

Epsom & Ewell Local Plan – Constraints Study



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1. Introduction

1.1 Background

- 1.1.1 To ensure that Epsom and Ewell Borough Council continues to plan positively for growth in accordance with national policy, the Council are in the process of reviewing its Local Plan evidence base. This will result in a partial update to the Core Strategy (2007). The initial step of the review was gain an understanding of the current housing need within the Borough.
- 1.1.2 To this end, the Council commissioned a joint Strategic Housing Market Assessment (SHMA)¹ which set out an OAHN figure over a 15 year time horizon (2015-2035). This assessment was formulated using a methodology advocated by Government which focused on demand based need using the latest evidence of population and household projections.
- 1.1.3 The SHMA 2016 has identified that by 2037 there will be an estimated increase in Epsom and Ewell's population to 93,000. This resulted in a need figure of 8,352 new homes creating approximately 10,000 new households from 2015 to 2035 at an annualised rate of 418 new homes. In accordance with Government policy, it is these figures which will be used to inform the direction of housing policy for the Borough.
- 1.1.4 For context, the Core Strategy 2007 sets out the Borough's current housing target to be 2,715 net homes (181 net dwellings annual average) for the period 2007-2022.

1.2 Purpose

- 1.2.1 The purpose of the Constraints Study is to support the work undertaken by the Council in responding to the significant challenge of meeting the OAHN figure identified for the Borough. 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 accommodated within the Borough whilst, balancing a number of economic; social; and environmental factors'?
- 1.2.2 This study is one of a number of thematic evidence base documents that collectively, will seek to answer this question and assist the Council in moving forwards with the preparation of its Local Plan. Specifically, the study will inform identifying the supply of land available

¹ The joint Strategic Housing Market Assessment (SHMA) was commissioned with The Royal Borough of Kingston upon Thames, the Borough of Elmbridge and the District of Mole Valley.

for new homes and inform the work currently being undertaken on reviewing the performance of the Borough's Green Belt designation

- 1.2.3 This exercise will identify those areas across the Borough, including areas of the Green Belt that are not affected by Primary Constraints and therefore may, have the potential to support future growth. This will however be subject to the outcomes of other evidence base documents such as the Green Belt Study alongside the consideration of exceptional circumstances and further, detailed assessments of other constraints and planning policies.
- 1.2.4 The study will inform the future direction of the Epsom and Ewell Local Plan, contributing 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.

1.3 Context

1.3.1 The Government through the publication of the National Planning Policy Framework (NPPF) and other recent changes to national planning policy, including the Housing White Paper (HWP)¹, has made it clear that a presumption in favour of sustainable development should be at the heart of plan-making and decision –taking. For plan-making Paragraph 14 of the NPPF states 'this means that:

- Requires that local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefit, when assessed against the policies in [this] Framework taken as a whole; or
 - Specific policies in [this] Framework indicate development should be restricted'

1.3.2 Footnote 9 to Paragraph 14 provides the example, of those policies relating to sites protected under the Birds and Habitats 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 <https://www.gov.uk/government/collections/housing-white-paper>

- 1.3.3 Furthermore, Paragraph 118 of the NPPF states that the following wildlife sites should be given the same protection as European Sites:
- Potential Special Protection Areas
 - Possible Special Area of Conservation
 - Listed or proposed Ramsar sites
 - Sites identified, or required, as compensatory measures for adverse effects on European site, potential Special Protection Area, possible Special Area of Conservation, and listed or proposed Ramsar sites.
- 1.3.4 The Government has set out within the HWP (Box 2, page 79) that it intends to add 'aged and veteran trees' as Primary Constraints to development.
- 1.3.5 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.
- 1.3.6 As such, 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 considered when arriving at development options; it is producing the Constraints Study.

1.4 Approach

- 1.4.1 It is anticipated that using the information gathered through this study that it will be possible to identify land that has no potential for development and those that may have potential subject to further assessment and consideration of other evidence documents. It is proposed that this work will be undertaken in two parts. Therefore, the key objectives of the first part of the study are;
- Identify and define the Primary Constraints that would prevent development from taking place and where it would not be possible to mitigate impacts across the Borough.
 - To undertake a mapping exercise of the Primary Constraints affecting land within the Borough.
 - To propose a methodology for undertaking a comprehensive assessment of Green Belt land within the Borough to determine how it is affected by each primary constraint.
- 1.4.2 It is anticipated that the second part which comprises the comprehensive assessment of Green Belt land will be undertaken as part of a more detailed and refined assessment of the Green Belt. This outlined in further detail within Sections 4.1 & 5.1 of this report.
- 1.4.3 At this stage, the focus is 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 and the outcomes of which will feed into the iterative process of producing the evidence base, developing options and policy formulation.

1.5 Duty to Co-operate

- 1.5.1 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011, introduced a duty to co-operate in relation to the planning of sustainable development. The duty requires the Borough Council to cooperate with other local planning authorities and other public bodies in preparing and developing their Local Plan so far as it relates to a strategic matter.
- 1.5.2 The duty is an important element in the strategic planning functions and one that builds on the Council's existing approach of engagement and partnership working. Work undertaken as part of the Council's duty to co-operate on strategic issues as part of the review of the Local Plan evidence base will be recorded.
- 1.5.3 The nature of this work means it has strategic cross boundary significance and requires active and on-going engagement between authorities and with other relevant Prescribed Bodies. All neighbouring authorities have been contacted under the Duty to Co-operate to seek their views on how the Borough Council will take account of constraints that will determine the approach taken in preparing the update to our Local Plan, including the assessment of the suitability of land for development.

