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From: Epsom Green Belt [REDACTED]
Sent: 05 February 2025 23:45
To: Local Plan
Subject: [CAUTION EXTERNAL] Reg 19 consultation submission
Attachments: Reg 19 Epsom Green Belt.docx; Epsom Green Belt Group response to the Regulation 19 Local Plan consultation.pdf

Categories: Summarised in spreadsheet

Caution: This is an external email and could contain malicious content. Do not open any link or attachments if you were not expecting them. If the e-mail looks suspicious, please report this via the 'Report Spam' or 'Report Phishing' button found on your Censornet toolbar within Outlook.

Dear Epsom and Ewell Council

Please find the submission from the Epsom Green Belt Group.

As you are aware there are several members of you would like to have a specific name and contact please do let me know, I would be happy to give my details.

Kind Regards

Epsom Green Belt Group

Epsom and Ewell Local Plan 2022-2040



Proposed Submission Stage (Regulation 19) Representation Form



Consultation date: 20 December 2024 to
(23:59) Wednesday 5 February 2025

Please email: localplan@epsom-ewell.gov.uk or return Planning Policy, Epsom and Ewell Borough Council, Town Hall, The Parade, Epsom, Surrey, KT18 5BY

Please note that copies of the comments received will be available for the public to view and cannot be treated as confidential. Data will be processed and held in accordance with the Data Protection Act 1998. Further information on how we handle your data can be found via the Privacy webpages on the Epsom & Ewell Borough Council website. [Data Protection](#) | [Epsom and Ewell Borough Council](#)

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>	2. Agent's Details (if applicable) <input type="text" value="N/A"/>
First Name	<input type="text" value="Various"/>	<input type="text"/>
Last Name	<input type="text" value="Various"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

EPSOM GREEN BELT GROUP

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

Policies Map

4. Do you consider the Local Plan is: (please tick as appropriate)

4.(1) Legally compliant

Yes ☐

No ☒

4.(2) Sound

Yes ☐

No ☒

4.(3) Complies with the
Duty to co-operate

Yes ☐

No ☐

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We are a large group of professional men and women who live across the Borough of Epsom and Ewell. We come from various industries financial, management, education, planning, construction, engineering and the public sector.
We believe the Local Plan is unsound in many ways and is not legally compliant please find attached a comprehensive document detailing our concerns over many aspects of the Local Plan.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- Site SA35 should be removed from the Local Plan
- Site SA34 housing should be removed from the Local Plan. The sports pitches should be provided on the site within the requirements of NPPF para 154
- Site SA33 should be removed from the Local Plan
- Site NON013 page 15 of LAA should be removed from the Local Plan
- The Land Availability Assessment should be revised and updated to assess all available brownfield sites at optimal density.
- Brownfield sites and previously developed sites should have increased density.

- The sequential test should be followed correctly for site allocations and the results used to select development sites.
- Affordable housing price requirements should be set out in the Local Plan, e.g. using salary multiples based on % of median salaries in the borough. This is necessary to ensure all affordable housing is priced at a level that meets the needs of those whose needs are not by the market.
- Specific plans should be developed to meet employment needs rather than expecting Kiln Lane / Longmead landowners to create their own visions for the area and implement them.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐ **No**, I do not wish to participate in hearing session(s)

☒ **Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

[Optional explanation – you have a legal right to present at the examination hearing sessions if you tick the 'Yes' box above]

Representatives of the group would like to attend and speak, this is because the issues are multiple and complex and it will enable the Inspector and the team to ask questions.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Epsom Green Belt Group Responses to Regulation 19 Local Plan Consultation

5 February 2025

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Introduction

Out-of-date Local Plan

The EEBC Local Plan is one of the oldest in the country, dating back to 2017, and is out of date.

The council has failed, over an extended period of time, to produce a Local Plan. The Dec 2024 version of the Local Development Plan ('LDP') is the 19th version, with every one of the previous versions extending the timetable, and frequently increasing the cost.

Whilst it is appreciated at last to have a reviewable version of the Local Plan, the failure openly and transparently to permit or encourage review or challenge of the plan, or the supporting evidence for the Regulation 19 Local Plan, until it is too late for meaningful input has resulted in a Local Plan document that suffers from a large number of issues.

The repeated failures of the council to fulfil its role are now at risk of impacting the residents in whose interests it is intended to be prepared, but whose input has been prevented or ignored.

