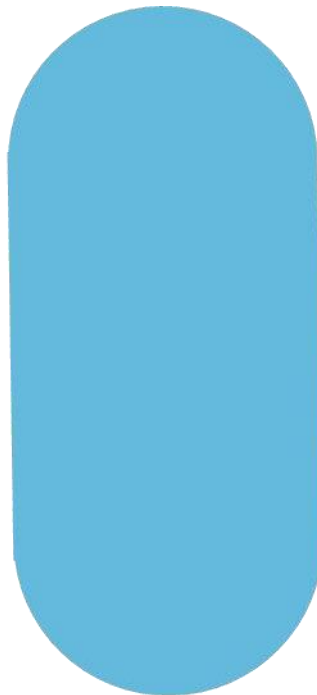




EPSOM AND EWELL LOCAL PLAN EXAMINATION MATTER 1 HEARING STATEMENT

PREPARED ON BEHALF OF DANDARA SOUTH EAST

August 2025





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1. INTRODUCTION

- 1.1 This Matter Statement has been prepared on behalf of Dandara South East in response to Stage 1 matters of Legal Compliance and the Duty to Cooperate.
- 1.2 Dandara has land interests in the Borough at Downs Farm, Reigate Road, Epsom (hereafter referred to as “the Site”). The Site is not currently identified as an allocation in the draft Plan.
- 1.3 Notwithstanding specific land interests, this Matter Statement has been prepared in objective terms, in response to the Inspectors’ questions.
- 1.4 The focus of this Matter Statement is on areas of Legal Compliance relating to the Sustainable Appraisal alongside a single comment in respect of the Duty to Cooperate.
- 1.5 The most recent version of the National Planning Policy Framework was published December 2024 (NPPF 2024). Para 234, within Annex 1, sets out plan-making transitional arrangements which states policies in this version of the Framework apply from 12 March 2025 unless certain criteria apply. In this case, the Plan was submitted ahead of 12 March 2025 and the NPPF December 2023 continues to apply (hereafter referred to as ‘NPPF’). Reference is made to the NPPF 2024 where relevant.



2. DUTY TO COOPERATE (DTC)

Q2.4. 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?

- 2.1 As set out in Section 3 of this Matter Statement, and to be discussed throughout our response to other Matters, we consider the Council has not struck the right balance between protecting Green Belt and delivering homes.
- 2.2 As a result, the Plan will generate a level of unmet need which is not justified.
- 2.3 Consequently, discussions with others, notably neighbouring authorities, have been underpinned by the position needs cannot be met in full and will lead to the identified significant residual unmet need.
- 2.4 The established position, through the Duty to Cooperate, is these unmet needs either should be addressed elsewhere or, if not, add to the persistent housing and affordability issues experienced across the Region.
- 2.5 Our view, detailed throughout our submissions, is the balance is in favour of releasing additional Green Belt land (notably Downs Farm) which would, thereafter, influence the starting points of these Duty to Cooperate discussions.
- 2.6 The Council's position is not justified and would not lead to a positively prepared or effective plan which is consistent with national policy. It should be revisited in line with a revised strategy which seeks to correct the balance and allocates additional land for housing, thus reducing unmet needs.



3. OTHER LEGAL REQUIREMENTS

The Sustainability Appraisal (SA)

- 3.1 Whilst focused on the legal requirements, there will inevitably be some cross-over with Matter 5 (The SA and Approach to Site Selection). Together, these highlight there are clear deficiencies in the Council's Sustainability Appraisal (SA) approach which need rectifying.