Questions

If you have any questions relating to the Constraints Study please contact the Planning Policy Team on:

LDF@epsom-ewell.gov.uk

2. Constraints Effecting Growth

2.1 Definition of Primary Constraints

2.1.1 For the purpose of this study, the Council considers 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.

2.1.2 It is important to note that for the purposes of the study, only those Primary Constraints that are generally considered to be 'strategic' will be included. For example, listed buildings, conservation areas, trees protected by Tree Preservation Orders and ancient monuments are not considered to be strategic constraints. The Council considers such designations be Secondary Constraints that would not preclude development but which may need to be addressed if a site is to be deemed suitable. They could also restrict the scale and type development. Such Secondary Constraints are more appropriately considered when undertaking individual site assessments.

2.1.3 In Epsom and Ewell the Primary Constraints are therefore considered to be as follows;

Constraint	Reason	Relevant local policies	Areas affected
Flood Zone 3b	<p>Undeveloped areas within the 1 in 20 year outline where water has to flow or be stored in times of flood are defined as Functional Floodplain.</p> <p>In accordance with Policy DM19, NPPF & PPG, due to the frequency and extent of flooding in these areas and the need to maintain the natural function of the flood plain, additional development unless water compatible or essential infrastructure will not be permitted or allocated in these areas.</p> <p>It should be noted that those developed areas within the</p>	Development Management Policy DM19; Strategic Flood Risk Assessment	As set out in the SFRA and latest EA Flood Risk Mapping

	<p>1 in 20 year outline that are prevented from flooding due to the presence of existing infrastructure or solid buildings are not defined as Functional Floodplain. Some redevelopment may be appropriate in these areas subject to strict criteria. For this reason, these developed areas are not considered to be a Primary Constraint.</p>		
<p>Within a Site of Special Scientific Interest (SSSI)</p>	<p>Nationally designated sites that are legally protected for their wildlife and geology value under the Wildlife and Countryside Act 1981. It is considered that any development on a SSSI would have a significant adverse effect on the site or its features.</p>	<p>Core Strategy Policy CS3 & Development Management Policy DM4</p>	<p>-Epsom Common -Stones Road Pond</p>
<p>Local Nature Reserves (LNR)</p>	<p>LNRs are locally designated areas of land under Section 21 of the National Parks and Access to the Countryside Act 1949. LNRs are designated for the contribution they make to local wildlife preservation.</p>	<p>Core Strategy Policy CS3 & Development Management Policy DM4</p>	<p>-Horton Country Park -Hogsmill -Epsom Common (all 174.5 ha) -Howell Hill</p>
<p>Sites of Nature Conservation Importance (SNCI)</p>	<p>SNCIs are designated in response to their environmental value including biodiversity and other nature conservation. Currently there are 13 SNCI within the Borough.</p>	<p>Core Strategy Policy CS3 & Development Management Policy DM4</p>	<p>Epsom Common South -Epsom Downs -Epsom Cemetery -Hogsmill Local Nature Reserve -Howell Hill Nature Reserve -Livingstone Park -Horton County Park -Nonsuch Park and Warren Farm -Northey Fields -Priest Hill Nature Reserve -Downs Road Reservoir -Langley Bottom</p>

			Farm -Epsom Downs Golf Course
Ancient Woodlands	These are areas of woodland that have been wooded continuously since 1600 AD identified by Natural England. It includes ancient semi natural woodland and plantations on ancient woodland sites. These woodlands are irreplaceable.	Core Strategy Policy CS3 & Development Management Policy DM8 & DM5	-Butcher's Grove -Great Wood -Long Grove Wood -Four Acre Wood -Pond Wood -Stone's Copse -The Warren Woodland -Langley Bottom Farm (x4) -Nonsuch Park The Grove -The Durdans Woodland -Woodcote Park (x2)
Registered Parks and Gardens	These parks or gardens are fragile and finite resources that can easily be damaged beyond repair or lost forever.	Core Strategy Policy CS4; Development Management Policy DM8	-Nonsuch Park
Registered Common Land	Common land are covenanted for their protection and therefore would not be a viable consideration in options development.	Core Strategy Policy CS4; Development Management Policy DM4, DM6	-Epsom Common



Table 1: Definition of Primary Constraints

2.2 Green Belt

- 2.2.1 A large proportion (42%) of the Borough is designated as Green Belt land forming part of the much wider Metropolitan Green Belt. Figure 1 outlines the extent of Metropolitan Green Belt within Epsom & Ewell which forms a horseshoe shape wrapping around the central urban areas in the centre and north of the Borough.
- 2.2.2 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.
- 2.2.3 Therefore, whilst a 'policy on approach' 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' where by any development is wholly prevented by national legislation and policy.

