

## **MOTION 1 REFERRED FROM FULL COUNCIL ON 30 JULY 2024**

<b>Head of Service:</b>	Justin Turvey, Head of Place Development
<b>Report Author</b>	Ian Mawer
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 – Motion 1 to Full Council on the 30 July 2024

### **Summary**

The report provides a basis for debate of the motion submitted to the meeting of Full Council on 30 July 2024 in relation to the role and function of LPPC and the arrangement of additional meetings to discuss the scope and content of the Local Plan.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Note the motion, as debated, and take no further action in light of the content of the report.**

## **1 Reason for Recommendation**

- 1.1 To enable the Committee to debate the motion and make a decision.

## **2 Background**

- 2.1 A Motion was submitted to Full Council at its meeting on 30 July 2024, proposed by Cllr Kieran Persand and seconded by Cllr Bernie Muir, as attached at Appendix 1. This item was referred to the Licencing and Planning Policy Committee as the relevant policy committee to debate the motion and summarised below:

- All relevant documents and material in relation to the Local Plan should be disclosed, considered, and approved by this committee. The motion details specific components of the Local Plan (such as the spatial strategy and housing requirement) and specific pieces of the Local Plan evidence base.

# Licensing and Planning Policy Committee

## 24 September 2024

- These documents should be brought before this committee for review and challenge with sufficient meetings to be held on or before 30th September 2024. This so that the Committee can debate, and agree or amend, all material decisions that are to be included in the draft Regulation 19 Local Plan to be received at the November 2024 LPPC meeting.

### **3 Role of the Licencing and Planning Policy Committee**

- 3.1 Appendix 3 of the Councils Constitution (Terms of Reference (ToR) for Full Council and Committees) (approved 14 May 2024) sets out the Terms of Reference for the Licencing and Planning Policy Committee.
- 3.2 The ToR sets out that the areas of responsibility of LPPC are to consider and approve:
  - a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage).
  - b) Final versions of Supplementary Planning Guidance (including Masterplans and Design Codes) Planning Guidance Documents, land use policy statements, masterplans and briefs for specific areas and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document.
- 3.3 In addition, under other areas of responsibility' it is the role of the Committee:
  - k) To consider and recommend for approval to Full Council, submission versions of Development Plan documents.
- 3.4 In terms of criteria a) above, on the 30 January 2023 the Licensing and Planning Policy Committee were presented with the Draft Local Plan (2022-2040) (Regulation 18) where the committee was asked to approve the publication of that document for public consultation, to commence 1 February 2023 at noon and conclude on 15 March 2023 at midnight. The committee considered the reports and supporting material and resolved that consultation on the draft Local Plan could commence.
- 3.5 The next iteration of the Local Plan, which is now being prepared, is the Regulation 19 Local Plan. This document will be brought to LPPC in November supported by an evidence base and will set out what planning officers consider to be a 'sound' local plan.
- 3.6 It is important to note that the Licencing and Planning Policy Committee can request changes to the plan presented in accordance with the Constitution. If changes are agreed by LPPC then the amended plan will then be presented to Full Council for decision. At Full Council there will also be opportunities for Councillors to request changes to the Local Plan in accordance with the Constitution prior to the next stage of public consultation commencing.

# Licensing and Planning Policy Committee

## 24 September 2024

### **Local Plan Evidence Base**

- 3.7 Proportionate technical evidence base is prepared to support the Local Plan and the content of and requirements for the evidence base is guided by national planning policy and / or planning practice guidance.
- 3.8 The evidence base is still being developed to support the next iteration of the Local Plan and will be published when complete. Core pieces of evidence that will be published to support the next iteration of the Local Plan include:
- Land Availability Assessment (2024)
  - Strategic Flood Risk Assessment (2024)
  - Green Belt Assessment (Stages 2 -4) as set out in the Green Belt Technical Note that was published alongside the Draft Local Plan (Regulation 18)
  - Strategic Local Plan Transport Assessment
  - Epsom Town Centre Masterplan
  - Sustainability Appraisal
  - Habitats Regulations Assessment

It is not the role of LPPC or Full Council to advise on the scope or content of the Local Plan evidence base or to approve to the publication of evidence base documents. The evidence base is a matter within the operational remit of the Council's Planning Officers who are employed to lead on this task due to their professional expertise, and, where necessary, to do so with the assistance of external consultants and other third parties who have the necessary technical experience to support them in this regard.

### **Motion requests**

- 3.9 The Motion requests that all relevant documents and material should be disclosed, considered, and approved by the committee and its members and details 10 specific components of the Local Plan or its supporting evidence base.
- 3.10 The following components listed will form part of the Local Plan – but not its evidence base - that is presented to this committee in November:
1. Housing Requirement – this will be contained within the Spatial Strategy Policy and informed by the evidence base, notably the Sustainability Appraisal.
  2. Green Belt Boundary amendments – this will be contained in the Local Plan and any changes shown on the supporting Policies Map.
  - 2b. Exceptional circumstances to amend Green Belt boundaries – these will be detailed in the Local Plan and a supporting Topic Paper.
  3. Spatial Strategy

# Licensing and Planning Policy Committee

## 24 September 2024

7. All proposed policies

3.11 The components listed that relate to Local Plan evidence base and are therefore not subject to approval by this committee are detailed below:

2a. Land Availability Assessment

5c. Strategic Flood Risk Assessment

5d. Green Belt Report

6. Transport Assessment

3.12 The remaining components listed in the motion are detailed below:

8. Detailed timetable for review of Local Plan elements set out above.

9. Other material / key decisions relevant to the Local Plan.

10. Any other items that can only be changed or approved through the Local Plan Process.

3.13 In terms of component 8 - The Regulation 19 Local Plan and its supporting evidence base will be presented to this Committee in November 2024 and will cover components 1-7.

