

Epsom & Ewell Local Plan Examination

Inspectors' Matters, Issues and Questions for Stage 1 and 2 Hearing Sessions

Introduction

- 1) Prior to the forthcoming hearing sessions, responses are invited from participants on the following Matters, Issues and Questions (MIQs) raised by the Inspector. The MIQs do not intend to cover every policy within the Epsom & Ewell Local Plan (the Plan). Instead, the MIQs are based on the Main Issues relevant to these hearing sessions as identified by the Inspector, taking into account the views of the Council and other representations made at the Regulation 19 Stage. Where cross references to the evidence base are made, these use the references within the examination library. This note should be read in conjunction with the Inspector's Guidance Note which sets out further information regarding how the Examination hearings will be run. In particular, participants should note that the hearings are split into two stages and there are different deadlines for the hearing statements as set out within the Guidance Notes.
- 2) In framing these MIQs, I have had regard to the definition of soundness as contained at paragraph 35 of the National Planning Policy Framework, 2023 (the Framework). This is because the Plan before me has been submitted under the transitional arrangements as set out at paragraph 234 of the 2024 Framework. The Framework establishes that policies should be clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal. Issues relevant to the legal compliance of the Plan are also addressed within my MIQs. In responding to the MIQs and where it is necessary to reference Examination documents produced by the Council, these should be clearly cross-referenced by providing the document reference, page and paragraph numbers.
- 3) Further information about the Examination, hearing sessions and the format for written statements is provided in the accompanying Guidance Note, and the Planning Inspectorate's Procedural Guide which should be read alongside the MIQs.

Stage 1, Matter 1: Legal Compliance and the Duty to Cooperate

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

Questions:

Duty to Cooperate (DtC)

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) .

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

1.2 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?

1.3 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?

Document COUD_001a refers to the following:

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

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

1.6 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?

1.7 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?

1.8 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?

1.9 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?

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

The following questions refer to appendix 4 of document COUD_01a:

1.11 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?

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

1.13 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?

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

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

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

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

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

Other Legal Requirements

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

Questions:

Consultation

2.1 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?

2.2 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?

2.3 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?

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

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

2.5 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?

2.6 To what extent has the SA informed the content of the Plan?

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

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

Habitats Regulations Assessment (HRA)

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

2.10 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?

Climate Change

2.11 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?

2.12 With reference to Policy S3 – Climate Change and Mitigation, could the Council please identify any other policies which are relevant to this matter and set out how will they be monitored for their effectiveness?

Equalities

2.13 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?

Local Development Scheme

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

Stage 1 Ends

Stage 2, Matter 2: Housing Need and Supply

Issue 3: Whether the housing need and supply for the borough and contained within the Plan are positively prepared, justified, effective and consistent with national policy

Questions:

The standard method identifies that the housing need over the plan period is 10, 242 dwellings , 569 dpa.

3.1 Policy S1 identifies that the housing requirement for the period 2022-2040 is 4700 homes. This is a shortfall of 5500 homes when considered against the standard method. The Plan makes provision for 4914 homes over the plan period. The Council are not suggesting that an alternative method for the calculation of housing need should be adopted here – is this correct?

3.2 Is the Plan justified in not meeting the full LHN?

3.3 Does the approach demonstrate that the Plan has been positively prepared in accordance with paragraph 35 of the Framework and will it be effective?

3.4 The Planning Practice Guidance (PPG) advises that when preparing strategic policies, it may be concluded that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need. In the first instance, strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites to ensure these make the most efficient use of land. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport. Has the Council completed this exercise?

3.5 Where is the evidence base to support this? As far as I can see, the evidence base in this regard consists of the LAA 2024 (HB01a) . The conclusion from this assessment suggests there is insufficient land within the urban area to meet the identified need against the standard methodology of 573 dpa (around 34%). Is this the totality of the evidence in relation to this point?

3.6 The LAA 2024 (HB01a) states that it is ‘unlikely that increasing the density of potential sites is likely to yield a sufficient amount to address the shortfall, nor would revisiting discounted sites’. What evidence has the Council to support these statements?

3.7 Has the Council identified land to accommodate at least 10% of their housing requirement on sites on larger than one hectare, as required by paragraph 70 (a) of the Framework?

3.8 Could the Council identify which sites make up this requirement and where in the evidence base is the support for the approach put forward?

3.9 Will the plan provide for a five year supply of deliverable sites upon adoption, with particular reference to the definition of deliverable contained within annex 2 of the Framework?

3.10 Is the trajectory contained within the Plan up to date? The Council should provide any updates which should include identified completions, existing commitments and any other sources of supply the Council are seeking to rely upon.