KEY

-  Green Belt
-  Borough Boundary

0 250 500 1,000 1,500
Meters

Epsom & Ewell Constraints Study


Figure 1: Green Belt Land



1:30,000


3. Mapping of Primary Constraints

KEY

 Flood Zone
1 in 20yr outline

 Borough Boundary

0 250 500 1,000 1,500
Meters

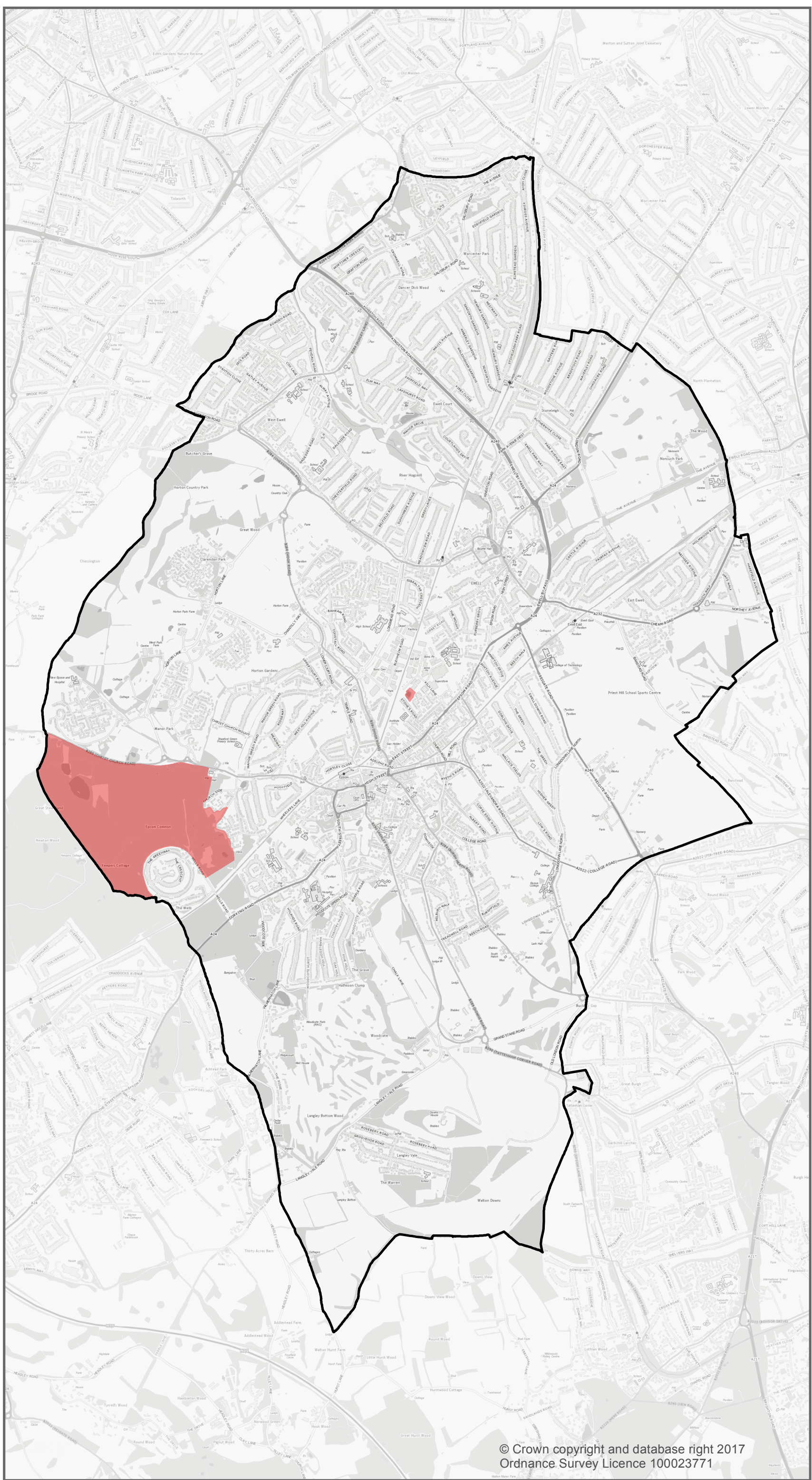


**Epsom & Ewell
Constraints
Study**

**Figure 2:
Flood Zone -
1 in 20yr outline**

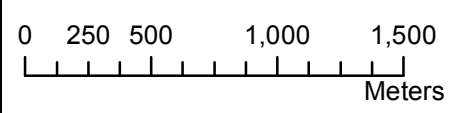
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KEY