Expectations of residents' skills

It is inappropriate to require residents to have detailed knowledge of planning regulations and the law sufficient to enable them to properly assess the Local Plan against them.

It is also inappropriate to expect respondents to provide revisions or amendments to areas of the Local Plan believed to be flawed. This is particularly inappropriate given the failure of the council to discuss, debate or decide on any of the content of the Local Plan in open forum throughout the period from Jan 2023 to Nov 2024. Had the council been open and transparent during this period, residents would have been able to consider and feed into the Local Plan, or lobby councillors to address matters of concern, on a timely basis.

Lack of strategic input, scrutiny or decision making by councillors

Presenting the whole plan as a fait accompli at the end of the process is wholly inappropriate and undemocratic.

There is no public evidence that the council determined or approved the strategy for the Local Plan. There is no public evidence that the officers engaged with councillors over any of the important decisions during the Local Plan preparation process.

At various points in the past, including at the time of the Regulation 18 consultation, Cllrs O'Donovan and McCormick misled residents into believing that they would be able to secure amendments to the Local Plan through the Regulation 19 process. As soon as the Full Council approved the Local Plan for consultation, this view abruptly changed to instead indicate that only matters of legality and soundness could be considered.

Officers should have encouraged, facilitated, or at the very least permitted, review, scrutiny and challenge of the various components of the Local Plan by councillors over the course of its preparation. Instead, they actively discouraged and prevented this.

The involvement of the Licensing and Planning Policy Committee, the committee charged with direction and oversight of the Local Plan, over the period from Jan 2022 has largely been limited to approving extensions to the timeline in the Local Development Scheme, approving increases in budget, and rubber-stamping the final consultation documents.

The Terms of Reference of the LPPC state that it is:

'2. To be responsible for influencing and controlling development and use of land as Local Planning Authority including:

a. Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.

b. Preparation, adoption and review of Supplementary Planning Documents.'

Officers' reports to the meetings that *were* held (a large number of meeting were cancelled as there was nothing on the agenda) actively discouraged input from councillors. The numerous requests made by councillors to discuss the Local Plan in general, and specifically the inclusion of the Green Belt, were not fulfilled.

Following repeated rebuttal and delay, and failure to table the Local Plan for discussion at LPPC in any form, a motion was put to full council in July 2024. This requested that the key Local Plan components were timetabled for debate prior to 30 September 'so that the Committee can debate, and agree or amend, all material decisions'.

This motion was not debated, but was instead referred to the LPPC for debate on 24 September 2024.

In the 24 Sept LPPC meeting officer report, the motion was left to the end of the meeting. At that point, officers 'encouraged' councillors to wait until the November meeting (officer pack P.714 para 3.5 and 3.6). They further stated, in para 3.8, that it was not councillors' role to get involved in this area and that the decisions should be left solely to officers. In para 3.15, councillors were advised that their role was confined to approving what officers had prepared.

The direction presented to councillors was that they should not meddle with the officers' work (prior to approval in Nov 2024) and, by implication, that the only 'sound' version of the plan would be what the officers presented (para 4.1).

'4.3 It is recommended that this motion is rejected as the requested actions would go beyond the role and responsibilities defined for this committee in Appendix 3 of the Constitution.

4.4 The motion seeks to replace the role of the Council's Planning Officers and its external advisors in collating an evidence base to support the development of the Council's Local Plan which is then subject to review by this Committee within it's [sic] existing Terms of Reference. The Committee review and recommendation to full Council will ensure that the Local Plan will go out to public consultation in the manner set out within the Council's published Local Plan timetable (The Local Development Scheme).'

There are two important pieces of context to these directions from the officers:

1. A public statement by the Chief Executive, Ms Jackie King, in April 2024 in response to a question as to whether sufficient time and budget was available for to accommodate changes to the Local Plan once brought to committee in Nov 2024:

'As has been reported to LPPC, the Local Plan timetable has a limited degree of flexibility to ensure that the Local Plan is submitted to the government for examination by the 30 June 2025 deadline, which is the deadline set by government for submission under the current Local Plan system. The scale of changes made will influence whether there is a delay to the programme- for example, minor typographical errors or clarification of wording will not impact the programme. However, changes that require amendments to the evidence base could lead to delays that result in the transitional arrangements deadline being missed.'

