

Epsom & Ewell Local Plan Examination

Council Responses to Matter 1: Legal Compliance and the Duty to Cooperate 14 August 2025

Issue 1: Whether the Duty to Cooperate (DtC) has been satisfied and whether the Plan has been prepared with reference to the relevant procedures and regulations

Duty to Cooperate

S33A of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the DtC. This applies to the preparation of Local Plans so far as relating to a strategic matter. Local Planning Authorities must demonstrate how they have complied with the DtC at the Examination stage of their Local Plan. The following questions have been prepared with reference to the Council's submission documents as well as my initial letter ID-001) and the Councils response with associated documents (COUD_001, COUD_001a, COUD_002).

Q1.1 What are the matters of cross boundary significance which require consideration and how have these been identified?

- 1.1 The matters of cross boundary significance which require consideration are identified within the DtC Framework (document reference DTC3).
- 1.2 The identified matters comprise:
 - Meeting identified housing needs within the borough and wider unmet housing needs
 - Meeting the identified need for Gypsy and Traveller accommodation within the borough and wider unmet needs
 - Supporting the local economy: the horse racing industry
 - Flood risk (principally from surface water)
 - Improving sustainable transport choices, particularly in association with new development
 - Meeting education needs, including Special Educational Needs and Disabilities (SEND)
 - Meeting healthcare needs
- 1.3 The matters within the framework were guided by the broad strategic matters to be addressed in local plans, as identified in the National Planning Policy Framework (NPPF) (December 2023, paragraph 20). Those specific to the borough were primarily identified from the existing Local Plan evidence base,

emerging evidence and local knowledge. The 'background' section for each strategic cross boundary matter in the Draft Duty to Cooperate Framework (document reference COUD 001a Appendix 6, from page 97) explains why the issue has been identified.

- 1.4 The framework also identified the DTC bodies the Council will engage with on strategic matters and any existing mechanisms in place for engagement (for example the regular Planning Working Group (PWG) meetings, attended by all the Surrey authorities planning policy managers).
- 1.5 Consultation was undertaken on the Draft Duty to Cooperate Framework between 25 May to 17 June 2022 to ensure there was early consensus on the strategic cross boundary issues that need to be addressed throughout the preparation of the Council's Local Plan. The comments received were used to refine the framework, which are documented (document reference COUD 001a Appendix 6, from page 31), while the subsequent DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1) document the engagement undertaken, how the issues were being addressed and the outcomes.

Q1.2 The plan as proposed would result in a significant amount of unmet need arising from the proposed strategy. Does the evidence base confirm that the Council have engaged constructively, actively and on an ongoing basis with the parties identified to address this matter as well as the other strategic matters of relevance?

- 1.6 The proposed strategy is likely to result in an unmet housing need of approximately 5,500 dwellings and a shortfall of eight gypsy and traveller pitches over the plan period (2022 to 2040).
- 1.7 The issue of meeting housing and traveller needs as a matter of cross boundary significance was identified by the Council within the DtC Framework 2022 (document reference DTC3). The Council was already aware that meeting housing need was an issue for many other Surrey and neighbouring authorities, as evidenced by the formal requests made by others for assistance in meeting their unmet needs (namely the Royal Borough of Kingston Upon Thames in February 2018, Mole Valley District Council in July 2021 and Elmbridge Borough Council in October 2021). In responding to these requests, the Council stated that its evidence suggested the Borough may not be able to meet its own housing need figure and was therefore unlikely to be able to assist in meeting another authority's needs. This was based on an early 2017 Strategic Housing Land Availability Assessment (SHLAA) and the emerging updated 2022 Land Availability Assessment (LAA) at the time.
- 1.8 Within the DtC Framework, the Council identified its DtC partners for these issues. These comprised neighbouring local authorities, those within the same

housing market area, and other local authorities within Surrey and Surrey County Council. How the Council has engaged with these partners on the issue of meeting housing and traveller needs is documented within the DTC Statement of Compliance (document reference DTC2, pages 9 to 16 and 16 to 22) and Statement of Compliance Update (document reference DTC1, pages 6 to 8 and 8 to 10). To summarise, the Council has shared its evidence base and engaged with its partners on a regular basis, both through meetings and formal requests.

- 1.9 The Statement of Compliance and the subsequent update provide evidence of the Council's constructive, active and ongoing engagement on the strategic matters of relevance, with additional evidence provided in the Council's response to the Inspector's initial questions in appendix 4: Timeline of DtC meetings and appendix 8: DtC meeting minutes (document reference COUD_001a).

Q1.3 Are there any outstanding concerns from adjoining authorities or any other DtC bodies regarding the DtC? If so in what way has the Council sought to address the issues raised?

- 1.10 No, the signed Statements of Common Ground with several of the Council's DtC partners (document references SOCG1-7 & SOCG 8-11 & SoCG 12), including all four neighbouring local authorities (Reigate and Banstead Borough Council, Mole Valley District Council, London Borough of Sutton and Royal Borough of Kingston upon Thames) and Elmbridge Borough Council, which is within the same Housing Market Area as the Council, is evidence of this.

Document COUD_001a refers to the following:

Q1.4 A catch up meeting regarding progress on the strategic modelling report which was held on 17/09/2024. Are there any minutes available for this meeting?

- 1.11 Formal minutes for this meeting are not available, although an agreed meeting note is available in Appendix M1a.

Q1.5 A meeting with SCC on 14/01/2025 – again are there any minutes of this meeting?

- 1.12 Formal minutes for this meeting are not available, although an agreed meeting note is available in Appendix M1b.

Q1.6 A series of meetings relating to LCWIP as listed on appendix 4 – what is the reason that there are no minutes of these meetings available?

- 1.13 The meeting notes by the consultants who lead on the LCWIP project are included in Appendix M1c.

Q1.7 Planning Working Group meetings – again these are listed on appendix 4. The Council have stated that these have been held every 2 to 3 months since 2022, a total of 13 meetings and that a standing item is Local Plan progress. What is the reason why there are no minutes available?

- 1.14 The Planning Working Group is an information sharing forum for all Surrey Local Planning Authorities. The meetings are organised by Surrey County Council who also produce the minutes. The meeting minutes for 12 of the meetings are contained in Appendix M1d. There are no meeting Minutes for the 2 July 2024 meeting.

Q1.8 The letter dated 9 December 2022 from Mole Valley District Council includes a link to a 2018 Urban Capacity Study. Should this document form part of the evidence base and has it been updated to reflect the current plan period?

- 1.15 The 2018 UCS should not form part of the evidence base, as the document is out of date and has been superseded by more recent evidence base, notably the Land Availability Assessments published in 2022 and 2024.
- 1.16 The Land Availability Assessment (document reference HB02a) undertaken in 2022:
- included a desktop review to identify potential sites for development that hadn't been recently promoted by the landowner (for example through the call for sites process) and have no recent planning history.
 - assessed the availability, achievability & high-level suitability of the sites previously identified in the UCS (2018)
- 1.17 The LAA was updated in 2024 (document reference [HB01a](#)) to reflect changes in site availability or deliverability, revisions to site capacities. A Site Assessment Methodology was also published in 2024 alongside the updated LAA.
- 1.18 Appendix M1e contains a table detailing the sites contained in the UCS (2018) that could deliver a positive yield alongside updated information on the status of the site sourced from the latest evidence base.