3.11 In terms of windfall, paragraph 72 of the Framework advises that where an allowance is made for windfall sites as part of an anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. The housing trajectory includes a windfall allowance of 455 (small windfall) and 407 (large windfall) over the plan period, is this a justified approach to provide separate figures for large and small sites?

3.12 Document TP04 explains the approach to large windfall sites. Is this a justified approach given (a) the allocation of sites within the urban area as assessed by the LAA and (b) given the fact that the allocation of town centre sites is the primary source of housing supply over the plan period?

3.13 Paragraph 4.4.1 of document TP04 states the Council does not intend to be reliant on the delivery of windfall sites in order to meet the housing requirement. With reference to the housing trajectory presented at appendix 2 of the Plan, is this statement correct?

3.14 Section 3.3 of document TP04 considers the sites which have contributed to the largest windfall sites. Please could the Council explain the rationale for the conclusions drawn in relation to the sites considered at paragraphs 3.3.2,3.3.3, 3.3.5?

3.15 If the windfall rate to be applied to this Plan only focuses on small and medium sites, (units 1-9) what would this mean for the windfall delivery rates to be applied to the housing supply?

Matter 3: Vision and the Spatial Strategy

Issue 4 : Is the plans approach to the vision and spatial strategy justified, positively prepared and consistent with national policy

Questions:

4.1 Do the Strategic Policies of the Plan look ahead for a minimum period of 15 years from adoption as set out within paragraph 22 of the Framework?

4.2 The Plan period starts from 2022. What is the justification for this and should it align with the submission date?

4.3 Does the key diagram on page 24 of the Plan represent the key diagram as required by paragraph 23 of the Framework?

4.4 Is the Plan clear which are the strategic policies of the Plan? The Council's response to my initial letter (COUD_001) identified that the Plan could be more explicit in this regard and the Council have identified which policies they are identifying as strategic and non strategic policies. Is this list correct?

4.5 Does the plan present an appropriate spatial strategy, and in what way is this supported by the evidence base? In responding to this, the Council should have regard to paragraph 8 of the Framework.

4.6 Document TP07 recognises that one of the key issues and challenges facing the borough is to deliver a range of housing that meets a wide range of needs, for example related to size, tenure (including affordable) and specialist accommodation. In what way will the spatial strategy proposed meet these objectives?

4.7 The proposed strategy would not meet the Boroughs objectively assessed housing needs by some considerable margin. In what way does the proposed spatial strategy support the Government's objective of significantly boosting the supply of homes (paragraph 60 of the Framework) by providing a sufficient amount and variety of land to come forward?

4.8 In what way will the proposed strategy deliver the mix of homes needed and is the Plan positively prepared in this regard?

Policy S2 Sustainable Development

4.9 Parts 1 through to 3 (b) appear to repeat the requirements of the Framework. Is this a sound approach?

Matter 4: The Green Belt

Issue 5: Is the Plan's approach to the Green Belt justified and consistent with national policy?

Please note – this hearing session concerns the Council's approach to the Green Belt. Whilst reference will be made to the sites which the Council are proposing to release from the Green Belt, the specifics of the policy wording in relation to SA31-SA35 will be discussed under matter 11.

Questions:

The Council have concluded that exceptional circumstances exist to justify amendments to the Green Belt boundaries and in accordance with paragraph 145 of the Framework, have identified why the Council consider exceptional circumstances exist . These are set out within the Topic Paper TP02. The Council have identified 5 sites within the Green Belt which would deliver 1580 dwellings over the plan period. This approach leaves a significant shortfall in providing for the housing needs of the borough over the Plan period. The Council needs to provide robust evidence to support the approach they

have taken, particularly as the Plan as submitted would still result in a 5500 shortfall against the standard method.

5.1 The Framework is clear on a number of steps which need to be followed before reaching this conclusion. These are set out at paragraph 146 of the Framework. I have set these out below with my understanding of the evidence base in relation to these matters: Please could the Council review these and explain where within the evidence base the following assessments have been undertaken:

- a) Make as much use as possible of suitable brownfield sites and underutilised land – *did the Council revisit sites discounted through the LAA exercise and when did this take place?*
- b) Optimise the density of development in line with the policies in chapter 11 of the Framework, including whether policies to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport - *TP02 responds to this point at paragraph 3.9 – and HB01a draws a conclusion on this point at paragraph 4.14 however where is the evidence to support the conclusions drawn? Reference is made to document HB06a and HB06b however the only reference here I can see is to a masterplan principle of pursuing mainly low and mid rise high density housing. Is there anything additional to this which the Council are seeking to rely upon?*
- c) Has been informed by discussions with neighbouring authorities to meet needs *Statement of Common Ground have been prepared to address this point*

5.2 The LAA (September 2024) indicates at paragraph 4.14 that it is ‘unlikely’ that increasing the density of potential sites is likely to yield a sufficient amount to address the shortfall. TP07 states at paragraph 5.30 that the Council have explored a and b above through a desk based study as part of the LAA process, call for sites exercise and development of the draft Epsom Town Centre Masterplan. Can the Council identify where in the evidence base I can find this assessment?