This made it clear that waiting until Nov 2024 to review and make changes would restrict those changes to *'minor typographical errors or clarification of wording'* or risk the deadline being missed.

2. The government's NPPF consultation had set out that a new NPPF would be issued in Dec 2024 and indicated (together with government statements) that the new NPPF would have a significant impact which would likely require considerable redrafting of the Epsom & Ewell Local Plan

So officers, in the full knowledge that there could be no substantial changes to the Local Plan in November 2024 (without putting both the Local Plan timetable and the Local Plan itself at serious jeopardy), directed councillors that they must wait until November 2024 to provide their input.

The committee followed the officers' recommendations and in so doing, rendered their review irrelevant, and residents voiceless.

When it came to the November 2024 meeting, having repeatedly pushed for councillors to wait until this forum to review the Local Plan and, for instance, recommend alternative site choices, officers strongly discouraged them from doing so:

'we wish to highlight that officers consider that [changing sites] would significantly increase the risk of the Local Plan being found unsound at the Examination stage.' (See the section of this document regarding the Sustainability Appraisal which shows significant issues with the Scenario rankings).

They listed numerous impacts:

'Significantly increase the level of unmet need'

'Significantly reduce the council's ability to deliver affordable housing'

'Limit the delivery of a mix of housing'

'increased costs to the council for temporary accommodation for homeless households'

'will not be providing any additional gypsy accommodation'

All of these impacts were listed without allowing consideration by councillors of whether alternative solutions, which had never been encouraged, listed or debated, could address these issues, or even provide a better solution.

Councillors were also advised in para 5.2 that *'if a decision is made not to recommend the Local Plan to Full Council... there are likely to be additional costs in preparing an up to date local plan.'* and *'Any*

requirement to fund further costs highlighted in section 5.2 and 5.3 would seriously reduce the Council's ability to manage future risks.'

As a result of the stark warnings presented, the debate in the meeting was dominated by the risk of not approving the officers' proposals, rather than undertaking the challenge and debate that was required and expected of the committee but had been hitherto absent.

Perhaps even more concerningly, when the unaltered Local Plan was then presented to the Full Council, at which the majority of councillors who were not members of the LPPC were provided their first and only opportunity to question or challenge its input, this debate and challenge was shut down by the chairman.

The Local Plan was consigned to the end of a long meeting.

Without prior discussion or warning, the chairman permitted only a single question per councillor. And so the Local Plan almost completely bypassed the democratic process.

Incorrect data or incorrect interpretation will lead to an unsound plan

If the underlying data is incorrect, or has been interpreted incorrectly, the conclusions are subject to error and cannot be assumed to be sound.

There are numerous areas in which the data used may be incorrect or may have been misinterpreted. This document sets out some, but by no means all, of the issues that should be fully examined, analysed and addressed before the Local Plan is accepted. Until this takes place, the Local Plan must be assumed to be unsound.

Requirement for review and challenge

The entire plan would benefit from a thorough review and challenge that has, unfortunately, been absent to date.

It is neither appropriate nor possible to rely on local residents to provide the technical challenge necessary. This document barely scratches the surface of the 4,500 pages of Local Plan documents and does not attempt either to identify or address all of the reasons that the Local Plan and its supporting evidence may be unsound.

Instead, it draws out a few of the obvious issues which may be indicative of wider problems.

Changes sought to the Local Plan and its supporting documents

As explained above, it is simply not possible for ordinary residents, those affected by the Local Plan, to find the time to review 4,500 pages of detailed documents and identify all the changes needed to make them sound.

Many of the required changes have significant or material impacts individually. Other, smaller issues cumulatively have a significant or material impact.

Because the council did not publish the majority of the Local Plan documents as they became available, instead waiting until just before the LPPC meeting in November 2024; and
Because the Local Plan strategy and decisions did not involve either the LPPC or Full Council between Jan 2023 and Nov 2024; and
Because the majority of the proposed output documents were not reviewed (in draft or final form) by the LPPC or Full Council at any stage until November 2024; and
Because there was not nearly enough time for the proposed output documents to be properly (comprehensively) reviewed and challenged between their publication and the November 2024 LPPC meeting;
neither councillors nor residents have been afforded the opportunity to review and comment, in detail, on the Local Plan.