Q1.9 The minutes contained at appendix 8 refer to updates to the LAA including reviewing capacities of individual sites (seeking to optimise yields) – where is this work contained within the evidence base?

- 1.19 The work referenced in the minutes at Appendix 8 is contained within the LAA 2024 (document reference [HB01a](#)). As part of the preparation of this document all sites were subject to a re-assessment. This included a review of density assumptions undertaken in collaboration with Development Management colleagues, informed by updated site-specific information, such as planning history. The process sought to optimise site capacities to make efficient use of land, having regard to individual site context, physical and policy constraints, and relevant updates to the evidence base – for example, the Town Centre Masterplan ([HB06a](#)). This exercise resulted in adjustments to site yields, with some increasing and other decreasing relative to the 2022 LAA.
- 1.20 The reasons for changes in yields are set out in Appendix 7.1 of the LAA 2024 (document reference [HB01a](#), pp. 31-32).

Q1.10 The minutes contained at appendix 8 refer to EEBC having undertaken a parking study – is this study available?

- 1.21 The Council commissioned a parking study as part of the evidence base to support the emerging Town Centre Masterplan. This consisted of ANPR monitoring of 9 public car parks in the Town Centre (six of which are operated by the Council) in addition to user surveys at 4 car parks to identify the reasons people use the car park. The surveys were undertaken in August 2023.
- 1.22 The parking study is contained in Appendix M1f.

The following questions refer to appendix 4 of document COUD_01a:

Q1.11 The document refers to the Local Plan being ‘on pause’ – what was the reason for this and how long was this for? Did DtC meetings continue during this time period?

- 1.23 The Local Plan was paused on 22 March 2023, following the close of the Local Plan Regulation 18 Consultation. This was the result of a motion being debated where the Council agreed that:
- i. Other than for the purpose of analysing the responses of the public consultation to capture residents’ views and any new information, the Local Plan process be paused to enable:*
 - a) further work on brown field sites, including information arising out of the Regulation 18 consultation*

- b) further options to be considered that do not include green belt sites*
- c) an analysis of Epsom and Ewell's required future housing numbers based on 2018 data*
- d) a clearer understanding of the Government's legislative intentions in regard to protections for the green belt and the current mandatory target for housing numbers.*

ii. Write to the MP for Epsom and Ewell calling on him to use his influence to get the Government to abandon its use of 2014 data to calculate housing need and accept that all planning and housing policies must reflect the latest data if they are to be effective as well command the respect of the people they affect."

1.24 The Council considered that the factors below suggested that pausing the Local Plan would provide the opportunity to assess the Governments then draft proposals as well as 2018 household projections data which if utilised would impact the housing need generated by the standard method in place at the time:

- (1) Extensive green areas, especially the green belt, and the absence of high level development in our urban areas makes Epsom and Ewell a distinctive, green and an excellent place to live.*
- (2) Under the existing legislation Local Planning Authorities are being required to draft Local Plans on the basis of out of date, 2014, data that does not reflect Epsom and Ewell's housing need, as shown in more recently available 2018 data.*
- (3) The Government's recently proposed legislative changes to the planning process, whilst welcome in several aspects, are not yet enacted and the current legal position has not changed. These factors suggest that a pause in progressing the Draft Local Plan in its current form would provide an opportunity to assess the Government's draft proposals as well as the 2018 data on housing need in the borough.*

1.25 During the seven months pause, no formal Duty to Cooperate meetings were arranged, however officers attended a DTC meeting requested and arranged by the London Borough of Sutton. Meetings such as Planning Working Group continued to be attended, where updates on the progress of the Local Plan were provided. In addition, meetings were held with key stakeholders on developing the evidence base. This included discussions with Surrey County Council on the climate change toolkit and progressing the Local Cycling and Walking Investment Plan (LCWIP), and with the Environment Agency in relation to considerations as to whether the SFRA should be updated. Further information on these meetings is contained in the Councils Response to the

Inspectors Initial Questions Appendices (document reference [COUD-001a](#)), pages 47 – 52 of Appendix 4.

- 1.26 The plan was subsequently un-paused at an extraordinary meeting October 24, 2023, following a recommendation from the Council's Licensing and Planning Policy Committee on 26 September 2023.
- 1.27 The Council reports and minutes for the two meeting of Council and the report of the Licencing and Planning Policy committee detailed above are contained in Appendix M1g.

Q1.12 Reference is made to a Co-Plug project – what is this and what is the relevance of this in the context of DtC matters?

- 1.28 Sidm Health (created by Coplug) is a healthcare planning model, used by healthcare providers and local authorities to identify the potential mitigation necessary to make the development acceptable in planning terms as a result of new population arising from new residential development in relation to healthcare provision. The Surrey Heartlands ICS utilise this model (referred to in the SoCG between the Council and Surrey Heartlands ICB (document reference [COUD_002](#)) as the 'healthcare planning model') utilising data provided by the Council to identify the financial impacts on primary healthcare provision from the Proposed Submission Local Plan.

Q1.13 At the meeting of 21.03.2024, the table states that the local plan spatial strategy is to be appraised using the forecast modelling in relation to education provision. Did this take place and in what way has this informed the IDP?

- 1.29 The council works closely with Surrey County Council as the education authority, providing data on housing completions and commitments on an annual basis to assist with their forecasting of school place needs. Separate to this, the county also carries out modelling at the request of local planning authorities, to assist with plan making work, forecasting the impact of potential allocations on future school place provision.
- 1.30 Surrey County Council ran forecasts based on the draft allocations in the Proposed Submission Local Plan in Autumn 2025, to assist in identifying the need for school places across the plan period (2022 to 2040). The outputs of these forecasts have been incorporated into the Infrastructure Delivery Plan (document reference [IS-01](#)), with the levels of need being identified for primary education (page 48) and secondary education (pages 51-52). The forecasts indicate that there is likely to be a surplus of primary and secondary places within the borough by the end of the Plan period. This is primarily due to the decrease in birth rate. However, it is noted that should the birth rate begin to rise again, or if the underlying demographic trends shift, this may alter the

capacity of the current school estate to accommodate additional children yielded from housing and the scenario projections will need to be reviewed.

Q1.14 Have the LPA done all they reasonably could to maximise the effectiveness of plan preparation by cooperating with all other relevant bodies?