5.3 A number of concerns have been raised that the Council have failed to address this point correctly or have severely underestimated the capacity of the urban sites which could be achieved whilst balancing the quality of the urban environment – are these concerns valid and where is the evidence base to address these points?

5.4 Are the exceptional circumstances outlined within paragraph 3.3 of TP02 to justify changes to the Green Belt boundaries suitably robust and do they justify the approach taken? A number of representations have stated that the Green Belt boundaries should not be reviewed as the Council has not done enough to optimise densities on brownfield sites. Are these concerns valid ?

5.5 Paragraph 147 of the Framework states that where it has been concluded that it is necessary for the release of Green Belt land for development, plans should first give consideration to land which has been previously developed and/or is well served by public transport. Has the Council taken this approach and where is the evidence to

support this? GB01 appears to indicate 4 assessments at paragraph 1.9 which do not include how well the site is served by public transport.

5.6 The Framework states that the Plan should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. Has this been done and where is the evidence to explain this?

5.7 Paragraph 3.31 of document TP02 concludes that the Plan proposes a limited amount of land for Green Belt release and the same position would be unlikely in the event of a much larger release. How is the Council defining much larger' in the context of this Plan and where is the evidence base to support this conclusion?

5.8 GB01 (Green Belt Study Update 2024) and GB02 (Green Belt Technical Note 2023) present the remainder of the evidence base in relation to the Green Belt boundaries within the borough. It identifies a scoring system for sites based on selecting sites with the least harm to the Green Belt purposes. Has the Council applied the criteria in a consistent manner? A number of representors have outlined how sites which have been discounted have scored less in Green Belt terms. Is the Council clear in the reasons they have discounted sites and where is this information provided within the evidence base?

5.9 Could the Council be doing more to address the 5500 dwelling shortfall?

5.10 In light of the representations made by Epsom College, should the land be allocated to reflect the potential for enhanced education facilities at the site? The Council have stated that the site has been assessed as part of the LAA. Please could the Council provide the page/paragraph references for this?

5.11 The transitional arrangements confirm that policies in the NPPF 2024 apply to planning applications from the day of publication. Footnote 58 indicates that the golden rules contributions in paragraph 156 do not apply if sites were released from the Green Belt in a plan which was adopted prior to publication of the NPPF 2024. As this Plan is in the process of being examined, this exception would not appear to relate to new Green Belt release sites within this Plan. Does the Plan need to be modified to include requirements for development on housing allocations removed from the Green Belt relating to the contributions (Golden Rules) referred to in NPPF 156 (affordable housing, infrastructure and accessible green spaces)?

5.12 If so, how would such requirements affect the viability of development on the relevant allocations?

Policy DM15 Green Belt

5.13 Is the policy justified? In particular, is the reference to the National Planning Policy Framework correct and are the Council clear about which Framework they are intending to refer to here?

5.14 What does the wording of the policy add over and beyond the wording of the Framework. Is the policy justified?

Matter 5: The SA and approach to site selection, Plan Viability and the IDP

The SA and the Approach to Site Selection

Issue 6: Whether the approach to site selection is justified and effective

Questions:

6.1 Paragraph 5.2.44 of the SA states that it is reasonable and appropriate to hold constant the preferred development densities arrived at on the basis of the work through the Town Centre Masterplan and other work streams. Where is this work within the town Centre masterplan and what other work streams which relates to preferred development densities referred to here?

6.2 From reading the SA, I am not clear how the strategy on site selection to inform the reasonable alternatives has developed. Paragraph 4.1.5 states that the objective is to allocate a package of sites to meet needs and wider objectives. In terms of establishing growth scenarios, should the focus not be on alternative growth scenarios in the context of identified needs, rather than individual sites themselves?

6.3 Table 5.2 of document SD05a sets out the 6 reasonable alternative growth scenarios tested. It would appear that the only difference between scenario 1 and 2 is the addition of 100 dwellings – is this correct?

6.4 What is the rationale for excluding the south sites (COLO17, COL019, COL023) from growth scenario 4?

6.5 What is the rationale for excluding the south (COLO17, COL019, COL023) and East (Downs Farm) sites from growth scenario 5?