This situation was as planned by officers, who stated in writing in April 2024, in response to a complaint about the lack of review of the Local Plan, that councillors would not get to 'discuss, debate and if needed change the recommendation' until the November 2024 LPPC meeting. By doing this, they restricted councillors to a rubber-stamping role.

In their response to the complaint, officers also indicated that only 'minor typographical errors or clarification of wording' could be accepted at the Nov 2024 LPPC meeting without impacting the Local Plan programme and leading to 'delays that result in the transitional arrangements deadline being missed'.

[Complaints | Save Epsom's Green Belt](#) (the response is at the bottom of the link)
[Council getting belted by Green Group? ›](#)

The Regulation 19 consultation has been published for response over the Christmas and New Year period, further shortening the time available to read documents and prepare responses.

As a result of all these avoidable (and planned) issues, it has simply not been possible for residents to review the Local Plan and supporting documents in the level of detail their importance to the future of the borough demands.

The NPPF (Dec 2023) states:

'Plans should:

c) be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees'

Engagement with councillors, communities and others has been neither proportionate nor effective and therefore the plan making process has not complied with the NPPF, rendering it unsound.

The majority of the statements in the Vision and Objectives section of the Regulation 19 Local Plan are excellent and fully supported. However, the detail contained in the body of the document frequently fails to align with the Vision and Objectives set out. Indeed in many areas the proposals conflict directly with the laudable ambitions summarised in this section. Where this is the case, the proposals are liable to render the Local Plan unsound and cannot be accepted.

The below is a brief summary of some of the key changes sought to the Local Plan. Further analysis, together with other issues affecting soundness, are included in the body of this document

Section	Changes
Vision and objectives	Delete 'It's network of green spaces that are embedded within communities will have been strengthened by development.'
Spatial strategy	3.4, 3.5 Urban sites have not been fully and appropriately utilised. Further housing must be delivered on these sites to meet the NPPF requirements.
	3.7-3.9, 3.21, 3.31, 3.32 should be deleted as they are not supported by the evidence, are not sustainable and do not meet the soundness test.
	3.12-3.15 There is an absence of planning to deliver employment within the borough. This must be remedied.
	3.33 should be amended to reflect the changes above.
All policies	Should be redrafted to reflect the issues highlighted in this document
SA1 and SA2	Combine into a single development to maximise the opportunities for housing. SA2 to aim for 100% affordable housing. Also combine with development of the Rainbow Centre car park to provide residential and parking. Reinstate student accommodation removed since the Regulation 18 Local Plan.
SA3	Should also be integrated with SA1 and SA2 for a holistic site development to deliver more homes.
SA16	Development of this plot should be undertaken with the wider development of a mixed use estate of Kiln Lane and Longmead in mind.
SA31 and SA32	Increase level of housing for these previously developed sites
SA33 – SA35	Remove housing on these sites from the Local Plan as it is not sustainable and not supported by the evidence base. * Retain sites within the Green Belt. Sports pitches should be provided on Hook Road Arena as permitted on Green Belt sites.
Policy S5	Revise housing mix based on the matters raised in this document, increasing 1 and 2-bedroom units and decreasing 3 and 4-bedroom units. Include plans for greater levels of attractive housing for over 65s to free up underutilised large housing.
Policy S6	Rewrite the policy to ensure the delivery of truly affordable housing that meets the NPPF definition and provides the volume and breadth of housing size needed. The current policy will not achieve this. Any financial contributions made in lieu of affordable housing provision must be sufficient to procure the equivalent housing stock in the borough and be used immediately to do so.

Policy S8	Undertake, or update the existing 2019, site identification assessment to provide for GTAA site needs.
Policies S9 and DM7	These have no substance and do not deliver the borough's needs. They should be re-drafted to provide tangible increases in employment space and economic growth.
Policy S11	This should include target minimum densities. The minimum density for the Town Centre should be increased.
Policies S14, S15 and DM17	These currently read as supporting managed decline of the extent and/or quality of the natural environment. They should be rewritten to provide for maximising opportunities to increase and enhance green space, woodland, etc.
Policy S16	The SFRA should be updated to reflect actual (rather than theoretical) flood experience. The sequential test for site allocations should be completed correctly.
Chapter 9	The indicators and targets are, in large part, inappropriate and/or ineffective. Professional help should be sought to update this section to ensure effective monitoring and delivery of the Local Plan objectives.
Appendix 2	Update to reflect the impact of adding in brownfield sites, increasing brownfield densities, and removing sites SA33-35
Appendix 3	Several areas validly covered by existing policies are not covered by their proposed replacements. A review should be undertaken to ensure all policy requirements are carried over to the new Local Plan.
A4.2	The provision of cycle spaces for housing that is not within acceptable cycling distance from the town centre can validly be reduced.
A4.3	Consideration should be given to increasing the size of parking spaces to accommodate the larger average vehicle size.