- SSSI
- Borough Boundary





**Epsom & Ewell
Constraints
Study**

**Figure 3:
Sites of Special
Scientific
Interest**


1:30,000



KEY

-  Local Nature Reserve
-  Borough Boundary

0 250 500 1,000 1,500
Meters

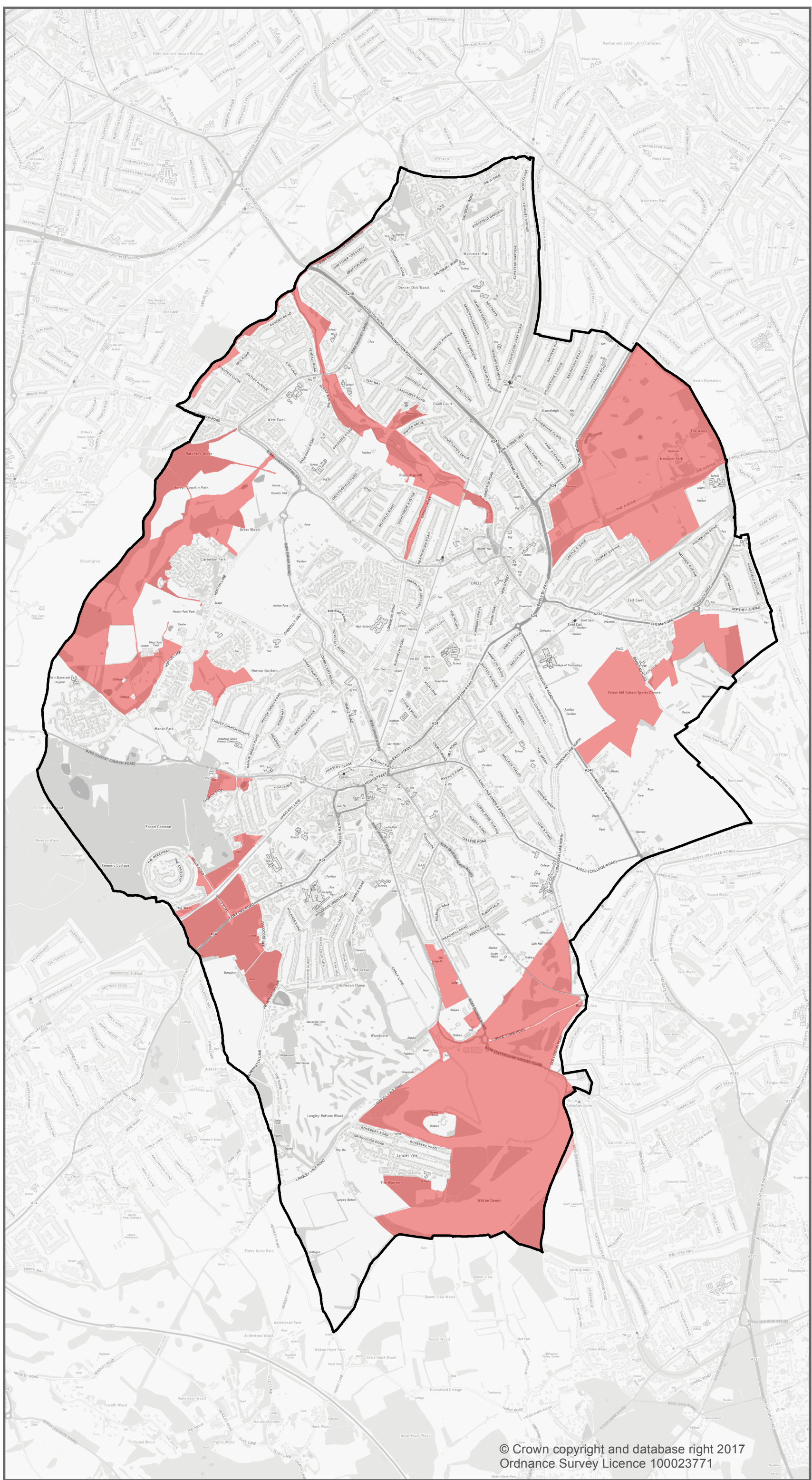


**Epsom & Ewell
Constraints
Study**

**Figure 4:
Local Nature
Reserves**

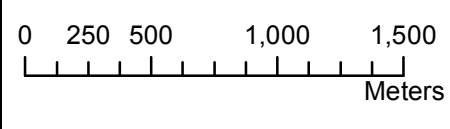
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KEY