6.6 What is the explanation for the scoring attributed to scenario 7 in relation to the Historic Environment?

6.7 Section 7 of SD05a identifies that there is a missing scenario – whereby Downs Farm is allocated in addition to Horton Farm – the document cross references to paragraph 6.15 however from reading this section, the only justification appears to be to keep the scenarios manageable and due to a lack of confidence that there would be a meaningful differentiation in terms of significant effects – is this the extent of the reasoning for not considering this as an alternative growth scenario?

6.8 Concerns have been raised regarding factual inaccuracies raised with the Council in October 2023 within the SA as well as inconsistencies between the SA and the site assessment methodology (see representation 163 Carter Jonas) . Could the Council provide a full response to the concerns raised.

6.9 Have the individual site allocations been chosen according to a robust site selection methodology?

6.10 The PPG advises that, when preparing strategic policies, it may be concluded that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need. It goes on to advise that strategic policy-making authorities will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport. Have the Council completed this exercise?

6.11 Have all reasonable alternatives been considered in terms of the spatial strategy, policies and sites including increases in density or the housing proposed over the plan period?

6.12 Are the allocated sites identified at Chapter 4 of the Plan (Planning for Places) including the size and mix of uses proposed justified and in what way do they reflect the outcomes of the SA and testing of reasonable alternatives through the site selection methodology?

6.13 Does the evidence demonstrate that there is a realistic prospect that each of the allocations will be deliverable within the Plan period? If this is not the case, is the allocation justified?

6.14 With regards to the sites that will be delivering in years 1-5 of the Plan period, are the timescales identified justified by the evidence base?

6.15 With regards to the methodology for the selection of sites to be included within the Plan, is it clear why the sites listed at appendix 5 of HBO1a have been discounted?

6.16 Of the sites discounted at stage 2 (listed within appendix 5.4, page 25 of HB01a) did the Council contact the owners of these sites as part of a further call for sites? Where the evidence states 'site not available' can the Council explain what steps they have undertaken to reach that conclusion?

6.17 As I understand it, the Plan has been submitted under the transitional arrangements set out at paragraph 234 of the Framework. Is this correct? If it is correct, what is the purpose of paragraph 4.6-4.23 of EV03 which appear to set out how that plan making has been effected by the new Framework?

Plan Viability

Issue 7: Does the viability evidence which supports the Plan demonstrate that the plans policies are viable and does the IDP explain what infrastructure will be required and when?

Questions:

7.1 Has the viability assessment been prepared in accordance with national policy and guidance?

7.2 Have all the necessary policy requirements been taken into account?

7.3 To what extent does the evidence base demonstrate that the requirements of policy S6 concerning the delivery of affordable housing are viable?

7.4 What has been used to inform the typologies selected and are these reflective of the growth planned within the borough?

7.5 In what way does the viability work reflect the requirements of policy S15?

The IDP

7.6 I note that document COUD_001 lists key infrastructure at table 5 – the timescale column as indicated is in my view too vague. Document IS01 summarises infrastructure requirements over the plan period. However, it is not clear from the items listed when they are expected to be delivered over the plan period. Please could the Council provide greater clarity in relation to the infrastructure required over the plan period, and when this is expected to come forward. The Council can do this by setting out what infrastructure is expected to come forward during years 1-5, 6-11 and 11 plus of the Plan period, relating this to the housing trajectory at appendix 2 and how this relates to the site allocations proposed by the Plan.

Matter 6: Other Housing Policies

Issue 8: Is the Plans approach to other housing matters justified, effective and consistent with national policy?

Questions:**Affordable Housing**

8.1 Is there an affordable housing backlog within the borough and if so what is this?

8.2 Document HB03 (HEDNA) sets out that the affordable housing need is 652 homes per annum. What is the total affordable housing need for the plan period? Should this need be identified within the Plan?

8.3 The PPG states that an increase in the total housing figures included within the Plan may need to be considered where it could help to deliver the required number of homes. Have the Council considered this and if not why not?

Policy S5 Housing mix

8.4 Will the policy as currently drafted secure the delivery of the right homes to address local needs as envisaged by the Framework?

Policy S6 Affordable Housing

8.5 Part 1 of Policy S6 sets out a requirement for a 40% affordable housing provision on greenfield sites, with a 30% provision on other sites. Is part 4 of the policy justified?

8.6 What amount of affordable housing provision would be met by the proposed strategy identified by this policy?

Policy S8 Gypsies, Travellers and Travelling Showpeople

8.7 The evidence base (HB04) indicates that in terms of those persons who would meet the definition contained within the Planning for Travellers (PPTS), the need for Gypsy and Traveller accommodation over the plan period is 18 pitches. It appears that site allocation SA35 would address 10 pitches of this need. What sites are the Council proposing to address the remaining need over the plan period?