Changes are required to all of these parts of the Local Plan in order to make it sound.

* As the housing requirement figure used in the Local Plan is determined based on the total of the dwellings proposed on allocated sites, rather than a calculation based on need, the addition or removal of a site will result in a change to the housing requirement figure rather than an over or under-supply against the requirement. This means that the size of the Horton Farm site is not a fundamental factor as to whether or not it should be included.

In practice, a combination of:

- Increased densities on brownfield sites (as required by NPPF para 146b))
- The inclusion of discounted brownfield sites (as required by NPPF para 146a))
- The inclusion of discounted previously developed sites (as required by NPPF para 146a))

Could fully offset the removal of the greenfield Green Belt sites.

Policy wording issues

NPPF Para 16 states:

'Plans should: ...

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'

It must be remembered that decisions based on the Local Plan policies must be capable of standing up to legal challenge. Imprecision and ambiguity in policy wording will leave these policies open to interpretation and any decisions based on them may, as a consequence, be successfully challenged and overturned.

Policy wording inappropriately indicating optionality

Many of the policies included in the Local Plan (other than site specific policies) have been worded in the affirmative, e.g. 'X will be permitted', 'X will be supported', for instance Policy S3.

This is problematic as it implies that complying with only one of the affirmative policies is sufficient to guarantee planning permission. This cannot be the intention as it would render the planning system largely irrelevant. Such wording also implies that there is no discretion that can be applied where, for instance, there are other material factors that weigh against permission.

Because of this style of wording, it is not evident how a decision maker should react to development proposals.

Example:

The objective is to permit natural food which doesn't contain nuts. Two policies are written in an attempt to achieve this:

Example Policy 1 v1: Food will be permitted if it is made from all natural ingredients

Example Policy 2 v1: Food will be permitted if it does not contain nuts

The wording of the policies indicates that if food is either made from all natural ingredients **or** food does not contain nuts, it will be permitted. It can be argued that by complying with policy 1, food containing nuts has met the threshold for being permitted and there is no need to check further compliance.

Alternative wording:

Example Policy 1 v2: Food will only be permitted if it is made from all natural ingredients

Example Policy 2 v2: Food will not be permitted if it contains nuts

This wording means that both the policies must be complied with; food must be made from all natural ingredients **and** must not contain nuts. Neither policy overrules the other.

Much more appropriate is wording such as 'X will only be permitted where', 'X will not be permitted if', etc. This does not imply compliance with a single policy is sufficient to enable planning permission to be granted, and leaves open the consideration of planning balance in planning decisions.

Wording of policies must be written in such a way as to ensure correct and consistent interpretation. The current policy wording does not comply NPPF para 16d) and means the plan is unsound.

Ambiguous or imprecise policies

a) 'Will normally be permitted' and similar phrases

The phrase 'will normally be permitted' without providing any criteria as to when this will not apply renders a policy meaningless (e.g. DM4).

Example:

Example Policy 1 v3: Food will normally be permitted if it is made from all natural ingredients

Example Policy 2 v3: Food will normally be permitted if it does not contain nuts

The implication of both these policies is that there are occasions on which food made from all natural ingredients, or food containing nuts would not be permitted. The absence of criteria leaves the decision maker to guess when permission may not, or should not, be granted.

If there is a decision to be made, this should be clearly stated and the criteria for making the decision set out.

Example Policy 1 v3: Food will only be permitted if it is made from all natural ingredients and it does not contain any of the banned ingredients listed in appendix 1

Example Policy 2 v3: Food will not be permitted if it contains nuts. The exception to this policy is that food containing coconut milk may be permitted subject to compliance with Policy 1 v3.

This wording sets out the exceptions to the basic rules, meaning that there is no ambiguity.

b) Non-specific policies

Policies which lack detail or substance serve no useful purpose.

