty to cooperate framework is being developed to agree the strategic cross boundary issues with our DTC bodies and to set out how we will work together throughout the Local Plan process. This is a new document which is fundamental to demonstrate compliance with the DTC. This will be a live document which will be kept under review and will be added to throughout the process. The discussions held with our DTC bodies and the agreed outcomes will influence the strategic direction of the Local Plan. It is the DTC compliance that is the first legal test at the Local Plan Examination.
- 2.12 National Planning Policy Framework.
- 2.13 Local Plans must meet the tests of soundness as set out in the NPPF 2021 (paragraph 35):
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
  - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
  - c) Effective – deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

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d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

- 2.14 The NPPF sets out the overarching plan-making framework. A key point to note is the requirement for strategic policies to look ahead over a minimum 15-year period from adoption. It is for this reason that the new Local Plan period has been amended to 2022-2040.
- 2.15 Where there is large scale development such as a significant extension to an existing town, the Local Plan vision should look at least 30 years ahead to take account of the likely timescale for delivery. Officers will advise members as evidence base emerges to inform the horizon for the vision.
- 2.16 Up to date and robust evidence base is critical to be able to demonstrate the Local Plan is 'sound'. Below is therefore a summary of key evidence base being prepared.
- 2.17 **Land Availability Assessment (LAA)** -This assesses all sites for all uses. A key part of this is to ensure we have considered all sites and left no stone unturned. The recent call for sites forms one small part of this assessment. The LAA is used to support evidence on housing supply and site allocations and fundamentally is a key part of the evidence underpinning the housing requirement and spatial options. Only sites that can be demonstrated as being deliverable<sup>1</sup> or developable<sup>2</sup> are appropriate for allocation. The LAA will supersede the SHLAA 2017 which just considered housing sites.
- 2.18 **Housing and Economic Development Needs Assessment (HEDNA)** - The core component of this work is to provide an integrated assessment of future housing needs, (including breakdown by type, tenure, and size) the scale of future economic growth and the quantity of land and floorspace required for employment development across the borough, predominantly office, industrial and warehousing. This study will help to the Council to plan for both housing and employment and its findings will be used to inform any decisions around redevelopment of existing employment sites, alongside other relevant evidence. This will supersede the Strategic Housing Market Assessment (SHMA) 2016.

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<sup>1</sup> To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years

<sup>2</sup> To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

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- 2.19 **Viability Study** -The role for the viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.
- 2.20 It is the responsibility of plan makers to create realistic, deliverable policies.
- 2.21 This study will therefore help to inform policy requirements, for example the scale of development required on brownfield sites to bring them forward for redevelopment, and affordable housing thresholds which should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage.
- 2.22 This study will not assess the detailed viability of every site. The requirement at the plan-making stage is to use site typologies. In some circumstances more detailed assessment may be necessary for key sites on which the delivery of the plan relies. This will emerge as the Local plan preparation progresses.
- 2.23 **Climate Change Study (CCS)** – this study is aimed at exploring how climate change objectives, both in respect of mitigation and adaptation, might most effectively be addressed through the emerging Local Plan. There is a particular focus on identifying how the Local Plan might respond to climate change through setting a spatial strategy, i.e., by allocating sites and assigning a quantum of development / mix of uses to each. However, there is also a focus on how the Local Plan can respond through setting development management policy, i.e., policy to guide decisions on planning applications
- 2.24 **Epsom TC Masterplan**- The Town Centre Masterplan report appears elsewhere on the agenda for the meeting and will be a key piece of evidence to inform the Councils Local Plan by identifying development options for specific key town centre sites and identifying how the wider town centre could be improved in the context of placemaking. This evidence will be used to inform the Local Plan spatial strategy, site allocations and their policies including matters such as land uses and scale of development.
- 2.25 Existing evidence base which will continue to be relied upon and, where appropriate added to, include:
- Green Belt Study (2017 / 2018) - add further site assessments where necessary.
  - Landscape Character Assessment Study (2015)
  - SFRA (2018) - to add a sequential test and where relevant Level 2 Flood Risk Assessments
  - Retail study - updated and recently published

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- Emerging Gypsy and Traveller Accommodation Assessment – anticipated publication next couple of months

### 2.26 National Design Guide

2.27 In October 2019 the Government published the National Design Guide and the document was subsequently updated in January 2021. The document forms part of the planning practice guidance and outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics which reflect the government's priorities:

- Context – enhances the surroundings
- Identify – attractive and distinctive
- Built form – a coherent pattern of development
- Movement – accessible and easy to move around
- Nature – enhanced and optimised
- Public space – safe, social, and inclusive
- Uses – mixed and integrated
- Homes and buildings – functional, healthy, and sustainable
- Resources – efficient and resilient
- Lifespan – made to last

2.28 In terms of density of development, the National Design Guide states that:

- well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems. (Para 44)
- the appropriate density will result from the context, accessibility, the proposed building types, form, and character of the development (para 66)
- higher densities are dependent upon accessibility to public transport and essential facilities (para 79)

2.29 Following the publication of the National Design Guide, the government published the National Model Design Code to provide detailed guidance on the production of design codes, guides, and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide. This will all therefore inform strategic design policies and where appropriate specific site allocation policies.

### 2.30 Conclusion

2.31 The above in combination provides the framework for the local Plan preparation. The Local Plan vision, objectives, strategy, and policies will be developed to respond to the findings of evidence base in order for the Local Plan to be considered sound. It is worth noting that this could lead to a different strategic directive for the Local Plan than has been reported in previous years, namely between 2017-2019.

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- 2.32 Members will be kept apprised of key evidence as it emerges through the Local Plan working group and the final recommendations will be in the form of a draft Local Plan (Regulation 18 in the Autumn 2022).
- 2.33 It should be noted that this report provides a summary of key evidence to support the direction of the Local Plan. However, there is other evidence that is required to demonstrate a sound Local Plan for example, Infrastructure Delivery Plan, Open space sport recreation study, transport assessment.

### 3 Risk Assessment

Legal or other duties

#### 3.1 Equality Impact Assessment

3.1.1 None arising from this report

#### 3.2 Crime & Disorder

3.2.1 None arising from this report.

#### 3.3 Safeguarding

3.3.1 None arising from this report.

#### 3.4 Dependencies

3.4.1 The preparation of the Local Plan must confirm to primary and secondary legislation and national planning policy. Therefore, a sound Local Plan is dependent on it being prepared on a robust basis and procedurally compliant as is set out in this report.

#### 3.5 Other

3.5.1 None arising from this report

### 4 Financial Implications

4.1 There are no direct financial implications as a result of this report. Local Plan funding has already been secured in terms of staffing within the Planning Policy Team and funding for specialist external support in the preparation of technical evidence base documents.

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

### 5 Legal Implications

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5.1 There are no direct legal implications as a result of this report. The Local Plan must and will be prepared within the legal planning framework.

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

### 6 Policies, Plans & Partnerships

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

6.2 The new Local Plan will contribute towards delivering the Council's visions and objectives identified in its four-year plan.

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

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

6.5 The Local Plan itself has a role in implementing a few key objectives that are set out in our climate change action plan.

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

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

6.8 **Partnerships:**

6.9 The Council has a duty to cooperate with relevant stakeholders in the preparation of the Local Plan.

### 7 Background papers

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

**Previous reports:**

- 14 November 2019 -Growth and Housing Strategy