8.8 Paragraph 5.50 of the Plan acknowledges that there are unlikely to be sites which would meet the criteria set out within policy S8. Will the policy be effective as a result?

Policy S7 Specialist Housing

8.9 The Vision identifies that new development will meet the needs of the changing population, including those in specialist housing need, from students to older people. In what way will policy S7 achieve this objective?

8.10 What is the need for student accommodation provision over the plan period and is the Plan sufficiently clear in this regard? Is the plan positively prepared in this regard, particularly given the acknowledged growth in the student population envisaged by document HB03?

8.11 Is the definition of specialist housing provided within the glossary sufficiently clear and is it consistent with the definition contained within the policy wording?

8.12 Is the policy clear in terms of the type of specialist housing envisaged by part 2 of the policy or should it be more explicit in this regard?

8.13 The policy states that specialist accommodation will only be permitted where it meets an identified need, is this approach consistent with the Framework?

Policy DM1 Residential Space Standards

8.14 Do the criteria used within the policy align with the national space standards?

Matter 7: The Built Environment

Issue 9: Are the Plans policies in relation to the built environment positively prepared, justified, effective and consistent with national policy?

Questions:

Policy S11 Design

9.1 Does the policy wording as currently drafted look to optimise densities as required by the Framework?

9.2 Does the approach accord with paragraph 129 a and b of the Framework and should density standards be expressed as a minimum within the policy wording? If not why not?

9.3 Paragraph 7.2 of the supporting text identifies a number of densities for development across the borough. What part of the evidence base has informed these figures and in what way will they achieve a significant uplift in the average density of residential development by paragraph 129 (a) of the Framework?

Policy DM13 Development Impacting Heritage Assets

9.4 Does the wording of the policy accord with the Framework? In particular, is the wording of part 1 of the policy clear and precise and is it clear how a decision maker should respond?

9.5 What additional guidance does appendix 6 of the Plan provide?

Policy S17 Infrastructure Delivery

9.6 Is part 2 of the policy sufficiently flexible?

Policy DM21 Education Infrastructure

9.7 Should this policy and/or the supporting text include a reference to student accommodation as a supporting facility? If not why not?

Policy DM10 Building Emissions Standard

9.8 Does the policy as drafted repeat what building regulation requirements are? Is this approach justified?

9.9 The Council have stated that the policy is justified by the Surrey Climate Change Toolkit as well as the viability update – what precise parts of these documents support the approach being adopted?

9.10 Is the approach adopted consistent with national policy?

Policy S19 Transport

9.11 Does the term parking stress require a definition within the glossary?

9.12 Is the policy wording clear as to be effective?

Matter 8: The Natural Environment & Green Infrastructure

Issue 10: Are the Plans policies in relation to the natural environment and green infrastructure positively prepared, justified, effective and consistent with national policy?

Questions:

In framing the following questions, I have had regard to paragraph 102 of the NPPF which states that access to a network of high-quality open spaces and opportunities

for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. It goes onto note that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Policy DM19 Open Space, Sport and Recreation

10.1 The Framework is clear that Local Green Space (LGS) should only be designated when they are capable of enduring beyond the end of the plan period. With reference to paragraph 105 of the Framework, and in light of the significant shortfall in meeting housing needs over the plan period, would the approach be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services?

10.2 Given the acknowledged significant shortfall in housing provision that the Plan would deliver, would it be reasonable to take a precautionary approach to the designation of LGS, if at all?

10.3 The evidence base appears to consist of NE13 Local Green Space Study as well as NE11 Open Space Audit, is this correct?

10.4 Is the approach to the proposed designations supported by a clear methodology?

10.5 Page 7 of document NE13 refers to the designation of strategic open spaces – which document designates these spaces?

10.6 Is the reference within part 6 of the policy to very special circumstances in accordance with national policy?

10.7 The Council's approach appears to be that most areas will be in reasonable proximity to the local community. Is this a justified approach? Please can the Council produce an inset map for each Local Green Space which shows the proposed designation so that the relationship to the community it serves can be assessed?

10.8 A number of representations have expressed concerns that existing open space, such as the Francis Schnadhorst Memorial Ground (see representation 056) Clarendon Park Kickabout (representation 111) Longmead Open Space and Bakers Field (representation 118) were excluded from the assessment. What is the rationale for this? I understand that Clarendon Park is within the Green Belt. However what is the rationale for excluding the other sites? The text on table 2, page 22 of document NE13 in relation to Bakers Field is incomplete.

Policy DM17 Trees, Woodlands and Hedgerows

10.9 Is the policy wording at part b sufficiently clear or should reference be made to the maintenance of appropriate planting?