Example:

Example Policy 1 v4: Natural ingredients will be supported

The decision maker is obliged to ignore the policy as it has no obvious practical application.

Policy S9 of the Local Plan is an example of this type of wording, for instance 'sustainable growth of the borough's economy will be promoted by supporting the visitor and night-time economy'. This involves no practical or financial commitment and cannot be used to interpret any applications or make decisions.

Wording of policies must be written in such a way as to avoid ambiguity and ensure correct and consistent interpretation. The current policy wording does not comply NPPF para 16d) and means the plan is unsound.

Duplication of policies

NPPF Para 16 states:

'Plans should: ...

f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).'

Policies such as S2 duplicate requirements set out in the NPPF. For instance, it is superfluous to state that *'the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'* as this is mandated by the NPPF.

Currently the Local Plan is not sound with respect to policy drafting. **All** Local Plan policies should be reviewed, and amended as necessary to ensure they comply with NPPF Para 16.

Sustainability appraisal issues

It is evident from reading the Sustainability Appraisal – November 2024 ('SA') that it contains significant levels of subjective commentary and reflects the opinions of council officers.

Elected members were not involved in decision making in the development of the Local Plan. Indeed many members were not aware of which sites had been included until papers were published for the November 2024 LPPC committee meeting and expressed surprise and concern at what was included.

The opinions included in the SA do not reflect the views of many (or possibly any) of the members or the residents they represent. Because these opinions have not been the subject of any scrutiny or challenge (the SA was not discussed at the Nov 2024 LPPC or Dec 2024 Full Council) there is a significant probability that they contain errors, inaccuracies and other issues.

The ratings, and rankings in the sustainability appraisal are, in many cases, flawed. **Basing site selection on flawed assumptions makes the Local Plan unsound.**

This assessment focuses mainly on the 'Growth Scenarios Appraisal'.

Early and effective opportunity to express opinion

Page 74 of the SA states:

'Authorities... and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme.' (Art. 6.1, 6.2)

An opportunity to express an opinion on the Local Plan can only be considered effective if it is at a point at which it can impact what is included in the final document submitted to the examiner.

It is necessary for the council members to provide strategy, direction and scrutiny of these documents over the course of the plan preparation. In practice they were excluded from any public assessment of the Local Plan or its supporting evidence base from Feb 2023 to Nov 2024, by which time it was too late to impact the plan without catastrophically affecting the delivery timetable.

As set out elsewhere in this document, the council failed to share, in any form, in part or as a whole, the draft plan or environmental report, prior to November 2024. At this point it was too late to provide an effective opportunity for authorities or the public to express opinions and these to have an impact.

The council failed properly to comply with this requirement.

Before analysing the Sustainability Appraisal, it is first necessary to challenge the scenario options.

'Low growth'

As set out elsewhere in this document, the Local Plan fails to provide land for employment growth within the borough.

The meaning of 'growth' in the context of a Local Plan is not simply the expansion of the population.

In the low birth rate environment currently experienced in the UK, population expansion is largely achieved through displacement of population from other regions so does not represent growth, but migration.

In the Regulation 19 Local Plan, growth appears confined to an increase in house-building with an associated decrease in greenfield land.

As the borough is not home to any house-building companies of note, this house-building activity will have very limited benefit to the local economy during the construction phase.

As there is no provision for significant employment growth in the Local Plan, the incoming population will largely work outside the borough. If not, with limited employment opportunities there may be an increase in local unemployment.

As the trend for retail consumption continues to move to on-line shopping, a substantial portion of the impact of housing growth will be to on-line retailers rather than to local retailers, muting any local economic growth.

It is evident that without a well-developed and defined economic growth offering, all scenarios presented result in a similar level of growth. Selecting one scenario to describe as 'low-growth' is therefore misleading.

It is important to recognise that, after centuries of expansion, low growth is not in itself a negative. Notwithstanding the government's drive for economic growth, there are considerable benefits to be derived from containing and directing growth so that it is 'good growth' that benefits humanity and the environment. This may include (but not be limited to) transformation to a low-carbon economy, with local material sourcing, local jobs, reduced vehicle use and lower per-head consumption.

In this context, 'low-growth' provides the most sustainable Local Plan. The SA report fails to recognise this and indeed argues the opposite.

