

# Guidance Notes for making comments on the Epsom and Ewell Proposed Submission Local Plan

## Introduction

1. The Proposed Submission Epsom and Ewell Local Plan 2022 – 2040 ('the Proposed Submission Local Plan') is being published for comments (known as representations) prior to it being submitted for independent examination.
2. The following Guidance Note provides information to help you make comments on the Proposed Submission Local Plan. We would advise that you read these notes carefully before making representations.
3. Representations must be made to Epsom and Ewell Borough Council by 23:59 on Wednesday 5 February 2025.
4. We strongly recommend that representations are either made on-line through our [consultation portal](#) or using the representations form. Further details on these and other aspects of the Publication process can be found on our Local Plan webpage.

## Background

5. In preparing the Local Plan, the Council consulted on a Draft Local Plan in February and March 2023. The comments received on the Draft Local Plan along with the local evidence base have helped to inform the Proposed Submission Local Plan which was approved for consultation by [Full Council on 10 December 2024](#).
6. During the Examination process the Inspector will consider whether the Local Plan has:
  - Met the legal compliance requirements including the duty to co-operate; and
  - Whether the Plan meets the tests of soundness as set out in the [National Planning Policy Framework](#) (NPPF).

7. A more detailed explanation about 'legal compliance including duty to co-operate' and 'soundness' are shown below.

### **Legal Compliance including the Duty to Co-operate**

8. The Inspector will first check that the Proposed Submission Local Plan meets the legal requirements for preparing a Local Plan under the [Planning and Compulsory Purchase Act 2004](#) (as amended) before moving on to test for soundness.
9. You should consider the following before making a representation on legal compliance:
  - **The Local Plan should be within and have followed the key stages in the current [Local Development Scheme \(LDS\)](#).** The LDS is a programme of work prepared by the Council which sets out the timetable for preparing the Local Plan.
  - **Community involvement on the Local Plan should be in general accordance with the Council's [Statement of Community Involvement \(SCI\)](#).** The SCI sets out a Council's strategy for involving the community in the preparation and revision of planning policy documents and the consideration of planning applications.
  - **The Local Plan should comply with the Planning Regulations.** These Regulations are the Planning & Compulsory Purchase Act, 2004 (as amended) and the [Town and County Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended).
  - **A Sustainability Appraisal of the Local Plan should have been carried out and the Sustainability Appraisal published.** The Sustainability Appraisal Report should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies and sites to ensure they reflect social, environmental and economic factors.
  - **The Local Plan should be in compliance with the Habitats Regulations** (The Conservation of Habitats and Species Regulations 2017).
  - **The Duty to Co-operate.** Section 33A of The Planning and Compulsory Act 2004 (as amended) requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Local Plan. The Council will be expected to provide evidence of how they have complied with the duty. This and other evidence can be found on the Council's Local Plan [evidence page](#).
  - Non-compliance with the duty to co-operate cannot be rectified after the submission of the Local Plan. Therefore, the Inspector has no power to

recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the Local Plan.

### **Tests of Soundness**

10. The Inspector's role is also to examine whether the Proposed Submission Local Plan meets the following tests of soundness defined in the National Planning Policy Framework:
  - **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.
11. The section entitled "Plan Making" in the National Planning Policy Framework sets out what local plans should do and how they should be prepared.

### **General Advice**

12. If your representation seeks a change to part of the Local Plan, you need to state clearly why you consider that the Plan is currently not legally compliant or unsound having regard to the advice above. Your representation should also set out how you think the plan should be amended.
13. You should provide succinctly all the evidence and supporting information necessary to support your representation. Any further submissions after the close of the publication period are generally only accepted at the discretion, or request of the appointed Planning Inspector.
14. At examination the Inspector will give the same weight to an issue whether it appears in hundreds of responses or only in one. Therefore, where there are groups who share a common view on how they wish to see the Local Plan changed, it would be very helpful for that group to send a single representation which encompasses this view, rather than for a large number of individuals to send in separate representations which repeat the same points. This is because the planning inspector will give the same weight to comments. In such cases the group should indicate how many people it is

representing and how the representation has been authorised.

15. You should give careful consideration to how you wish your representation to be dealt with at the Examination: whether you are content to rely on your written representation, or whether you wish to take part in the oral Examination, known as hearing sessions. Only representors who are seeking a change to the Plan have a right to be heard at the hearing sessions, if they request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process. When you respond via the on-line consultation portal or by completing the representation form you will be asked how you wish your representation (s) to be considered.

### **How do I respond and to whom?**

16. As set out previously, the Council's preference is for representations to be made using the [online portal](#) or using the representation form, typed and ideally submitted electronically. This can be done by emailing the form to [localplan@epsom-ewell.gov.uk](mailto:localplan@epsom-ewell.gov.uk). If handwritten comments are made, please ensure that these are legible. Anonymous comments will not be accepted. Further guidance on how to complete representations via the online portal and using the representation form are provided in Appendix 1.
17. If you wish to submit documentation in support of your representation, these can be uploaded to our consultation portal or if you are responding by email to the email address above.
18. If you are delivering representations by hand or posting, please mark as 'Proposed Submission Local Plan Consultation' and return to:

Planning Policy Team  
Epsom and Ewell Borough Council  
Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY

### **What happens to your representations?**

19. Following the close of the publication period, the Council is required to summarise the main issues raised by the representations. All the representations as well as the summary of main issues raised along with the Submission version of the Local Plan and supporting evidence will be submitted to the Secretary of State who will appoint a Planning Inspector to undertake an independent examination.