- 1.31 The Council considers it has maximised the effectiveness of the plan preparation through cooperation with relevant bodies. Examples of how this has been achieved are set out below.
- 1.32 The Council has shared evidence and engaged with relevant DtC partners to ensure the plan is based on a robust evidence base, providing a thorough understanding of the borough's needs, opportunities and constraints. For example, the Council consulted on the Land Availability Assessment (LAA) methodology and discussed the findings of the LAA with partners to ensure such evidence is transparent and there were additional opportunities for partners to raise any issues. Such engagement and robust evidence help to make the plan more effective. The engagement which has been undertaken with the Council's DtC partners is documented in the DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1), which is further supplemented by the Council's response to the Inspector's initial questions in appendix 4: Timeline of DtC meetings and appendix 8: DtC meeting minutes (document reference COUD_001a).
- 1.33 The Council has modified the Local Plan between the Regulation 18 and 19 formal consultation stages to reflect comments received from DtC partners, to improve its effectiveness. These have been documented in the Consultation Statement Part 1 Regulation 18 (document reference SD09b), which clearly identifies where changes have been made to the plan in response to specific comments. Additionally, outside of the formal consultation stages the Council has worked with partners to maximise the effectiveness of policies. For example, the Council worked with the Surrey Heartlands ICB to ensure the policy wording for site allocation SA35: Horton Farm could meet primary healthcare needs, while remaining flexible. This is documented in the SoCG between the Council and Surrey Heartlands ICB (document reference COUD_002).

Q1.15 Did the co-operation process deal with all the relevant strategic matters, and issues arising in relation to them?

- 1.34 The Council considers it has addressed and cooperated on all the relevant strategic matters and issues. Firstly, the Council identified and consulted to ensure that the relevant strategic matters and issues were identified through the Duty to Cooperate Framework as detailed in the response to MIQ 1.1. The identification of these matters/issues were used to guide subsequent discussions with the DtC partners as documented by the minutes from the DtC

meetings, available in appendix 8 to the Council's response to the Inspector's initial questions (document reference COUD_001a). Opportunities were provided to raise any additional issues more formally through DtC meetings and informally through regular forums such as the Planning Working Group (PWG) meetings the minutes of which are provided in relation to the Council's response to MIQ 1.7.

- 1.35 Engagement on the relevant strategic matters and issues are documented in the DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1). The twelve SoCG the Council has agreed with its partners is also evidence of the cooperation.

Q1.16 Is it clear how each strategic matter was resolved? If any were not resolved, are there satisfactory reasons for this?

- 1.36 The Submission Documents DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1) provide details on the status of each of the strategic matters, the engagement that was undertaken in relation to these and the outcomes. The Statement of Compliance Update, contains a section for each of the issues summarising the outcomes, identifying where there are still issues unresolved.
- 1.37 The Council considers there are two main issues that remain outstanding/are unresolved:

1. Meeting identified housing needs within the borough and wider unmet housing needs – the spatial strategy results in an unmet need of approximately 5,500 dwellings over the plan period.

- 1.38 The Council considers there are robust reasons for specifying a requirement that results in a shortfall of about 5,500 dwellings, which are documented in the Spatial Strategy Topic Paper (document reference TP07). To summarise, the main reasons for the shortfall are:
- A high level of housing need, identified through the standard method (that in effect prior to the 12 December 2024 National Planning Practice Guidance update), which is significantly greater than the Core Strategy (2007) requirements (approximately 573 dwellings per annum (dpa) compared to 181 dpa).
 - Limited site availability within the Borough (as evidenced in the Land Availability Assessment (LAA) – (document reference HB01a). The total theoretical capacity of available sites within the LAA 2024, including all promoted Green Belt sites is up to 8,301 homes (which equates to 80% of LHN).
 - Neighbouring authorities and those within the same housing market area being unable to assist in meeting unmet needs (as evidenced in the DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1)). These authorities are

also subject to increased housing need compared to historic requirements and face constraints such as Green Belt designations, environmental designations and limited site availability. The Council will continue to co-operate with neighbouring boroughs and districts on this issue.

2. Meeting the identified need for Gypsy and Traveller accommodation within the borough and wider unmet needs – the Proposed Submission Local Plan makes provision for an additional 10 Gypsy and Traveller pitches, which leaves a shortfall of 8 pitches over the plan period against the identified need.

1.39 Again, the Council considers there are robust reasons for this shortfall, which are documented in the Meeting Gypsy and Traveller Needs Topic Paper (document reference TP05). A brief summary as to how the position has arisen is outlined below.

1.40 A sequential approach was taken in seeking to meet the identified need in the following order of priority:

1: Utilising spare capacity or intensifying existing sites within the borough

The borough has only two existing traveller sites, both being owned and managed by Surrey County Council (SCC), who have confirmed the sites are already at capacity and are overcrowded. An assessment found the sites were unable to be expanded for various reasons.

2: Expanding existing sites within the borough

Analysis of the sites concluded they were unable to be expanded (refer to section 6 of topic paper, document reference TP05)

3: Finding new sites within the borough

The Council's Land Availability Assessment (LAA) provided a starting point for this assessment, and sites were considered for their size, suitability, availability and achievability. All sites are within the urban area or on greenfield sites outside of the Green Belt were assessed. It was concluded that there were no sites put forward under the 'Call for Sites' exercises for Gypsy and Traveller use. None of the deliverable sites were considered to have potential for Gypsy and Traveller provision. None of the developable sites were considered to have potential for Gypsy and Traveller provision.

4: Meeting needs outside of the borough via the duty to cooperate

The Council investigated the possibility of meeting this need outside of the borough, through discussions with neighbouring authorities and other partners. These discussions are documented in the DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1) council's Duty to Cooperate Statement of Compliance. The outcome is that no other authority is currently in a position to assist in meeting the Council's Gypsy and Traveller needs. The

main reasons include authorities having high levels of need themselves and limited suitable sites. This position will be kept under review.

5: Assessment of Green Belt sites should exceptional circumstances be demonstrated.

Given the above, it was concluded that to meet future traveller needs within the borough, this will need to be through provision on land currently designated as Green Belt, which may be released through the local plan process, or on unidentified (windfall) sites, which may come forward during the plan period. Several Green Belt sites submitted as part of the Call for Site exercises were assessed and while none of the sites were put forward by the landowner / site promoter for Gypsy and Traveller uses, it was considered that some of the sites may have potential to accommodate such uses as part of a comprehensively designed scheme. This is documented in Appendix 2 of the Meeting Gypsy and Traveller Needs Topic Paper (document reference TP05), page 27.

- 1.41 As such, the Council has sought to deliver new pitch provision through the allocation of 10 pitches as part of the Horton Farm Allocation (SA: 35), which is proposed to be released from the Green Belt. As there are no further allocations within the Local Plan for Gypsy and Traveller sites, there remains an unmet need over the plan period for eight pitches. Further provision of Gypsy and Traveller sites may be achieved on appropriate unallocated land through the planning application process. Policy S8 enables such applications to be assessed on a site-by-site basis and allows suitable sites, which meet the criteria, to be permitted. Additionally, Policy S8 requires larger unallocated windfall sites to contribute towards meeting unmet need, where appropriate.

Q1.17 Is there evidence of any strategic matter(s) on which the LPA should have cooperated, but have failed to do so effectively?