10.10 In light of the representation from the Woodland Trust (representation 156) is the policy positively prepared?

Policy S3 Climate Change and Mitigation

10.11 Is this policy as drafted effective in relation to groundwater flooding?

Policy S15 Biodiversity Net Gain

10.12 The PPG states that it would be generally inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. In light of this is part 1 of the policy positively prepared?

10.13 Is the hierarchy of part 2 of the policy consistent with the PPG?

10.14 Part 1 of the policy identifies a higher BNG requirement in relation to site allocation policies. As the policy reads, a greenfield site which is not subject to a site allocation would only be looking to achieve a 10% BNG requirement - is that the Councils intention?

10.15 The PPG is clear that in order to justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented. Where is the evidence base to support the approach adopted within the Plan?

10.16 A number of representations have raised concerns regarding the 20% biodiversity net gain being sought by the Plan on greenfield site allocations -are these concerns valid? Which sites would be subject to the higher BNG requirement? As far as I can see, it would be sites SA33, SA34, SA35, is this correct?

10.17 Paragraph 7.53 of the supporting text indicates that 20% BNG will be sought on greenfield site allocations. Is this wording effective?

10.18 Part of the justification for this policy appears to rely on costings from Kent County Council. What is the relevance of these costings to the Borough?

Policy S14 Biodiversity and Geodiversity

10.19 Is the policy wording effective?

10.20 Does the policy require modifications in relation to soundness in light of the representations made by the Environmental Agency?

10.21 Should the policy make a specific reference to Hogsmill River and would this be necessary for soundness?

Policy S16 Flood Risk and Sustainable Drainage

10.22 Does the definition provided within paragraph 7.66 accord with the policy and in light of the representations made by the Environment Agency, does this definition need to be updated?

10.23 Does the policy require modifications in relation to soundness in light of the representations made by the Environmental Agency concerning part f of the policy?

10.24 Is part b of the policy as currently drafted effective?

10.25 Does the policy and associated supporting text as drafted take into account the representations made by Thames Water?

Policy DM11 Sustainable Water Use

10.26 Is the policy wording effective?

10.27 Is the policy wording concerning greywater recycling justified by the evidence base?

Policy S18 Green and Blue Infrastructure

10.28 Is there any repetition between parts 1 c and 2 of the policy ? The wording appears to be directed at the same matter (loss or harm/adverse impacts) but the assessment differs. Does this wording make the policy effective as a result?

Policy DM22 Aerodrome Safeguarding

10.29 With reference to the supporting text at paragraph 8.40 and the representation received from London Gatwick Airport, is the supporting text correct?

Matter 9 : Retail Policies and Epsom Town Centre

Issue 11: Are the plans policies in relation to retail and Epsom town Centre justified, positively prepared and effective as well as consistent with national policy?

Questions:

11.1 What is the need for convenience goods provision within the Borough over the plan period and have sites been allocated to address this need? Representors have commented that the Borough is particularly deficient in this provision. Are these concerns valid?

Policy S10 Retail Hierarchy and Network

11.2 This policy identifies the retail hierarchy for the borough. Should this policy also identify the convenience and comparison goods needs over the plan period? If not why not?

11.3 Paragraph 3.23 of the plan refers to ‘new high density housing development’ within Epsom Town Centre. Should high density be defined within the plan? Where is the

evidence base which identifies that the 80dph sought by the Plan will result in high density housing?

At present, there are no further questions regarding policies DM4, DM5, DM6 or appendix 5 of the Plan however the Inspector may ask supplementary questions dependant upon the responses provided to the questions above.

Policy DM20 Community & Cultural Facilities

11.4 Are the criteria at part 2 (a-c) of the policy justified and effective?

11.5 Concerns have been expressed regarding the reference within the policy to economic viability. Are these concerns justified?

Policy S4 Epsom Town Centre

11.6 Will the policy as drafted ensure that the most efficient use of land is achieved within the town centre in accordance with the Framework or could the policy wording be more effective in this regard?

Matter 10: Employment and Horse Racing

Issue 12: Is the approach to the provision for the employment and the needs of the horse racing industry justified, positively prepared and effective?

Questions:

Policy S9 Economic Development

12.1 The Council have submitted a range of documents within the examination library regarding economic growth and employment (EV05, EV06, HB03). Please could the Council confirm which document they are relying upon in terms of identifying the economic needs for the Borough over the plan period?

12.2 Document EV07 considers the economic value of Longmead and Kiln Lane Industrial Estates. When was this report issued?

