

CONSTRAINTS STUDY

Report of the: Head of Place Development
Contact: Rachael Thorold
Urgent Decision?(yes/no) No
If yes, reason urgent decision required:
Annexes/Appendices (attached): Epsom & Ewell Constraints Study (June 2017)
Other available papers (not attached): National Planning Policy Framework

REPORT SUMMARY

National planning policy states that local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless; there is any adverse impact of doing so that would significantly and demonstrably outweigh the benefit, when assessed against the policies within the Framework [NPPF] or where specific policies in the Framework indicate development should be restricted.

The national Planning Practice Guidance makes it clear that whilst the establishment of development needs should be unbiased, relevant constraints, including environmental constraints need to be addressed when bringing evidence bases together and formulating policies.

To ensure that the Council has taken necessary account of this and can demonstrate that an appraisal of the constraints, relevant to the Borough, has been undertaken when arriving at development options and has produced a Constraints Study.

RECOMMENDATION (S)

- (1) The Committee considers the Constraints Study and agrees to its publication;**
- (2) Agrees with the definition of the Primary Constraints that would prevent development from taking place and where it would not be possible to mitigate impacts.**
- (3) Notes that the study recommends that a further assessment is undertaken to consider how the constraints affect the land parcels identified within**

Notes

the Epsom & Ewell Green Belt Study 2017.

- (4) Agrees that the Study's inputs, be used to inform the partial review of the Core Strategy.**

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

- 1.1 The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's key priorities. The partial review of the Core Strategy is a critical part of the Local Plan preparation as it will set out how sustainable growth will be delivered during the new plan period.

2 Background

- 2.1 Paragraph 14 of the National Planning Policy Framework states that local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless; there is any adverse impact of doing so that would significantly and demonstrably outweigh the benefit, when assessed against the policies within the Framework or where specific policies in the Framework indicate development should be restricted.
- 2.2 Footnote 9 to Paragraph 14 provides the example, of those policies relating to sites protected under the Birds and Habitable Directives and / or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, Heritage Coast or within National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.
- 2.3 The national Planning Practice Guidance (ID: 2a 004-20140306) makes it clear that whilst the establishment of development needs should be unbiased, however relevant constraints, including environmental constraints need to be addressed when bringing evidence bases together to identify specific policies.
- 2.4 To ensure that the Council has taken necessary account of this, and can demonstrate that an appraisal of the constraints, relevant to the Borough, has been undertaken when arriving at development options; it has produced the Constraints Study. This exercise is now complete. A copy of the Study is enclosed under Annex 1.

3 Epsom & Ewell Constraints Study

- 3.1 The purpose of the Constraints Study is to support the work undertaken by the Council in responding to the significant challenge of meeting the Objectively Assessed Housing Need (OAHN) figure identified for the Borough by the Strategic Housing Market Assessment (SHMA). One of the key issues that the Council needs to consider and discuss with its communities and other relevant stakeholders is, 'how much growth and new development can sustainably be accommodated within the Borough whilst, balancing a number of economic; social; and environmental factors'?
- 3.2 The Constraints study is one of a number of thematic evidence base documents that, collectively, will seek to inform an answer to this question and assist the Council in moving forwards in updating the Core Strategy. Specifically, the study will assist in identifying the supply of land available for new homes and inform the work currently being undertaken on reviewing the performance of the Borough's Green Belt.
- 3.3 The study focuses on constraints relating to land designations. Matters relating to the economic viability and infrastructure capacity which could constrain development delivery are not considered within this study. These will be assessed separately at a later date and the outcomes of which will be fed into the iterative process of producing the evidence base and policy formulation.
- 3.4 Officers consider Primary Constraints to be strategic in nature and to be those that would prevent development from taking place and where it would not be possible to mitigate impact from development. The study defines the Primary Constraints within Epsom & Ewell to be as follows:
- Undeveloped functional flood plain
 - Sites of Special Scientific Interest (SSSI)
 - Local Nature Reserves (LNR)
 - Sites of Nature Conservation Importance (SNCI)
 - Ancient Woodlands
 - Registered Parks and Gardens
- 3.5 Other designations, such as listed buildings, conservation areas, trees protected by Tree Preservation Orders and ancient monuments are not considered to be strategic constraints. These 'secondary' constraints would not preclude development but which may need to be addressed if a site is to be deemed suitable for development. They could also restrict the scale and type development. Such secondary constraints are more appropriately considered when undertaking individual site assessments.