- 1.42 The Council considers it has cooperated effectively on all strategic matters as identified in the DTC Framework (document reference DTC3), the engagement undertaken being documented in the DTC Statement of Compliance (document reference DTC2) and Statement of Compliance Update (document reference DTC1). Throughout the Local Plan process the Council has remained engaged with its partners, sharing evidence and providing opportunities for any new matters/issues to be identified.
- 1.43 There remain two outstanding/unresolved issues, the reasons for which are outlined in the Council's response to MIQ 1.16. The Council has entered into Statements of Common Ground with several of its DtC partners and these have not identified any strategic matters where the Council has failed to engage effectively (document references SOCG1-7 & SOCG 8-11 & SoCG 12).

Q1.18 Are there any bodies with which the LPA should have cooperated, but have failed to do so effectively?

- 1.44 No. The Council has cooperated with all its relevant partners, which has been documented in the Duty to Cooperate evidence: DTC Framework (document reference DTC3), the DTC Statement of Compliance (document reference DTC2) and the Statement of Compliance Update (document reference DTC1).

Issue 2: Whether the Plan has been prepared with due regard to the appropriate procedures and regulations

Consultation

Q2.1 Has the plan been prepared in accordance with the Council's Statement of Community Involvement (document SD10) and has it met the minimum consultation requirements contained within the relevant Regulations?

- 2.1 The Statement of Community Involvement (SCI) adopted in July 2022 (document reference [SD10](#)) sets out how the Council will involve the community in the creation of planning policy, neighbourhood planning and the planning application decision making process. Some commitments within the SCI repeat requirements under Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Each of the commitments are considered below:

Length of consultation

- 2.2 The SCI (Table 2) states that the council will undertake Regulation 18 and Regulation 19 consultation for a period of 6 weeks. Regulation 19 (1) (c) states that submission documents should be available for six weeks. As outlined in the consultation statement part 1 (reference document SD SD09b) and pt 2 (document reference SD SD09a) both Local Plan consultations were undertaken for their required durations:
- Regulation 18 from 1st February to 19th March 2023 (6 weeks and 4 days)
 - Regulation 19 from 20th December 2024 to 5th February 2025 (6 weeks and 5 days)

Stakeholder notification

- 2.3 The SCI States that the Council will notify Specific Consultation Bodies (p2.10, p2.14 & Table 1) on consultations. This requirement is also contained in para (1) and (2) of Regulation 18. Pages 8 and 9 of the Regulation 18 Consultation Statement (document reference [SD09b](#)) lists the consultation bodies who were emailed about the draft local plan Regulation 18 consultation in February 2023. Pages 8 to 9 of the Regulation 19 Consultation Statement (document reference [SD09a](#)) includes the same list of stakeholders who were emailed for the regulation 19 consultation.
- 2.4 Paragraphs 2.11 and 2.14 of the SCI explains that the Council will notify additional stakeholders (examples appendix A of SCI) (p2.11, p2.14) in addition to specific consultation bodies. Pages 8 and 9 of [SD09b](#) also list the additional stakeholders who were notified of the Regulation 18 consultation in 2023, and pages 8 and 9 of [SD09a](#) explains how the same list of stakeholders were notified for the Regulation 19 consultation.

- 2.5 Table 1 of the SCI states that the Council will notify those who have registered to receive notifications through the Council's online consultation portal. All stakeholders who were registered on the consultation database at the time of the regulation 18 consultation (approximately 700) were sent notifications from the system when the consultation launched, as stated in consultation statement Pt1 [SD09b](#) (detailed on Page 4). For Regulation 19, notifications were sent to 3218 stakeholders who had registered on the consultation platform (which had increased since the Regulation 18 consultation).
- 2.6 Therefore, all consultation bodies, residents or other persons including those carrying on business in the area who the Council felt may have had an interest in the Local Plan, who the Local Planning Authority considered may have had an interest in the local plan, had been notified.
- 2.7 It is therefore considered that the commitments and requirements of the SCI and Regulation 18 and 19 with regards to stakeholder notification have been met.

Advertising

- 2.8 In addition to emailing consultation bodies, the SCI states that the Council may advertise on the front page of council website and social media (P2.15). For both the Regulation 18 and Regulation 19 consultation the Local Plan was advertised on the home (front) page of the Council website (see consultation statement [SD09b](#) / screenshot detailed on pages 4, 20-23 and [SD09a](#), detailed on pages 22-24). For both the Regulation 18 and 19 consultations the consultation was advertised on the Council social media accounts and through paid for advertising placements on social media.
- 2.9 Table 1 of the SCI outlines methods the council could use for advertising local plan documents, one of which is distributing leaflets and placing posters. For both Regulation 18 and Regulation 19 stages, A1 Posters were displayed on 24 Borough Notice Boards. Leaflets were distributed to key locations including the town hall, libraries and Epsom Playhouse (see consultation statements pt 1 [SD09b](#) appendix page 4 and appendix A and Pt2 [SD09a](#) Appendix 1).
- 2.10 Table 1 in the SCI also refers to advertising in local newspapers. For the Regulation 18 consultation a press advert was published in the Epsom Comet on the 9th of February 2023 (see consultation statement [SD09b](#) Appendix A.) and for the Regulation 19 consultation A press advert was published in the Epsom Comet on the 2nd January 2025.

Transparency and engagement

- 2.11 The SCI outlines how the plan and associated information will be made available and how the council will engage with citizens.

- 2.12 Regulation 19 (a) states that before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35. Proposed Submission Documents are defined in Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and are detailed below along with the corresponding submission library document number:
- a. the local plan which the local planning authority propose to submit to the Secretary of State (document reference [SD02](#))
 - b. if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map, (document reference [SD03a](#))
 - c. the sustainability appraisal report of the local plan (document reference [SD05a](#))
 - d. the consultation statement for the Regulation 18 Local Plan (document reference [SD09b](#))
 - e. such supporting documents as in the opinion the local planning authority are relevant to the preparation of the Local Plan. In the Epsom and Ewell Local Plan context these are detailed below:
 - a. Interim Habitats Regulations Assessment (document reference [SD04b](#))
 - b. Equalities Impact Assessment (document reference [SD12](#))
 - f. the Statement of representations procedure (document reference [SD07](#)).
- 2.13 The SCI states that the Council will only provide paper copies of main consultation documents (i.e. the Plan) and Sustainability Appraisal /Strategic Environmental Assessment at the Town Hall and Local Libraries. All evidence base reports will be publicly available on the Council's website, but hard copies will be available on request (p2.13, p2.14 & Table 1).
- 2.14 However, the Council went beyond the SCI requirements in terms of hard copies of the core evidence base supporting both Regulation 18 and 19 consultations which were available for inspection during opening hours from The Town Hall, Epsom Library, Ewell Library, Ewell Court Library and Stoneleigh Library as outlined in consultation statements part 1 [SD09b](#) (Page 5) and part 2 [SD09a](#) (pages 9 to 11).
- 2.15 The SCI also states, in Para 2.14 and Table 1, that the Council will provide electronic versions of consultation documents. Consultation statement Pt 1 ([SD09b](#)) page 4 explains how this was achieved for Regulation 18 consultation and consultation statement pt 2 ([SD09a](#)) pages 9 to 11 lists the documents that were available to view for the Regulation 19 consultation.
- 2.16 Paragraph 2.17 and Table 1 states that wherever possible and safe, the Council will undertake consultation exercises. Consultation statement Part 1

([SD09b](#)), page 5 and 16 provide details of consultation exercises for regulation 18, while consultation statement part 2 [SD09a](#) provides details on page 9 and 18, for activities undertaken under Regulation 19.