12.3 Document TP01 sets out the background to employment needs over the plan period and defines these at paragraph 1.3.1. These are also set out within HB03 – should this requirement be specified within the policy wording? The supporting text refers to the evidence base at paragraph 6.26 and ‘to meet future needs for employment floorspace over the plan period’ however this reference is neither effective or positively prepared. The Council should prepare a modification accordingly to address this point.

12.4 I understand from the evidence base that the Plan relies on the intensification of these existing sites to meet employment needs over the plan period. The HEDNA (document HB03) identified this need to be in the region of 56,000sqm. However the SoCG with National Highways (appendix 1 to COUD_001a) states that no significant expansion of these sites are proposed. Which is correct?

12.5 Is the HEDNA justified in the assumptions it has made regarding the growth in employment floorspace requirements over the plan period or should an alternative higher or lower growth strategy be adopted, as outlined in the various options contained within the study?

12.6 Part 2 of the policy refers to safeguarding strategic employment sites and encouraging the regeneration and intensification of land to meet the needs of the economy. Is the policy as currently worded effective? Where is the evidence to support this approach?

12.7 TP01 identifies at 1.4.2 that there will be a shortfall in the supply of employment floorspace. It would appear from the topic paper that this shortfall will be 16,496sqm across the Plan period. What steps have the Council taken to address this shortfall? The SA states at page 16 that there is little or no case for allocating new employment land – is this correct?

Policy DM7 Employment Land

Whilst there are no specific questions directed at policy DM7 at this current time, the wording of the policy may well be discussed during the hearing session, dependant upon the scope of the responses provided by the Council in relation to questions raised in relation to policy S9 above.

Policy DM8 Racehorse Training Industry

12.8 Is the key diagram as currently drafted correct? Representors have stated that it should be amended to include the area of South Hatch Stables in the Green Belt to the south west of Burgh Heath Road to reflect a recent planning permission granted for racehorse training facilities. Is this correct?

12.9 Should the policy make explicit reference to both existing and new facilities in line with the representations received? If not why not?

12.10 The Plan specifies that the objective of the Racehorse Training Zone is necessary given the nationally important racehorse training grounds which make a positive contribution to the economy and sporting heritage of the area (paragraph 6.31) . In light of this, should the policy reference the need to support the delivery of key infrastructure to support the industry? If not why not?

12.11 What is the justification for the inclusion of Woodcote Stud Farm within the Racehorse Training Zone and where is the evidence base to support this?

12.12 In what way does policy DM8 reflect the conclusions of the evidence base, in particular Section 8 of EV09? Is it clear how the Council have utilised this evidence base to formulate the policy as currently drafted?

Matter 11: Site Allocations

Issue 13: Whether the proposed site allocations within the Plan are positively prepared, justified, effective and consistent with national policy

Questions:

All site allocations:

13.1 The following questions relate to all of the site allocations as identified within Chapter 4 Planning for Places part of the Plan. The Council should provide a full response for each allocation, and I suggest a table format is used to provide a response for each allocation referred to :

- Are the site allocations correctly drawn and are the boundaries justified?
- What is the expected lead time in terms of the timescale for development and annual delivery rates and are these based on sound evidence?
- In what way does the allocation identify the infrastructure requirements necessary, together with the timing for any necessary infrastructure?
- Document HB06a sets out potential allocation wording as well as site development considerations. To what extent does the plan as drafted take the commentary regarding the individual site allocations into account?
- Is the quantum of floorspace/ units to be delivered correct and does this reflect what is presented within the housing trajectory? Should these figures be identified as minimum capacity figures within the policy wording?
- Do these capacity figures concur with the indicative density figures provides at paragraph 7.2 (supporting text) to policy S11? If not why not?
- In terms of the identified uses and policy considerations, are these based on sound evidence?
- Where necessary, do the site allocations refer to any heritage considerations which would need to be taken into account as set out within document TP06?

Quite a number of the sites which the Council are identifying as site allocations are existing car parks (Policies SA5, SA6, SA9, SA2, SA2) and a number of the representatives have expressed concerns regarding the loss of car parking . I have had regard to the information contained within section 3 of HB06b in framing the questions below:

13.2 Please could the Council respond to the following :

- I understand that the total number of car parking spaces within Epsom is 2100 spaces. Is this correct? What is the total number of car parking spaces to be lost through the plan period?;
- Document HB06b advises that the Council holds data on car park usage for car parks it operates and that car park usage surveys were completed in July 2023, but these surveys excluded the three car parks operated by private operators. Is this correct? Which are the three other car parks this statement refers to and are these effected by the site allocations proposed?
- Document HB06b recommends a future parking study to examine overall provision (paragraph 3.67 – 3.72). This is also referred to within the main report (HB06a, paragraph 4.52) has this been done?