- SNCI
- Borough Boundary

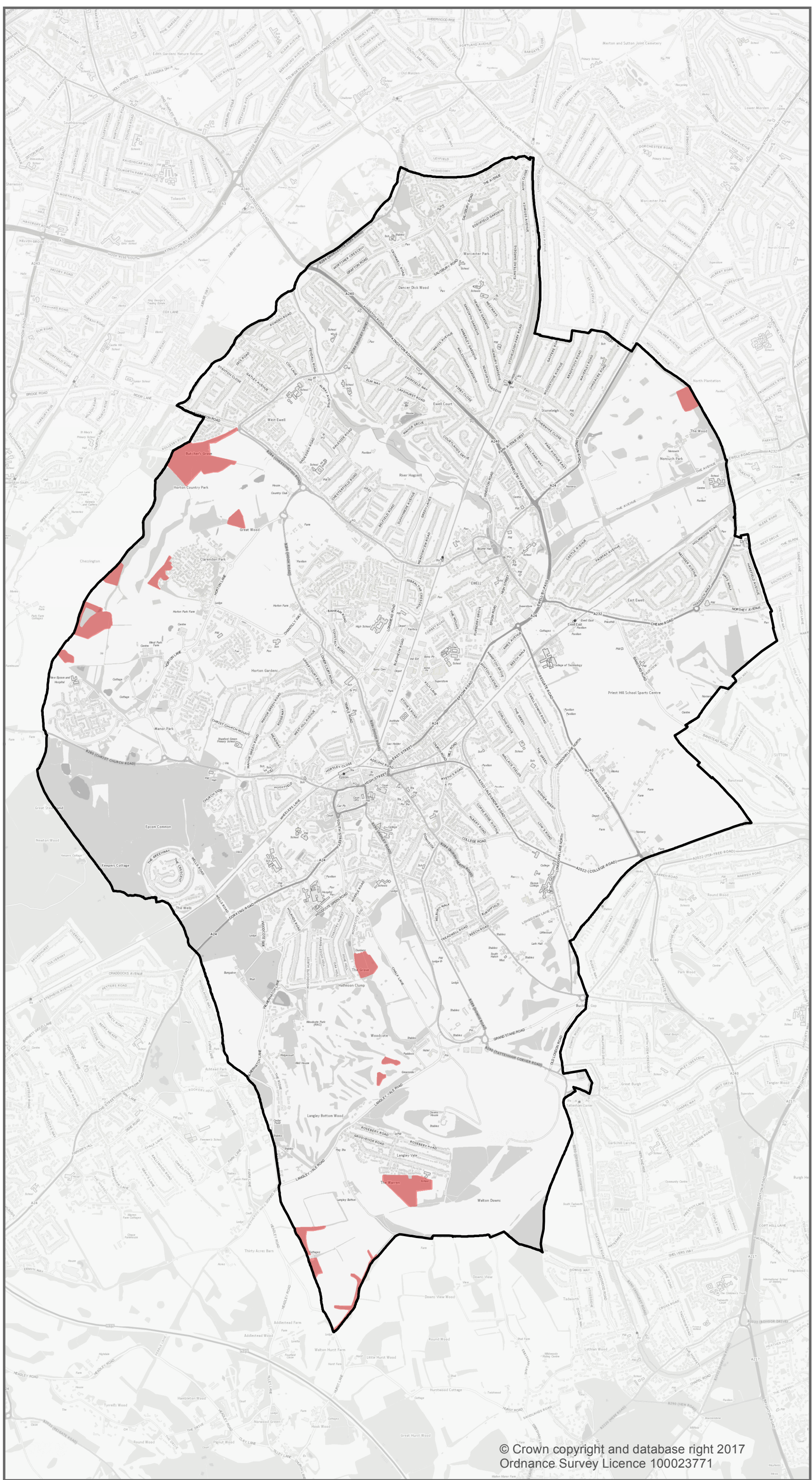


**Epsom & Ewell
Constraints
Study**

**Figure 5:
Sites of Nature
Conservation
Interest**

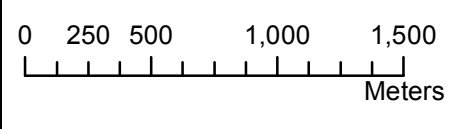
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KEY

- Ancient Woodlands
- Borough Boundary



**Epsom & Ewell
Constraints
Study**

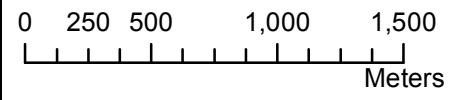
**Figure 6:
Ancient
Woodlands**

1:30,000



KEY

- Registered Parks and Gardens
- Borough Boundary





**Epsom & Ewell
Constraints
Study**

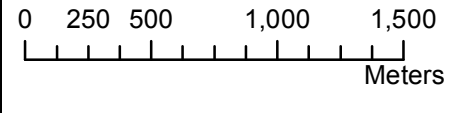
**Figure 7:
Registered
Parks and
Gardens**

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KEY

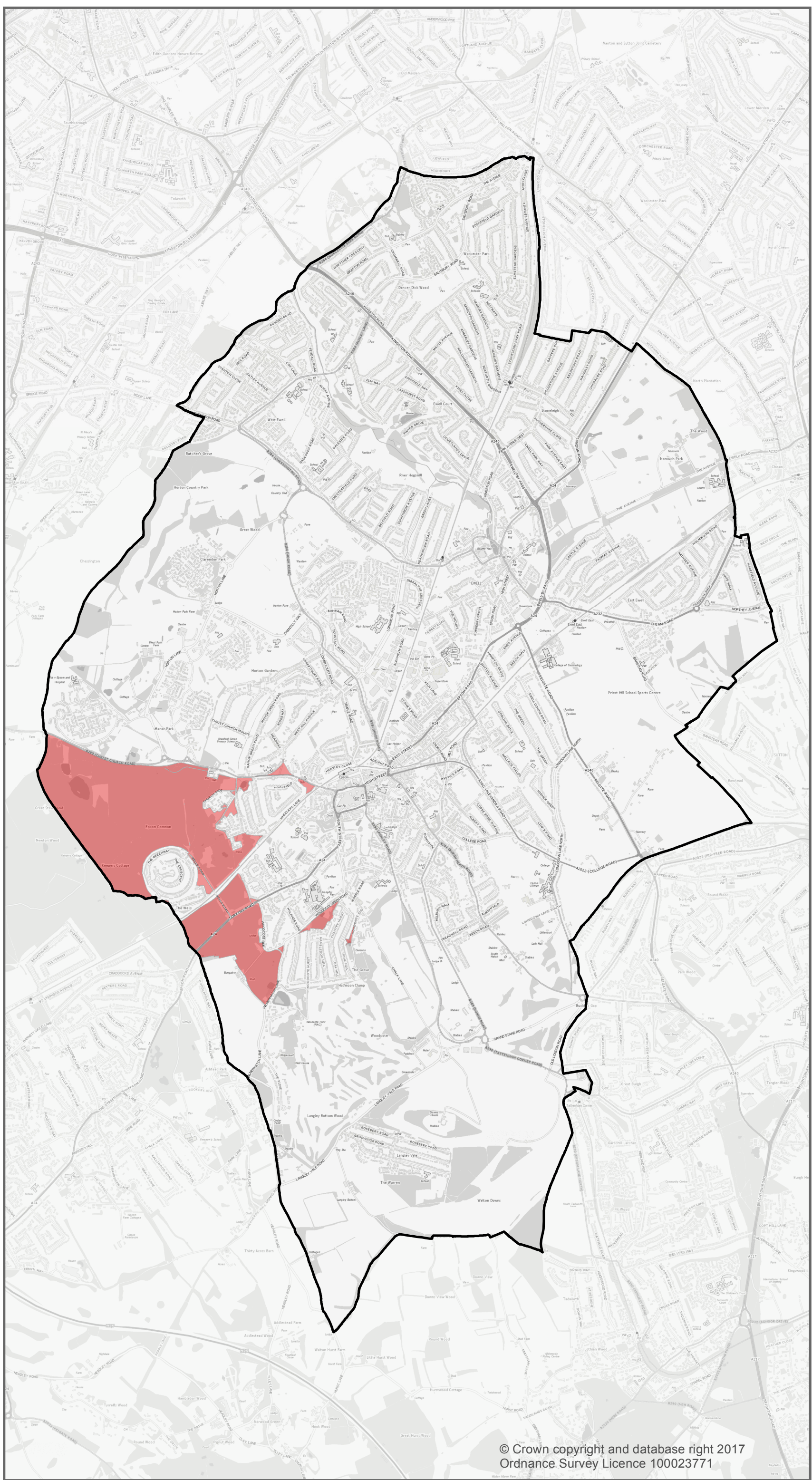
-  Common Land
-  Borough Boundary



**Epsom & Ewell
Constraints
Study**

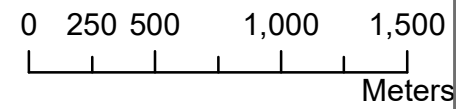
**Figure 8:
Registered
Common Land**

1:30,000



KEY

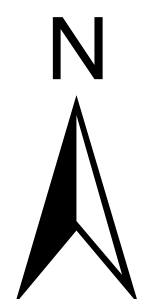
- All Primary Constraints
- Borough Boundary