- 2.17 Taking the above regulations and SCI commitments into consideration, the Council considers that it has met the minimum consultation requirements contained within the relevant regulations and complied fully with requirements contained in the SCI.

Q2.2 A number of parties have raised concerns regarding the extent of the consultation exercise undertaken, the timing of the Regulation 19 consultation, the accessibility of the documents, and a lack of engagement. Are these concerns valid?

- 2.18 We do not consider the concerns are valid for the reasons set out in response to Q2.1. Further justification is provided below:

Timing of the Regulation 19 consultation

- 2.19 The Regulation 19 consultation was undertaken between 09:00 on the 20 December 2024 until 23:59 on 5 February 2025. A period of 6 weeks and 5 days (or 3 working days) to account for the bank holidays within that period. This exceeds the SCI requirement for six weeks consultation and the regulatory requirement for at least 6 weeks public consultation.

Accessibility of Documents

- 2.20 All consultation documents were available online from our consultation platform throughout the consultation period. In addition, in accordance with the SCI hard copies of the main consultation documents were available for inspection at the Town Hall and local libraries during opening hours throughout the consultation period.

Lack of engagement

- 2.21 Whilst a broad criticism, we refer to the consultation statement – part 2 (document reference [SD09a](#)), which outlines the extent of engagement that was undertaken at Regulation 19 Stage.
- 2.22 It is also important to note that whilst this question relates specifically to Regulation 19, extensive consultation was undertaken at Regulation 18 stage as set out in the consultation statement – part 1 (document reference [SD09b](#)).

Q2.3 Is there any evidence to suggest that the consultation carried out by the Council during the plan making failed to comply with the Council's Statement of Community Involvement?

2.23 No, as set out above in response to Questions 2.1 and 2.2 the Council has complied with the requirements of the Statement of Community Involvement (reference document SD10).

The Sustainability Appraisal (SA)

These questions relate to legal compliance of the SA only – the detail of the SA will be discussed under matter 5

Q2.4 Has the SA tested all reasonable alternatives? Is it clear how the conclusions drawn have been justified?

- 2.24 Yes, the SA has tested all reasonable alternatives which are in the form of growth scenarios. In defining the reasonable alternatives, consideration has been given to the available supply of land in the borough which is detailed in the Land Availability Assessment (LAA) (document reference HB01a).
- 2.25 The SA (Section 5) provides a diagram summarising the process that has been followed to define reasonable alternatives, which is presented below:

Figure 5.1: A standard broad process to define reasonable growth scenarios



- 2.26 The SA identifies 7 reasonable alternatives which all seek to maximise and make efficient use of land within the urban area, having regard to character, amenity, heritage and other constraints in determining appropriate site capacities, and where applicable the findings of the Epsom Town Centre Masterplan (document reference HB06a). The 7 reasonable alternatives also all include land within the Green Belt to provide approximately 230 homes. This consists of 3 sites which are summarised below:
1. Noble Park Hospital Sites – two sites that are both previously developed land and perform poorly against the green belt purposes. The sites are surplus to NHS requirements and development of these sites for residential uses will complement the redevelopment that has previously taken place as on adjoining land that formed part of the Noble Park development.
 2. Chantilly Way – a small site with low Green Belt sensitivity that is located between the edge of the urban area and a new Highway (Chantilly Way)

which was constructed as part of the hospital clusters redevelopment approximately 20 years ago.

- 2.27 Any alternative not including the Green Belt sites detailed above, is considered unreasonable in light of the discussion (process) set out in Section 5 of the SA including the discussion in Section 5.2 regarding the extent of the borough's housing needs including affordable housing need.
- 2.28 The 7 reasonable alternatives essentially vary in terms of the scale and location of Green Belt development and involve housing supply ranging from 3,564 homes to 6,399 homes. Specifically, the reasonable alternatives vary in terms of 9 Green Belt sites, which are identified through the process set out in Section 5. In particular, key analysis is presented in Section 5.4, which discusses all site options including numerous Green Belt options that are ruled out at this stage in the process, i.e. not progressed to the reasonable alternatives (Section 5.5). Any alternative involving allocation of a 'ruled out' site option is unreasonable on the basis of the analysis in Section 5.4 (read in the context of Sections 5.2 and 5.3).
- 2.29 Section 6 of the SA provides an appraisal of each of the 7 growth scenarios against 13 sustainability topics which clearly justify the conclusions drawn within Table 6.1 on page 50 which summarises the appraisal.
- 2.30 Higher growth scenario(s) exceeding 6,339 homes were considered unreasonable, given the supply options available (see Section 5.4 of the SA) and having regard to primary environmental constraints and paragraph 11b of the NPPF.

Q2.5 As the Council have set out, the standard method is the starting point for housing need. However, of the different options assessed within the SA, none of these look to address the standard method requirement in full. What is the justification for this approach and in what way does it demonstrate the Council have tested all reasonable alternatives?

- 2.31 The justification is that there is no reasonable growth scenario involving providing for LHN in full because there is insufficient capacity from available sites. Specifically, the total theoretical capacity of available sites within the LAA 2024 (document reference HB01a) is up to 8,301 homes, which equates to 80% of LHN.
- 2.32 Also, it can be noted that not all available sites perform well-enough in suitability / sustainability terms to warrant being tested through the appraisal of reasonable alternative growth scenarios. Section 5 of the SA Report considers all available sites and concludes that there are sites (all within the Green Belt) that perform poorly such that they are not taken forward to the reasonable alternative growth scenarios (as set in Section 5.5 and appraised

in Section 6). These 'ruled out' sites are set out clearly in Figure 5.8 (page 32).

- 2.33 For the reasons set out above, the SA concludes that that there is no reasonable growth scenario involving a supply figure at or above LHN. However, the SA tests 7 reasonable alternatives each delivering a different quantum of housing (ranging from 3,564 to 6,399 dwellings) which have been appraised against the 13 SA Framework topics. It is considered that Growth Scenario 7 (the High Growth Scenario) defined in Section 5.5 of the SA to be a reasonable high growth scenario having regard to the borough's constraints.

Q2.6 To what extent has the SA informed the content of the Plan?

- 2.34 The SA has been an iterative process throughout the development of the Local Plan. Both the Interim SA Report (2023) (document reference [PV03](#)) and the SA Report (2024) (document reference [SD05a](#)) that were published alongside the Regulation 18 and Regulation 19 consultations respectively contain:
- Reasonable alternatives which were assessed against 13 sustainability criteria that were an output of the scoping work undertaken in 2022 (Section 6)
 - The Council's preferred scenario which is an appropriate strategy and the reasons for its selection (Section 7)
 - An appraisal of the Plan (Section 8)
- 2.35 The selection of an Appropriate Strategy (the spatial strategy) in the Proposed Submission Local Plan was informed by the SA and has sought to strike a balance between competing sustainability objectives to deliver sustainable development.
- 2.36 In terms of the development of the Plan, the Interim SA Report (2023) highlighted a range of tensions with sustainability objectives and this then informed development of the Proposed Submission Plan. Also, the Interim SA Report made several recommendations and examples of how these have been considered in the development of the Proposed Submission Plan are detailed in the Table 1 below.