- HB06 makes a number of recommendations at paragraph 4.52 – have the Council taken these recommendations into account?
- For the car parks listed at paragraph 3.59 of HB06b, please could the Council identify if there is a corresponding site allocation number associated with the car park identified?
- How have the Council considered any implications of the removal of the car park for Epsom Town Centre?
- The Council have referred to a car park assessment being undertaken as part of the Town Centre Masterplan document – does this document form part of the evidence base ? this report is referenced within Section 3 of HB06b. Can the Council provide a copy of this document and set out clearly which car parks (site allocations it covered) ?
- How have the Council considered any implications of the removal of the car parking for those sites within Epsom town centre in terms of the vitality and viability of this centre? This is particularly pertinent given the findings of the retail study, EV01, which refers to offering discounted car parking to encourage dwell times.
- There also appears to be a variance of approach in terms of referencing replacement car parking on some but not all of the sites. What evidence has been used to inform the approach taken? Where allocations refer to replacement of sufficient car parking is it clear what this would mean in practice?
- Concerns have been raised regarding the effect on existing controlled parking zones (CPZ) . Please could the Council provide a map which plots the site allocations relative to the existing CPZ and outlines the parking restrictions which are applicable to these zones
- In terms of sites SA5/SA6/SA9 – are the density/capacity figures correct? Representations indicate that replacement parking is to be provided at the Depot road site – is this correct?

The following questions relate to individual site allocations

Site SA35 Horton Farm

13.3 Is the Plan clear regarding what infrastructure would be necessary to support this allocation?

13.4 In what way does the site take into account the sustainability goals of the Council as identified within the Vision, pages 15 and 16 of the Plan?

13.5 The representation on behalf of The Church Commissioners for England (representation 155) refers to the preparation of the Statement of Common Ground with the Council in relation to the deliverability of this site. The Inspector would be grateful if this could be prepared and submitted with the MIQ responses. This should look to cover, but not limited to, site capacity, including reference to the affordable housing and gypsy and traveller provision, any known constraints, infrastructure

requirements, ecology and flood risk, phasing, whether the requirements of policy S15 to achieve 20% biodiversity net gain is achievable as well as a clear indication of the likely land uses envisaged here.

13.6 The above representation makes a number of suggested changes to the policy wording. What is the Council's view on these?

13.7 Should the policy wording make reference to ordinary watercourses?

Site SA34 Hook Road Arena

13.8 In what way has the proposed mix of facilities been informed by the evidence base and in particular documents IS07 and IS08?

13.9 Representations refer to concerns regarding the reduction in the number of dwellings the site can accommodate from 150 to 100. What is the justification for this and are these concerns valid?

Sites SA31 Land at West Park Hospital (South) and SA32 Land at West Park Hospital (North)

13.10 Should the policy wording of sites SA31 and SA32 make reference to ordinary watercourses?

Site SA33 Land at Chantilly Way

13.11 Should the capacity be described as a minimum?

13.12 Are the references to the Grade II Listed Horton Farm House justified?

Site SA2 Hook Road Car Park

13.13 The landowner has identified that they are keen to see the site developed with SA1. Has any work been completed to ascertain whether this is a feasible objective?

Site SA19 7 Station Approach

13.14 How has the site capacity been arrived at?

Site SA11 Finachem House, 2-4 Ashley Road

13.15 How has the capacity of the site at 20 dwellings been arrived at and what evidence is there to support the position that 20 dwellings would make efficient use of land in line with policy S11?

SA21 Richard Field Car Park

13.16 Concerns have been expressed regarding the loss of the car park. Are these concerns justified?

SA22 Etwelle House, Station Road

13.17 Does any part of the site include heritage assets and if so should this be reflected in the policy wording?

SA24 Garages at Somerset Close & Westmoreland Close

13.18 Concerns have been expressed by the landowner regarding the delivery of the dwellings proposed, are these concerns valid?

SA27 22-24 Dorking Road

13.19 Is there any planning history of relevance here which would indicate whether the site is developable?

13.20 Would the development be deliverable at the scale envisaged by the Council given the nearby heritage assets and what evidence is there to support the Council's position on this?

13.21 What is the density envisaged on this site and how has this been calculated?

Matter 12: Monitoring & Delivery

Issue 14: Whether the Plan identifies a suitable framework for the monitoring and implementation of the policies contained within the Plan?

Questions

13.22 Chapter 9 identifies the implementation and monitoring for the plan. From page 139 onwards, various policies within the Plan are identified. Does this cover all of the policies within the Plan? If not why not?

13.23 Are the indicators specific enough? Many of the indicators refer to 'assess trends' what does this mean on practice? How will this be effective?

13.24 Overall, is the Plan's approach to monitoring effective?

C Masters

Inspector