### **Appearing at the Examination**

20. Once the Proposed Submission Local Plan and representations are submitted, the Planning Inspector will identify what issues to discuss at the Examination in Public (EiP) and when that process should take place. Those people that have indicated a wish to attend the EiP will (at the discretion of

the Inspector) be invited by the Planning Inspector to the appropriate hearing sessions relating to the representation(s) they have made.

### **Data Protection Notice**

21. Personal information you provide to the Council as part of this process will be used by the Council (and its agents) in connection with its statutory functions - this includes putting forward your representation as well as registering you to be kept informed of progress on the local plan. It will not be used for any other purposes. If you no longer wish to be kept informed of progress on the local plan or related consultations, you can opt out from this service at any time by emailing [localplan@epsom-ewell.gov.uk](mailto:localplan@epsom-ewell.gov.uk). It is important that you inform the Planning Policy Team of any changes to contact details so that the Council can keep you updated on the progress of the Local Plan.
22. Please be aware that all representations, including the name of individuals and organisations making the representation will be made available to the Planning Inspectorate and the appointed Planning Inspector(s) and made public on the Planning Policy section of the Council's website and / or our online consultation portal. This is because they are used to inform the development of planning policy, and planning laws set out the requirements in relation to Local Plans. Representations and comments will not be able to be withdrawn once they have been processed and published. The Council reserves the right to reject representations that are construed as being racist or defamatory. For more information on how the Council processes your personal information please visit: [Privacy and Cookies | Epsom and Ewell Borough Council](#)

### **Further information**

23. Further information on the Local Plan including links to the evidence base including how the Council has met the duty to co-operate, and links to the online consultation portal can be found from the [Local Plan Webpage](#).

## **Appendix 1: Guidance on making a representation to the Proposed Submission Local Plan**

Responses can be made by using our digital consultation platform (our preferred response method) or by completing the representation form that is available to download on our website.

Guidance is provided below on how to respond using each method:

### Digital Consultation Platform

Sign up or log in to the [online portal](#).

Click on the “Local Plan View and Comment” icon.

You are then able to make comments at the end of each page (apart from the foreword page) or at the end of each policy via the “Submit Comment” icon. Once the comment form has been completed, click “Submit Comment”.

You are able to make multiple comments on the Proposed Submission Local Plan and are encouraged to do so if your comments relate to different parts of the plan.

### Downloading the representation form.

You can download the representation form [here](#). You may need to click 'enable editing' in order to complete your response.

**Part A** is for your contact details that will be forwarded to the Planning Inspectorate in due course. You only need to complete Part A once. Part A must include a name and a means of contact (email or postal address) for it to be considered. This data will be managed by a Programme Officer who acts as the point of contact between the Council, the Inspector and respondents.

**Part B** is your response on a particular part of the Proposed Submission Local Plan to 2040. You only need to complete Part B once if your comment is specific to one part of the plan such as a policy, site allocation or the overarching spatial strategy.

If you have multiple comments that you wish to make to different sections across the Local Plan, you will need to complete Part B multiple times. This can be done by simply 'copying and pasting' the Part B section in the word document as many times as is needed.

Once you have completed the form, please submit it by email to [localplan@epsom-ewell.gov.uk](mailto:localplan@epsom-ewell.gov.uk). You can also submit hard copy responses by post to

Planning Policy Team  
Epsom and Ewell Borough Council Town Hall  
The Parade  
Epsom  
Surrey  
KT18 5BY

### **Guidance for General Objections:**

If you are seeking to make a general, one-off objection to the Proposed Submission Local Plan to 2040, but are unsure of how to complete the form, please consider the following instructions for Part B:

1. If **objecting to a specific site**, enter the site reference or name of the site in the Policy box in question 3. If you are unsure, you can find these in the [Proposed Submission Local Plan](#).
2. If **objecting to overall growth** in the borough, enter "S1" (this is the policy defining the Spatial Strategy) in the Policy Box in question 3.
3. If **objecting to any other policy** in the Proposed Submission Local Plan, the correct policy reference from the Local Plan.
4. Please ensure that you tick "No" when asked if you consider the Local Plan to be "Sound" in question 4. This means that you consider the evidence justifying the policy or allocation to be flawed.
5. Submit the details of your objection in question 5, ensuring you are clear on where your objections relate to. It is helpful to support your case with reference to the [evidence](#) consider to be flawed.
6. If necessary, include/add any specific changes you wish to see made in question 6 (e.g. "Please delete site (INSERT POLICY NAME).")
7. If you wish to attend the Examination Hearings, please answer "Yes" to question 7 and if possible state your reasons for this through question 8. This will help the independent Planning Inspector come to a view on those best suited to attend the hearing sessions.

### **Further Information:**

Please note that this will be the last stage of public engagement before the draft plan is submitted to the Planning Inspectorate for examination.

Please note that representations **must not be anonymous**. Any anonymous representations will not be considered by the Planning Inspector.

For further information, or if you need any assistance, please contact the Planning Policy Team.