Table 1 – How Interim SA Report recommendations have been considered in developing the Proposed Submission Local Plan

SA Theme	Interim SA conclusion recommendation	How it has been considered
Accessibility	A key matter for further consideration, subsequent to the current consultation, is in	The Council has worked extensively with the education authority to understand needs for

	respect of school capacity, including in the vicinity of Horton Farm.	additional school places in the borough over the Local Plan period – see response to Q1.13 above.
Biodiversity	The proposal is to require 10% biodiversity net gain, which is something that might be revisited subsequent to the consultation, albeit within the constraints of whole plan viability, and in the knowledge that setting a higher requirement might necessitate trading-off against competing policy objective.	<p>The Council has revised the policy to require 20% Biodiversity Net Gain from select Greenfield site allocations in the Local Plan.</p> <p>Our response to the Inspectors Initial Questions (<u>COUD_001</u>) provide further information on this matter including the evidence base supporting the proposal.</p>
Climate change adaption	There will be a need for some further consideration of flood risk within development sites, including Horton Farm and several sites in the urban area.'	<p>The Council commissioned an updated Strategic Flood Risk Assessment (SFRA) following the regulation 18 consultation. The SFRA is in two parts, a Level 1 (document <u>NE06</u>) and a Level 2 which provides a detailed assessment of sites, including Horton Farm (document <u>NE04</u>)</p> <p>The SFRA findings alongside evidence submitted by the land promotor have resulted in changes to the allocation wording, including a reduction in the number of dwellings to be delivered and the inclusion of a requirement to provide approximately 7ha of public open space on the northern part of the site where the risk of surface water flooding is greatest.</p>
Climate Change mitigation	Consider whether the extent of the improvement of building efficiency standards is enough, given the scale of the decarbonisation / net zero challenge.	The Council has introduced an updated requirement for Building Emission Standards that go beyond Building Regulations in Policy DM10. This is evidenced by the Surrey County Council Net Zero Tool Kit (documents references OTO6a-6e) and Local Plan Viability Note (document reference <u>EV03</u>).

- 2.37 The above demonstrates how the preparation of the Proposed Submission Local Plan has been informed by the findings of the Interim SA Report, responses to the Regulation 18 consultation, further evidence gathering and further appraisal work. On the latter point, it is important to note that the appraisal of reasonable alternative growth scenarios in 2024 informed a decision to publish the Local Plan, as discussed in Section 7 of the SA Report.

Q2.7 Is the distribution of housing growth supported by the SA and will it deliver an appropriate pattern of housing growth?

- 2.38 Yes, the SA appraises 7 reasonable alternatives, and the Spatial Strategy of the Submission Local Plan is Scenario 5. This is considered to be justified as it strikes the optimal balance across competing sustainable development objectives by maximising supply within the urban area, enabling the redevelopment of a sizable area of previously developed land in the green belt (surplus NHS Estate) and through the redevelopment of a cluster of three greenfield sites currently located in the Green Belt in the North West of the Borough to deliver a mix of housing (including 10 gypsy and traveller pitches), a new sports hub, public park and supporting infrastructure.
- 2.39 It is acknowledged that the higher growth scenarios (i.e. Scenarios 6 and 7) detailed in the SA, could close the gap to Local Housing Need / reduce unmet housing need, however a key issue is clearly the impact on the Green Belt with resulting implications for wide-ranging objectives (including landscape, biodiversity and communities), and in addition there would be a need to allocate some sites in less accessible locations. Further information is set out in Section 7 of the SA report.

Q2.8 Overall, does the SA demonstrate that the submitted plan is justified and would it comprise an appropriate strategy, taking into account the reasonable alternatives?

- 2.40 Yes, Section 7 of the SA Report (document reference [SD05a](#)) aims to present a concise statement setting out why the preferred strategy is justified in light of the preceding appraisal of reasonable alternatives.

Habitats Regulations Assessment (HRA)

Q2.9 Has the Habitats Regulation Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?

- 2.41 Yes, the HRA of the Epsom & Ewell Local Plan has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended, the Habitats Regulations) and has been informed by: Planning Practice Guidance: Appropriate Assessment¹ and the Habitat Regulations Assessment Handbook - David Tyldesley and Associates (2013), in particular Part F: 'Practical Guidance for the Assessment of Plans under the Regulations'². The findings of the HRA are considered to be robust and have been endorsed by Natural England with whom the Council and Lepus worked closely, as evidenced by the signed Statement of Common Ground between the Council and Natural England (document reference SCG07).
- 2.42 European sites are protected under the Habitats Regulations. The Council, as the competent authority, is required to carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if the Local Plan would have an adverse impact upon the site integrity of a European site, either alone or in-combination. The output of the HRA process is documented in the Lepus (2025) Final Habitats Regulations Assessment Report (document reference SD04a).
- 2.43 The Local Plan is not directly connected with or necessary to the management of any European site. Consideration was therefore given to potential links or causal connections between the effects of the Local Plan and European sites within the study area to identify Likely Significant Effects (LSEs). Taking no account of mitigation measures, the screening stage (stage 1 of the HRA process) concluded that the Local Plan has the potential to have LSEs at the following European sites:
- Mole Gap to Reigate Escarpment Special Area of Conservation (SAC) – air quality and recreational pressure LSEs;
 - South West London Waterbodies Special Protection Area (SPA) – water quantity LSEs;
 - South West London Waterbodies Ramsar – water quantity LSEs; and
 - Wimbledon Common SAC – water quantity LSEs.
- 2.44 The identification of LSEs at the screening stage triggered the requirement for an Appropriate Assessment (AA), stage 2 of the HRA process.

¹ Ministry of Housing, Communities and Local Government (July 2019) Appropriate Assessment, Guidance on the use of Habitats Regulations Assessment.

² Tyldesley, D., and Chapman, C. (2013) The Habitats Regulations Assessment Handbook (June) (2024) edition UK: DTA Publications Limited.

- 2.45 The AA stage included an assessment of air quality impacts at the Mole Gap to Reigate Escarpment SAC. Natural England's guidance to Local Planning Authorities on the assessment of road traffic emissions³ under the Habitats Regulations was applied. The AA took into consideration modelled pollutant levels in relation to the distribution of qualifying features across the SAC, the SAC's conservation objectives, background pollution levels and pollutant trends. The AA concluded that there would be no adverse impact on site integrity as a result of the Local Plan either alone or in-combination.
- 2.46 To evaluate potential effects on water quantity, the AA focused on the South West London Waterbodies SPA and South West London Waterbodies Ramsar and Wimbledon Common SAC. This assessment took into consideration the high-level regulatory water quantity protective frameworks which address Local Plan and in-combination growth in neighbouring areas such as Water Resource Management Plans and Drought Plans and Local Plan policy requirements. It was concluded that no adverse impacts on the site integrity at any European site due to a change in water quantity will arise as a result of the Local Plan either alone or in-combination.
- 2.47 To evaluate potential effects of recreational pressure, the AA took into consideration the availability of alternative recreational space locally, barriers to movement and Local Plan policy requirements in terms of open spaces. Taking these factors into consideration, it was concluded that there would be no adverse impact on the site integrity of Mole Gap to Reigate Escarpment SAC due to an increase in recreational pressure as a result of the Local Plan, either alone or in-combination.
- 2.48 In summary, the AA concluded no adverse impacts on the site integrity of any European site due to a change in air quality, water quantity or an increase in recreational pressure, as a result of the Local Plan, either alone or in-combination.