3.14 It is important to note that this Committee is responsible for approving updates to the Local Plan timetable (The Local Development Scheme (LDS)) which was last updated in November 2023. The LDS sets out key milestones for the plan production including the dates the Local Plan will be subject to Regulation 19 consultation and submitted to the Secretary of State for Examination.

3.15 In terms of component 9, the Local Plan evidence base will be published alongside the Local Plan. The key decisions that the committee make in relation to the Local Plan are updating the Local Plan Timetable (The Local Development Scheme) or approving Draft (regulation 18) Local Plans for consultation and whether to recommend for approval to Full Council, the Regulation 19 Local Plan.

3.16 In terms of component 10, the Regulation 19 Local Plan and its supporting policies map(s) will set out proposed changes that can only be made through the plan making process.

# Licensing and Planning Policy Committee

## 24 September 2024

### Proposed changes to National Planning Policy

- 3.17 Since the motion was deferred at Full Council, the Ministry of Housing, Communities & Local Government have commenced consultation on proposed changes to national planning policy. The changes, if implemented, will have implications for plan making and decision making. A separate report to this committee sets out the proposed changes and a draft response to the consultation.

## 4 Summary

- 4.1 This committee will have the opportunity to consider the next iteration of the Local Plan, which is now being prepared, known as the Regulation 19 Local Plan. This document will be brought to LPPC in November 2024 supported by an evidence base and will set out what planning officers consider to be a 'sound' local plan.
- 4.2 It is important to note that the Licencing and Planning Policy Committee can request changes to the plan presented in accordance with the Council's Constitution. If changes are agreed by LPPC then the amended plan will be presented to Full Council for a decision to proceed to the next stage of statutory consultation. At Full Council there will also be opportunities for Councillors to request changes to the Local Plan in accordance with the Constitution prior to the commencement of the public consultation.
- 4.3 It is recommended that this motion is rejected as the requested actions would go beyond the role and responsibilities defined for this committee in Appendix 3 of the Constitution.
- 4.4 The motion seeks to replace the role of the Council's Planning Officers and its external advisors in collating an evidence base to support the development of the Council's Local Plan which is then subject to review by this Committee within it's existing Terms of Reference. The Committee review and recommendation to full Council will ensure that the Local Plan will go out to public consultation in the manner set out within the Council's published Local Plan timetable (The Local Development Scheme).

## 5 Risk Assessment

### Legal or other duties

- 5.1 Equality Impact Assessment
- 5.1.1 Not applicable
- 5.2 Crime & Disorder
- 5.2.1 Not applicable

# Licensing and Planning Policy Committee

## 24 September 2024

### 5.3 Safeguarding

#### 5.3.1 Not applicable

### 5.4 Dependencies

#### 5.4.1 Not applicable

### 5.5 Other

### 5.6 The risk of the motion are outlined in the body of the report

## 6 Financial Implications

6.1 The motion if carried has the potential to delay the production of the Local Plan which could result in additional resources being required (including financial resource) to ensure that the Local Plan progresses to examination stage.

6.2 **Section 151 Officer's comments:** Should additional costs arise, the Committee would need to divert resources within its budget envelope to fund them.

## 7 Legal Implications

7.1 The Constitution (Appendix 3) sets out the terms of reference for the Licencing and Planning Policy committee.

7.2 **Legal Officer's comments:** None arise from the content of this report.

## 8 Policies, Plans & Partnerships

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

8.2 **Service Plans:** The delivery of the Local Plan is included within the current Service Delivery Plan.

8.3 **Climate & Environmental Impact of recommendations:** The motion could delay the adoption of the Local Plan and the ability to require development proposals to incorporate energy efficiency standards beyond building regulations.

8.4 **Sustainability Policy & Community Safety Implications:** Not applicable

8.5 **Partnerships:** None

### 8.6 Background papers

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

**Other papers:**

# Licensing and Planning Policy Committee

## 24 September 2024

- EEBC Constitution Appendix 3 - Terms of Reference for the Full Council and other Council Committees, Sub-Committees, Advisory Panels and Joint Arrangements - <https://democracy.epsom-ewell.gov.uk/documents/s31380/Appendix%203%20-%20Terms%20of%20Reference%20for%20Full%20Council%20and%20Committees.pdf>

### **Previous reports:**

- Licencing and Planning Policy Committee – January 2023 – Epsom and Ewell Local Plan (2022-2040): <https://democracy.epsom-ewell.gov.uk/documents/s26335/Epsom%20and%20Ewell%20Local%20Plan%202022-2040.pdf>
- Licencing and Planning Policy Committee – 22 November 2023 – Local Development Scheme: <https://democracy.epsom-ewell.gov.uk/documents/s29341/Local%20Development%20Scheme.pdf>