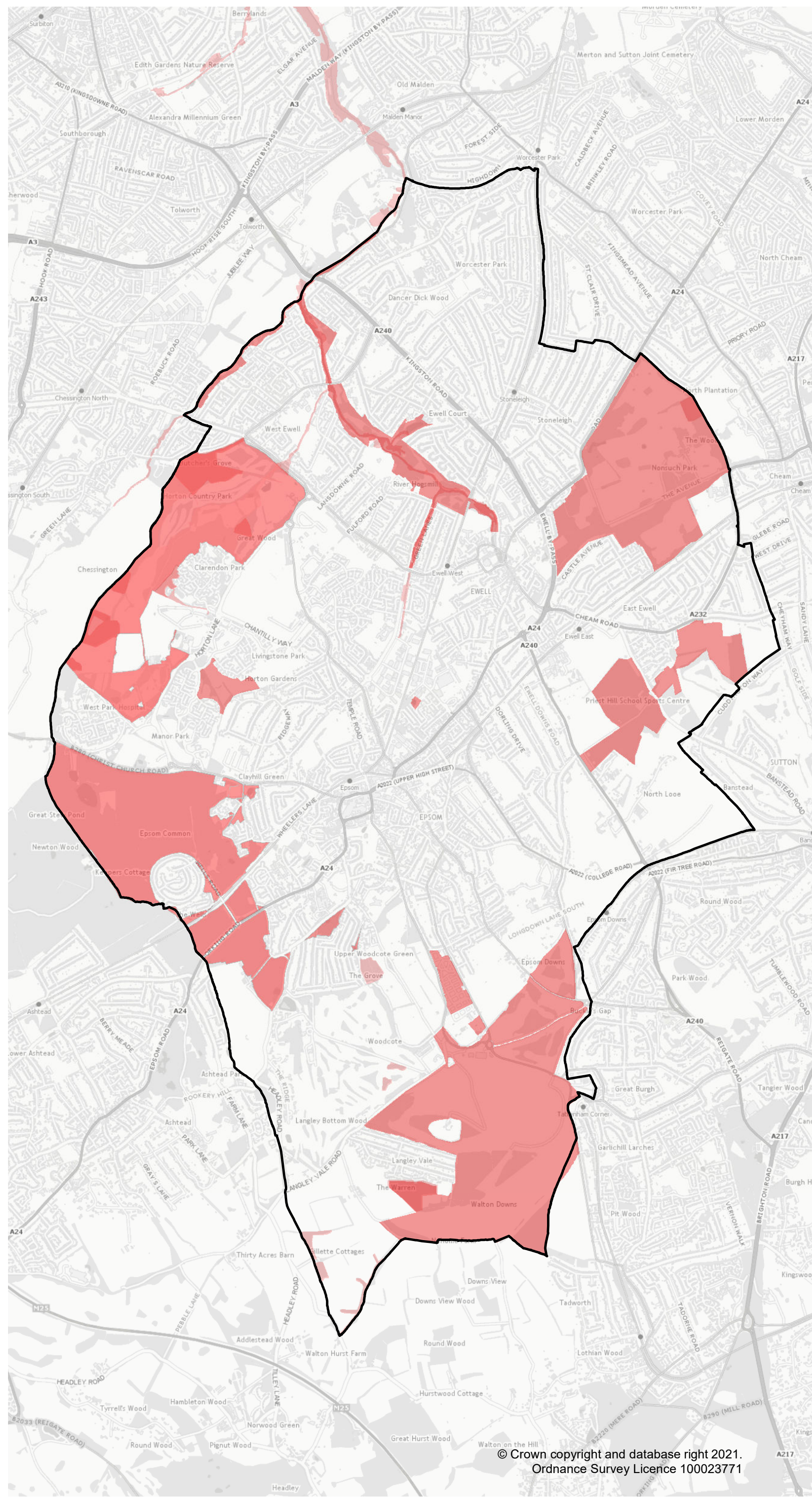
**Epsom & Ewell
Constraints
Study**

**Figure 9:
All Primary
Constraints
(correction)**

1:30,000



Document Date: 26/11/2021



4. Relationship with other Key Evidence Base Documents

4.1 The Green Belt Study

- 4.1.1 In signing the interim Surrey Local Strategic Statement (LSS) the Council made a commitment to undertake an assessment of its Green Belt. The purpose of the Green Belt Study (GBS) is to provide evidence of how different areas perform against the Green Belt purposes as set out within the National Planning Policy Framework relevant to Epsom and Ewell.
- 4.1.2 The assessment includes the identification of the Broad Areas of the Green Belt within the Borough and smaller Local Areas (referred to as Refined Parcels) based on function and boundary features.
- 4.1.3 The GBS is a technical evidence base document that provides an objective assessment of the designated Metropolitan Green Belt located within the Borough boundary. The study also assessed discrete parcels of land immediately adjoining the defined Green Belt boundary for their suitability for potential inclusion within the Green Belt.
- 4.1.4 In order 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 4 relevant purposes set out in national planning policy.
- 4.1.5 Therefore consideration has not been given to any other constraints, designations, policies, strategies or the development potential of the Broad Areas or Refined Parcels. Any future consideration of the development potential of such land would need to be supported by a comprehensive 'policy on' assessment of the Refined Parcels. This would enable the identification of areas of land not affected by constraints that would prevent development taking place as well as locations where it's would not be possible to mitigate impacts.
- 4.1.6 It is anticipated that an assessment constraints will form part of a more refined review of the Borough's Green Belt. Further work is intended to build upon the findings of the initial GBS (published in April 2017). It will assess in further detail the Refined Parcels and those non-green belt sites identified as well as the potential cumulative implications of any amendments to the existing Green Belt boundary.
- 4.1.7 This further assessment along with other key evidence base documents will inform any forthcoming consideration of whether exceptional circumstances exist to amend the Green Belt boundary. This could include the removal and/ or additions to the boundary.