Q2.10 Document SD04a concludes that there will be no adverse impacts on the site integrity of any European site due to a change in air quality, water quality, or quantity or an increase in recreational pressure, as a result of the Local Plan either alone or in-combination. However, I note that concerns have been expressed that insufficient consideration has been given to the impact of increased recreational pressures on the Epsom and Ashted Commons SSSI. Are these concerns valid?

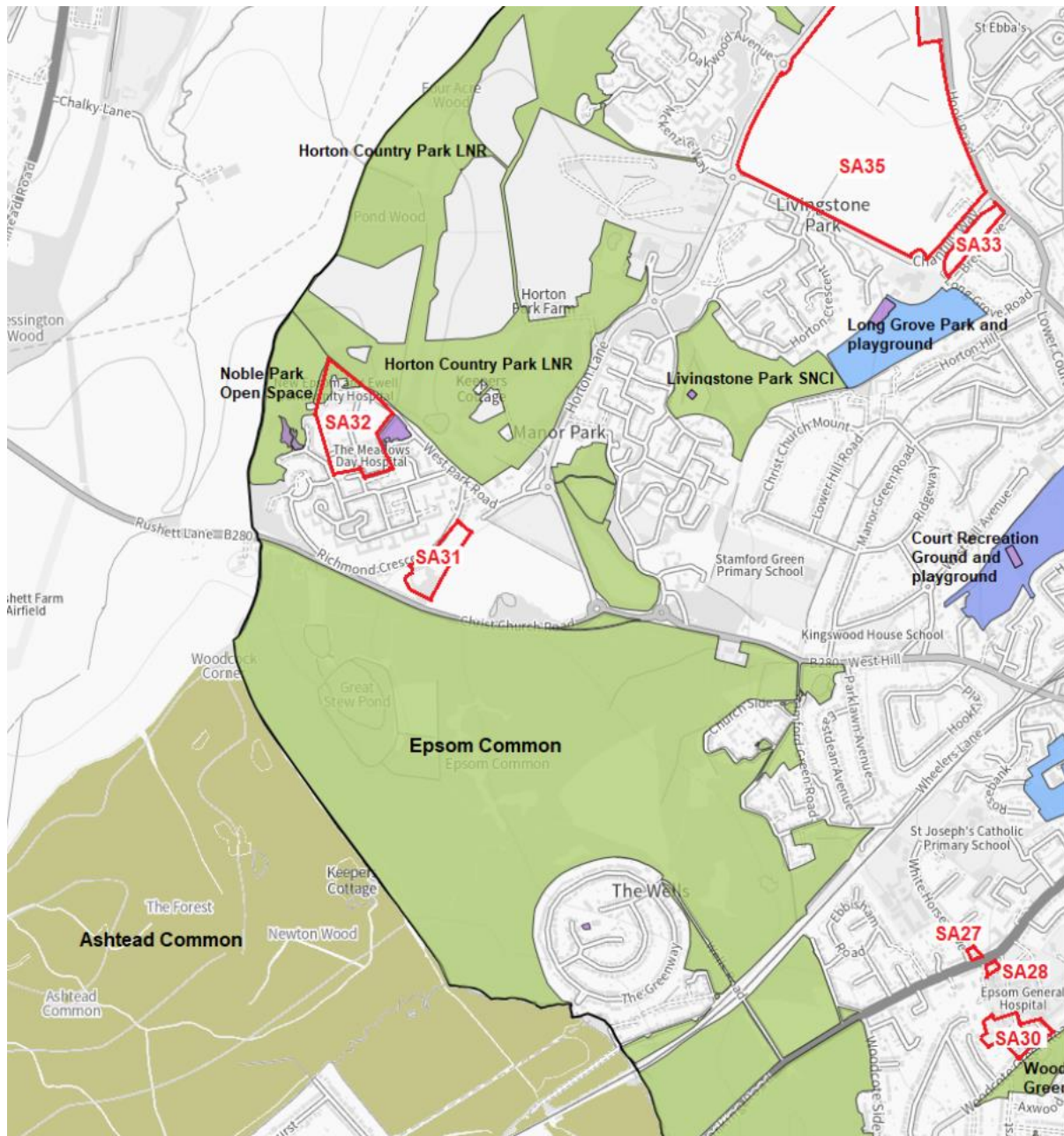
- 2.49 Epsom and Ashted Commons SSSI is not a European site and has therefore not been evaluated through the HRA process. The HRA process is used to evaluate the effects of development plans on the Natura 2000 network of

³ Natural England (2018) Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001).

European sites and is concerned with European sites rather than national statutory biodiversity sites such as SSSIs and National Nature Reserves (NNR) that lie outside of such European sites. Epsom Common (within the Borough of Epsom & Ewell) is both a designated SSSI and a Local Nature Reserve. It is adjacent to Ashted Common (within the District of Mole Valley), which is a SSSI and an NNR.

- 2.50 Given its status as a SSSI, nature conservation and public access on Epsom Common are managed via a management plan which has been published in agreement with Natural England who guide the management of the site for nature conservation. The site is 176 hectares in size and is managed to allow good public access via a network of well-maintained and signed paths and bridleways whilst maintaining and improving its biodiversity.
- 2.51 Ashted Common SSSI is owned and managed by the Corporation of London. It is a 200-hectare area of public open space which is subject to a management plan that sets out how it will be managed to protect and enhance it for wildlife, people and landscape.
- 2.52 The open space audit (2024) (document reference NE11) has shown that the Borough of Epsom and Ewell is generally well provided for in terms of open space, with significant tracts of publicly accessible natural/semi natural spaces (paras 4.24 – 4.44 in the Open Space Audit relate to natural/semi natural open spaces). Those to the west of the borough, where Epsom & Ashted Commons are located, include Horton Country Park, Nobel Park open space, Livingstone Park SNCI and the Hogsmill Local Nature Reserve.
- 2.53 Additionally, the proposed allocation at site SA35: Horton Farm within the Proposed Submission Local Plan, page 68 (document reference SD02), which is currently not publicly accessible, requires the provision “a public park of approximately 7ha within the land to the North of the site incorporating walking, cycling routes, equestrian routes and measures for surface water management and biodiversity enhancement.” This would create new public open space. Map 1 overleaf shows the location of the borough’s open spaces and site allocations, relative to Epsom and Ashted Commons.