- 3.6 National and local Green Belt policy regards the construction of new buildings as inappropriate in the Green Belt. It should be noted that publication of the NPPF has widened the exceptions to when development would not be considered inappropriate. Therefore, whilst policy opposes inappropriate development in the Green Belt, it is considered that the Green Belt designation itself does not fall within the definition of a Primary Constraints whereby any development is wholly prevented by national legislation and policy.
- 3.7 Following the definition of the Primary Constraints a mapping exercise was undertaken to identify the extent of land affected within the Borough by the same. Figures 2- 7 of the appended study map the constraints individually with Figure 8 outlining all the Primary Constraints. This map identifies the full extent of land within the Borough where development must be precluded as its impact cannot be mitigated. In accordance with national policy and legislation, this land is not considered suitable for development.
- 3.8 The outputs of the Constraints Study have informed the assessment of sites for housing within the Strategic Housing Land Availability Assessment (SHLAA). When considering if a site is 'deliverable' or 'developable', informed by the Constraints Study, a 'policy on/ constrained' approach is applied. For example those sites affected by Primary Constraints which deem it unsuitable for development have been discounted from the housing land supply.
- 3.9 In addition, the outputs will inform a detailed 'policy on' assessment of the Borough's Green Belt land to build upon the Epsom & Ewell Green Belt Study 2017 (GBS). To achieve a completely objective assessment, the GBS took a 'policy off' approach and solely assessed the extent to which land designated as Green Belt performed against the relevant purposes set out in national planning policy. The study proposes a methodology for undertaking an 'policy on' assessment of the Borough's Green Belt land. This would involve a detailed desk based assessment of each Refined Parcel of Green Belt land as defined within the GBS, to quantify how much of the Borough's Green Belt land is affected by the Primary Constraints. This is outlined in further detail within Sections 4.1 & 5.1 of the appended study.
- 3.10 The outputs of the Constraints Study will contribute towards the identification of a rationalised housing target for the Borough. It will also secure the formulation of 'options' to address the challenges of meeting the predicted growth for the next plan period up to 2032.

4 Financial and Manpower Implications

- 4.1 There is an on-going requirement to ensure effective cross boundary engagement on strategic planning issues. The resources needed to ensure that this happens are in place.
- 4.2 ***Chief Finance Officer's comments:*** None for the purpose of this report.

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

- 5.1 *Monitoring Officer's comments: It is important that the partial review of the Core Strategy is undertaken in compliance with legal requirements and that national planning policy is properly considered. This report and the attached study is an important part of that process.*

6 Sustainability Policy and Community Safety Implications

- 6.1 The partial review of the Core Strategy will contribute towards delivering the Council objectives for maintaining and enhancing the Borough as a sustainable place to live, work and visit by providing guidance to new development proposals.
- 6.2 Any future policy options relating to land allocation and the designation of land for protection, as part of the Core Strategy review process, will be subject to a full Sustainability Appraisal report. This will be subject to public consultation at an appropriate time in the process.

7 Partnerships

- 7.1 The Duty to Co-operate requires that Local Planning Authorities engage with partners and neighbouring authorities on strategic issues, including cross boundary land designations which seek to conserve and enhance the natural and historic environment. We have provided an opportunity for our neighbours to engage through a specific Duty to Co-operate Consultation relating to the study's approach, outputs and recommendations and helpful responses were received.

8 Risk Assessment

- 8.1 Failure to identify constraints to development could lead the Council open to challenge when considering the Borough's land supply and potential locations for development. This could lead to the associated threat of growth being directed onto sites not considered appropriate by the Council and where the impact of such growth could not be mitigated.
- 8.2 By proactively planning for future growth identifying where it should and should not go, we will place ourselves in a stronger position to resist unsustainable levels of growth in the wrong locations.

9 Conclusion and Recommendations

- 9.1 The Members of the Committee are asked to consider the Epsom & Ewell Constraints Study; agree with the definition of the Primary Constraints; note the study's recommendation that a further assessment is undertaken to consider how the constraints affect the land parcels identified within the Epsom & Ewell Green Belt Study.
- 9.2 The Committee are also asked to acknowledge that the outputs from the Study will be used to inform the partial update of the Core Strategy.

LICENSING AND PLANNING POLICY COMMITTEE
12 JULY 2017

WARD(S) AFFECTED: (All Wards);