4.1.6 The methodology to undertake an initial ‘policy on’ assessment of the Green Belt is proposed in Section 5.

4.2 The Strategic Housing Land Availability Assessment

4.2.1 The Strategic Housing Land Availability Assessment (SHLAA) is a key evidence document in developing the Local Plan. The SHLAA does not allocate land for development but considers the potential future supply of land likely to be available for residential (bricks and mortar) development over the next plan period up to 2032.

4.2.2 Although this assessment makes a judgement about the developability of particular sites for development, it is based on a number of assumptions. It does not in any way prejudge any planning applications that may be received on individual sites. It should be noted that the inclusion or otherwise of a site within the SHLAA does not in itself determine whether a site should be developed.

4.2.3 The SHLAA uses an agreed, objective and consistent methodology based on the suitability, availability and the achievability of individual sites before coming to an overall conclusion. The following factors are considered to assess a site’s suitability for development now or in the future:

- Physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;
- Policy constraints including land designations that would deem sites unsuitable or housing development or which may affect the scale and type of housing development; and
- Potential impacts including the effect upon the environment including landscape features, nature biodiversity and heritage conservation.

4.2.4 The assessment of each site initially takes a ‘policy off’ / unconstrained’ approach to identifying development potential. However, when considering if the site is ‘deliverable’ or ‘developable’, informed by the Constraints Study, a ‘policy on/ constrained’ approach is applied.

4.2.5 Those sites within the built up area and affected by ‘primary constraints’ (as outlined in Table 1) which deem it unsuitable for housing development under the current Spatial Strategy and national policy will be effectively discounted from the housing land supply. However, they will be recorded for auditing purposes and reconsidered if necessary in the future. This may be the case depending upon the initial outcomes of the SHLAA.

4.2.6 If the SHLAA fails to identify a sufficient supply of housing land to meet the OAHN figure, the Council could consider whether it is possible to

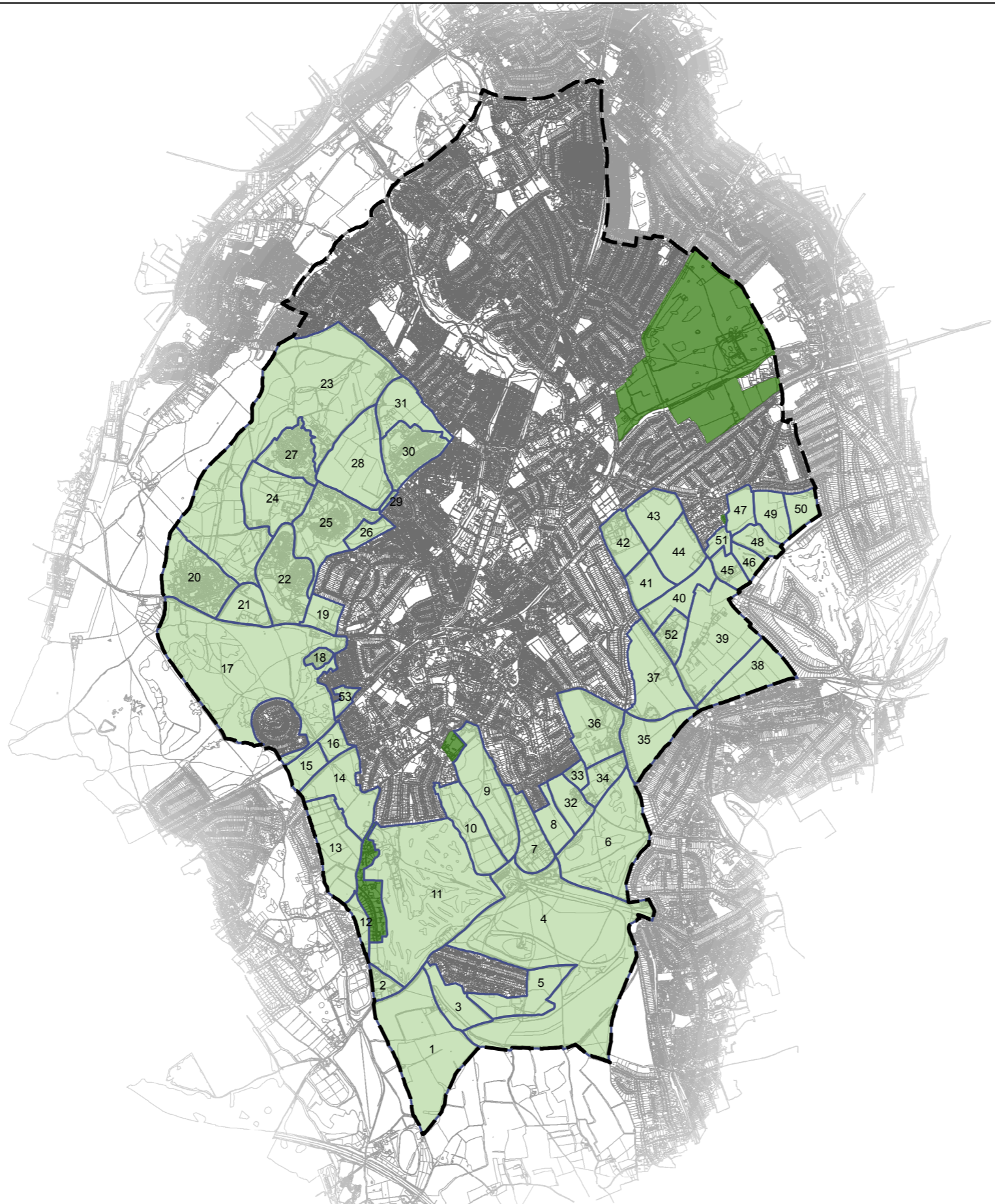
meet the Borough's housing need by increasing the number of suitable sites for development. This could be done by reconsidering the assumptions, in relation to constraints and could potentially include the disregarding of certain policy constraints that led to sites previously being considered as unsuitable.