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

- 3.2 No. There is a clear omission from the reasonable alternatives of the “missing” scenario of Scenario 2 + Downs Farm + Horton Farm which should be tested.
- 3.3 This deficiency is a matter which can be cured through a SA addendum assessing the likely significant effects of this reasonable alternative (alongside addressing the deficiencies in how the SA has assessed Downs Farm).
- 3.4 It is our view, which will be set out in our response to Matter 5, that this would form a positively prepared and justified strategy which should be taken forward through allocation of Downs Farm.
- 3.5 The focus of the SA should be, as set out in legislation¹, to appraise the Plan and reasonable alternatives taking into account the objectives and geographical scope of the Plan. The SA is required to identify, describe and evaluate the likely significant effects of implementing the Plan and reasonable alternatives.
- 3.6 National Planning Guidance² clarifies the role of the SA is to:

promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

² Strategic environmental assessment and sustainability appraisal chapter



the plan are appropriate given the reasonable alternatives.
[Paragraph: 001 Reference ID: 11-001-20190722]

3.7 In respect of what comprises a reasonable alternative, National Planning Guidance notes:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- **outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option)...**
- **as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;**
- **provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives**

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings

[Paragraph: 018 Reference ID: 11-018-20140306]

3.8 Whilst there is no clear definition of what should comprise “all reasonable alternatives” the definition of reasonable is “having sound judgement, fair and sensible”. Consideration of what could be a reasonable alternative is therefore a judgement as part of an iterative process to evaluate options at each stage of the Plan process.

3.9 The SA helps summarise the judgement process which has been undertaken with para 5.4.5 – 5.4.6 confirming:



- The SA does not present a formal appraisal but rather provide “an outline of the reasons for selecting” the reasonable alternative growth scenarios;
- Discussions are systematic only up to a point with extensive application of discretion and planning judgement;
- The aim is not to discuss all site options to the same level of detail, but focus attention on those judged to be more marginal i.e. where the question of allocation is more finely balance; and
- Consideration of individual site options builds upon officer-led workstreams of the Land Availability Assessment and Green Belt Study.

3.10 The SA thereafter consider sub-area options, sorting sites which have been considered available and suitable through other workstreams, into categories of ‘constant’ i.e. those which feature on all scenarios, ‘variable’ i.e. those which are in some scenarios, and those ‘not progressed’ i.e. discounted at this stage. As constant across the scenarios are allocations within the Urban Area and Hospital PDL sites plus Chantilly Way. All remaining Green Belt sites to the west, south, east and north-east are identified as variables (Table 5.1 of the SA). From this, the SA combines sub-area scenarios to form borough-wide reasonable growth scenarios (Table 5.2 of the SA).

3.11 We consider the above methodology is wholly sound. It takes account of suitable options for growth in a fair and sensible manner which applies a judgement in line with the conclusions of the Evidence Base.

3.12 However, we consider the choice of borough-wide reasonable growth scenarios is flawed having excluded consideration of a clear reasonable alternative of Scenario 2 + Downs Farm + Horton Farm. This would be a combination of Scenarios 4 and 5.

3.13 Whilst Downs Farm and Horton Farm are both included in Scenarios 6 and 7, this includes, for both scenarios, the South Cluster sites which were judged to perform poorly for transport and landscape and, for Scenario 7, also the inclusion of what the SA calls the “most challenging sites” (para 5.5.7).

3.14 The SA recognises this, at para 6.15.4:

As a final point, it is appropriate to note that there are other scenarios falling in between those appraised that were not defined and appraised as a pragmatic step (i.e. to keep the scenarios to a manageable number, suited to understanding and engagement) and because of a lack of confidence that the appraisal would lead to



meaningful differentiation in terms of significant effects. In particular, there are three 'missing' scenarios in between Scenarios 5 and 6, involving Scenario 2 plus two out of Horton Farm, Downs Farm and the 'Southern Cluster'. In light of the appraisal, it is fair to say that, of these three missing scenarios, attention focuses on a scenario involving Scenario 2 plus Horton Farm and Downs Farm

3.15 And at para 7.2.1:

Under Scenario 4 Horton Farm is substituted for Downs Farm, but it is recognised that there is also a 'missing scenario' (omitted from the appraisal for clear reasons discussed above, in Section 6.15) whereby Downs Farm is allocated in addition to Horton Farm (i.e. a scenario in-between Scenarios 5 & 6). This omitted scenario would likely perform similarly to Scenario 6 (a higher growth scenario) but better than under the 'Landscape' topic heading (because it would not involve allocation of the 'southern cluster').