Map 1: Location of Epsom and Ashted Commons, site allocations and open spaces within the borough.



- 2.54 The Sustainability Appraisal (document reference [SD05a](#)) concludes that the Local Plan as a whole is predicted to result in a neutral effect on the (biodiversity) baseline (biodiversity section 9.4, para 9.4.6). it recognises that the “proposal is to focus Green Belt allocations to the west of the urban area, where there is biodiversity sensitivity, including given proximity/links to and between Epsom Common SSSI and Horton Country Park SNCI; however, most of the sites are relatively unconstrained, site specific opportunities can be identified and the proposal is to require 20% BNG for three of the five sites.”

- 2.55 On balance, it is considered that the existing public open space provision in the borough, along with the potential new publicly accessible open space to be provided in association with site SA35, would adequately mitigate any increased recreational pressure from proposed development within the vicinity of Epsom and Ashted Commons. Additionally, both commons are subject to robust management regimes.

Climate Change

Q2.11 Has the Council had regard to Section 19 of the 2004 Planning & Compulsory Purchase Act (As amended) requiring development plan documents to include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change?

- 2.56 Yes. Branching from the vision and strategic objectives, which include:
- providing a sustainable level of housing (objective 1)
 - sustainable economic growth (objective 3)
 - green infrastructure (objective 4&5)
 - environmental protection (objective 6)
 - sustainable travel (objective 7)
 - sustainable buildings and places (objective 8)
 - to support action on climate change and reduction of the borough's carbon emissions (objective 9)
- 2.57 The policies listed in answer to question 2.12 (below) are indicative of how the Council has had regard to section 19 of the 2004 Planning & Compulsory Purchase Act (As amended).

Q2.12 With reference to Policy S3 – Climate Change and Mitigation, could the Council please identify these policies and set out how will they be monitored for their effectiveness?

- 2.58 Paragraph 3.45 (Policy S3) of the draft plan states that “policies in the Local Plan must ensure that development within the borough contributes to the mitigation of, and adaptation to climate change”.
- 2.59 As well as policy S3 itself, Table 2 below identifies the other policies in the Local Plan that will contribute to the mitigation and adaptation to climate change. How each of the policies will be monitored for its effectiveness is found in Chapter 9 of the Local Plan and are repeated in the Table 2 below.

Table 2 – Policies that contribute to the mitigation of, and adaptation to, climate change		
Policy	Climate mitigation / impact	How the policy will be monitored for its effectiveness.
DM10 Building emissions standards	Mitigation: Address largest source of carbon emissions (according to	Planning permissions approved supported by an appropriate Energy Assessment.

	EEBC Climate Change Study)	
DM11 Sustainable Water Use	Adaptation: To address “water stress” caused, in part, by lower precipitation in summer months (Climate Change Study) attributed to Climate Change.	Building control applications meeting water efficiency standards.
S14 Biodiversity and Geodiversity	Mitigation and adaptation: e.g. absorption of CO2, retention of food chains, natural shading, and water absorption.	Condition of SSSIs – site surveys Condition of SNCIs – surveys and DEFRA returns.
DM17, Trees Woodlands and Hedgerows	Mitigation and adaptation: Co2 absorption and natural cooling.	New development proposals including landscape plans .
S16: Flood risk and Sustainable Drainage	Adaptation: resilience against increased flood risk.	Number of planning permissions granted contrary to Environment Agency advice on flooding and water grounds .
DM18: Pollution and Contamination	Adaptation and mitigation: ensure development is not adversely impacted by or causes, pollution or contamination.	Number of planning decisions including appeals allowing development that is not in accordance with this policy.
S11 Design	Mitigation and adaptation: Encourages efficient use of land, reducing sprawl, discouraging the need to travel for to access amenities. Encouraged soft landscaping.	Planning permissions refused based on the policy.
S18 Green and Blue Infrastructure	Mitigation and adaptation: Co2 absorption, encourages active travel, improves habitats / ecosystems (see biodiversity), mitigates flood risk.	Number of planning decisions including appeals that secure the provision of green infrastructure through new development. Number of planning decisions including appeals allowing the loss of existing green infrastructure.
S19 Transport	Mitigation: policy in line with SCC LTP4 to encourage modal shift towards more sustainable travel options.	Percentage of developments supported by a Travel Plan. Use of sustainable travel modes.

Equalities

Q2.13 How does the Plan address the three aims of section 149 of the Equalities Act 2010 in relation to those who have relevant protected characteristics?

- 2.60 The three aims of Section 149 of the Equality Act 2010 requires a public authority to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.61 These are addressed by the plan as follows, The Plan:
- Makes provision for housing, infrastructure and services for a range of people and needs in the community- inclusive of those with and without protected characteristics e.g. Chapter 5
 - Safeguards existing Gypsy and Traveller sites and makes provision for additional sites Policy S8
 - Supports the provision of specialist housing which meet a range of needs including for older people, people with disabilities
 - Requires accessibility standards Policy DM1 and S7 that support older people and people with mobility issues
 - Makes provision for inclusive infrastructure including safeguarding and promoting green spaces, community facilities and accessible transport, S17, DM19
 - Promotes affordable housing for low-income households who may include people with protected characteristics
 - Encourages mixed and balanced communities Chapter 2 Vision and Objectives
- 2.62 The Plan is supported by an Equalities Impact Assessment (document reference: [SD12](#)) at Regulation 19 and previously (Document Reference: [PV07](#)) at Regulation 18. The conclusion at each stage can be found at the end of each assessment, these demonstrate that overall the Local Plan policies have a positive impact in equalities terms.

Local Development Scheme

Q2.14 Is the Plan compliant with the Local Development Scheme (LDS) and if not does the LDS need to be updated?

- 2.63 The Epsom and Ewell Local plan has been prepared in accordance with its Local Development Scheme (LDS) which has been updated throughout the Local Plan process to reflect changes required to the timetable, for examples delays resulting from the Local Plan Pause detailed in response to Question 1.11.
- 2.64 Table 3 below summarises the key local plan stages detailed in the LDS, the dates the stage was achieved (or the dates consultation was undertaken) and the dates specified in the LDS in effect at the time the stages was reached. This demonstrates that the Local Plan has been prepared in accordance with its LDS.

Table 3 – LDS compliance of key plan stages				
Local Plan Stage	LDS in effect at time	Dates stated in LDS	Actual date(s) stage achieved	Compliant with LDS?
Reg 18 Consultation	November 2022	February – March 2023.	1st February –19th March 2023	Yes
Reg 19 Consultation	December 2024	December 2024 - February 2025.	20th December 2024 - 5th February 2025.	Yes
Submission	December 2024	March 2025	10th March 2025	Yes

- 2.65 The December 2024 LDS was submitted as document (SD06) of the Examination Library with page 10 setting out the key timescales including estimates for when the examination stage will take place. The Council's webpages are being kept up to date with information on the progress of the examination. If it is considered necessary, the Council would be willing to update the LDS to reflect the examination timetable.
- 2.66 The November 2022 version of the Local Development Scheme detailed in Table 3 above is contained in Appendix M1h.