- 4.2.7 However, the Council would need to fully consider the implications of such scenarios through the Sustainability Appraisal. This process will accompany the partial update of the Core Strategy and any forthcoming proposals to allocate sites.





5. Assessing Green Belt Land

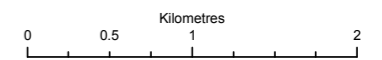
5.1 Proposed Methodology

- 5.1.1 The Epsom and Ewell Green Belt Study 2017 (GBS) is a technical evidence base document that provides an objective assessment of the designated Metropolitan Green Belt located within the Borough boundary. In order 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.
- 5.1.2 To provide an initial 'policy on' assessment of the Borough's Green Belt land a detailed desk based assessment will be undertaken to quantify how much of the Borough's Green Belt land is affected by each of Primary Constraint (as identified in Table1).
- 5.1.3 The GBS defines 53 discreet land parcels referred to as 'Refined Parcels' that together comprise the Green Belt using physical features that are readily recognisable and likely to be permanent. This included roads, railways lines, watercourse, established field boundaries, rights of way and area of woodlands. These parcels are shown within Figure 10 which has been extracted from the GBS. For consistency and ease of analysis, the same defined parcels will form the basis of this assessment.



ATKINS™

-  Epsom and Ewell Administrative Boundary
-  Parcel Areas
-  Green Belt
-  Potential Green Belt



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LICENCE NUMBER: 100023771 [2017]

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Project

EPSOM & EWELL GREEN BELT STUDY

Title

PROPOSED PARCEL AREAS

Sheet Size	Original Scale	Designed / Drawn	Checked	Authorised
A3	1:40,000	SD	HM	NDK
		Date	Date	Date
		07/02/17	07/02/17	07/02/17
Drawing Number				Rev
5150705_EPS_GRN_PAR				04

5.1.4 The GBS acknowledges that Green Belt land within the Refined Parcels do not necessarily respect authority boundaries. The GBS considers the role of the designation in its wider context and has taken account of the character of land beyond the administrative boundary. For the purpose of this assessment, the analysis of Primary Constraints should be limited to only those areas within Epsom & Ewell.

5.1.5 Using GIS mapping tools, for each Refined Parcel the following information will be recorded and analysed:

Parcel number- as identified in the GBS

Parcel area- area of parcel in hectares within and outside of the Borough Boundary

Aerial location map- map showing the location of the parcel

Summary of GBS information- summary of the information relating to the parcels performance

Primary Constraints – an assessment of how the parcel is affected by each of the Primary Constraints including:

- Area (ha) and percentage of parcel affected by constraint referring only to the area of the parcel within the Borough boundary.
- Location of constraints within the parcel.
- Details of the specific constraint it relates to e.g. name of SSSI.

Summary of Primary Constraints Study – details of the total area of the parcel affected by Primary Constraints and the remaining unaffected area.

5.1.6 It is anticipated that the desk based assessment will form part of the Green Belt Study Part 2 which will provide a more refined assessment of the Green Belt and build on the findings of the initial GBS. This specific exercise will result in the identification of GBS parcels that are either:

- **Completely Affected** by Primary Constraints
- **Not Affected** by Primary Constraints
- **Partially Affected** by Primary Constraints

5.1.7 Parcels identified as being partially affected will be subject to further analysis. This will seek to determine the extent of which the parcel is affected and whether there would be any merit in assessing the unaffected area in further detail.

5.1.8 To clarify, Primary Constraints affecting areas of land within the built up area will be considered as part of the site assessment process within the Strategic Housing Land Availability Assessment (refer to Section 4.2 for further detail).

6. Next Steps

- 6.1.1 The desk based assessment will form part of further work to be undertaken on assessing the Green Belt. It is anticipated that this particular exercise will provide detailed analysis of the extent to which the Borough's Green Belt land is constrained /protected by policy outside of the Green Belt designation. It will also identify land within the designation that is not affected by Primary Constraints.
- 6.1.2 It is anticipated that using the information gathered through this exercise, that it may be possible to identify area of land where, notwithstanding the Green Belt designation, the impact of development would not be harmful to the protected features that comprise the Primary Constraints, or where such impacts could be mitigated.
- 6.1.3 The outcomes of the constraints assessment will need to be considered alongside those emerging from the SHLAA, the GBS findings to date and the outcome of future assessments. Together these key evidence base documents will inform the consideration of whether there are exceptional circumstances to seek to amend the Green Belt boundary.