3.16 Whilst reference is made to it 'likely' performing similar to Scenario 6, this process has not been completed. We do not consider this justified, particularly when the SA itself conclude it is like to perform 'better' under the landscape topic heading. No reason is provided as to why this scenario has been rejected.

3.17 For the reasons we set out in Regulation 19 representations, and will discuss further in our Matter 5 statement, we consider the missing scenario will perform 'better' than the preferred scenario in a number of areas, notably in respect of Housing. Even more so if our concerns about how Downs Farm is assessed through the SA are addressed. The balance would be in favour of this being progressed as the justified and appropriate strategy.

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?

3.18 The Plan and SA, correctly, consider the 'policy off' minimum housing need figure as calculated by the Standard Method (pre-December 2024). Thereafter, in considering the constraints of the Borough, the Plan's approach seeks to justify a housing requirement below the level of minimum housing needs.

3.19 Whether it is 'reasonable' to assess an alternative scenario which meets minimum needs (Standard Method) in full is a matter for the Inspector to determine, however the Council should



be looking to maximise opportunities for growth, looking to every reasonable opportunity to minimise any unmet needs being generated by the Plan. As set out in our response to Question 2.4, the SA has failed to properly consider all reasonable alternative scenarios to maximise housing delivery.

- 3.20 To this extent, we believe there is clear justification to conclude that exceptional circumstances exist to necessitate Green Belt release. This will be discussed further in response to Matter 4.
- 3.21 Nevertheless, we do not consider the approach taken by the Council to the housing requirement is sound. We do not consider the right balance has been struck between protecting Green Belt and delivering homes. This will be discussed further in our response to Matter 2.
- 3.22 The significant unmet need being generated by the Plan adds weight to our position the SA is flawed in not considering the 'missing' scenario of Scenario 2 plus Downs Farm and Horton Farm. This would, in our view, lead to a justified strategy which would reduce the deficit between housing needs and the housing requirement.

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

- 3.23 In respect of growth options, the SA forms part of a body of work which consider how and where needs will be met, alongside officer-led workstreams of the Land Availability Assessment and Green Belt Study. It forms an important part of the Evidence Base which has informed the spatial strategy and site selection.
- 3.24 As part of this, the SA provides commentary on site options including highlighting opportunities and issues. As set out in our Regulation 19 representations we are critical of the way the SA has 'assessed' Downs Farm, including the issues highlighted at 5.4.39.
- 3.25 As set out in our Regulation 19 response and to be discussed further in response to Matter 5, the conclusions of the SA in respect of Downs Farm are not supported by the wider Evidence Base nor the technical work submitted by Dandara South East through Regulation 18 and 19 consultation stages. This includes scoring relating to landscape including the Green Belt.

These conclusions, which are not consistent with the wider Evidence Base, are not justified and have unduly influenced selection of a preferred growth scenario which excludes Downs Farm and which also cannot legitimately be concluded to be the best approach to maximise housing delivery.

- 3.26 This should be revisited through the SA addendum.



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

- 3.27 For the reasons set out previously, we consider the SA has not been justified in its exclusion of a scenario which includes Downs Farm and Horton Farm. There would be no rational reasons for rejection of this scenario on the basis of the distribution of or pattern of housing growth.
- 3.28 This should be addressed through publication of a SA addendum which includes this additional reasonable alternative scenario.

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?

- 3.29 No. For the reasons set out in this statement we consider there is a clear deficiency which should be rectified through production of a SA addendum. This would include assessment of a reasonable alternative including Scenario 2 + Downs Farm and Horton Farm which includes addressing our concerns regarding the SA conclusions on the Site.
- 3.30 This is unlikely to lead to any further significant effects than the current preferred option (Scenario 5) but would lead to a greater positive effect on Housing. This is a critical matter, especially in light of the significant unmet needs currently being proposed by the Plan.