- The Local Plan does not seek effectively to decarbonise the borough.
- There are no initiatives to improve the energy or water efficiency of existing housing stock.
- There are no committed initiatives to reduce car use.
- There are no initiatives that encourage local sourcing of food or goods.
- While new housing is planned to meet national building regulations, there are no initiatives that go further than what is legally required. And new housing (even that described as 'zero-carbon') has significant impacts on both the local environment and on the environments from which the raw-materials are sourced.

In short, the Local Plan is not ambitious in any sense of the word.

In this context, as neither the Local Plan nor the SA set out an ambition for low (good) growth, the naming of Scenario 1 as 'Low Growth' is not descriptive of what it represents and is inappropriate. It is a 'brownfield' scenario and should be titled accordingly.

The Core Strategy 2007 includes:

‘provision for housing development over a 15 year period from adoption, based on the average housebuilding rate for 2006-2026 of 181 homes per annum and the need to provide an additional 3,620 dwellings between 2006 and 2026;’

This was aligned to the requirements of the ‘South East Plan’ and was ambitious and acceptable.

The housing delivered under the council’s (non-compliant) brownfield scenario is for 3,564 homes over the period 2022 to 2040, a rate of 198 dwellings per annum, 10% higher than that which was deemed ambitious and acceptable in the existing Local Plan. This rate has not changed, it is the goalposts that have moved.

Scenario 1b below provides opportunities to increase brownfield (and PDL) housing delivery by over 1,000 homes (see section on the Land Availability Assessment) to a rate of 250dpa or more, a 40% increase over the Core Strategy 2007 levels. This is above the underlying housing need for the borough whilst protecting the Green Belt and is therefore the preferred development option.

Affordable housing need

Para 7.2.1 states that

‘the levels of affordable housing need that exist[s] locally... is a figure many times higher than the 30 homes affordable homes per annum delivery figure that the Borough has averaged over the past six years.’

This highlights a fundamental issue with both the existing Local Plan and the Regulation 19 proposals; the issue of deliverability.

The current local plan policy CS9 requires developments of 5-14 dwellings to provide 20% affordable housing, and larger developments to provide 40% affordable housing, with an overall target of 35% affordable housing. The overall targets are currently the same or higher than those proposed in the Regulation 19 Local Plan.

Why then is the level of affordable housing delivered running at c.15%?

Either the policy is insufficiently robust, or the implementation of the policy is failing. In either case, simply increasing the level of non-affordable housing, at the expense of the borough’s identity and the environment, does not target the root cause of the issue.

The proposed Regulation 19 Local Plan should be focussing on how to ensure it delivers the proportions of truly affordable housing ‘for those whose needs are not met by the market’, rather than following a large-scale construction programme which is unlikely to succeed.

The SA does not address this issue meaning that the affordable housing levels will not be delivered and the Local plan is not sound.

Unmet ‘housing need’

As set out elsewhere in this document, the actual ‘need’ for housing is generated only by those ‘whose needs are not met by the market’. A substantial part of this is from population growth, although organic population growth is anaemic.

The 'housing need' defined by the Standard Method is misnamed and, for the housing built under this formula to be fully utilised, requires large-scale immigration into the borough.

In the absence of new employment opportunities in the borough, this immigration will generate greater levels of travel to jobs outside the borough.

All statements in the SA related to the detrimental impacts of leaving 'unmet need' must take into account:

- a) That there is no underlying unmet need in any of the proposed scenarios. The lowest-housing brownfield scenario meets all local need from organic growth and the homeless.
- b) This being the case, there is no requirement to meet the misnamed 'unmet need' in other boroughs if the housing is not built in Epsom & Ewell.

As long as the organic growth requirement and homeless need is fulfilled, there is no 'unmet need' and scenario impacts should focus only on the other impacts of the development.

Scenario selection

The sites included in the SA scenarios warrant review, and in some cases, adjustment.

'Land adjacent to Ewell East Station' (Priest Hill)

This plot is not available due to a long lease on the site (and should not have been included in the Regulation 18 Local Plan due to this constraint). It is assumed that this will be excluded, and therefore is removed from Scenario 7 in the analysis below.

Urban area

The brownfield scenario presented does not make full use of available brownfield land, as set out in the Land Availability Assessment section of this document. The Local Plan is unsound if it does not make as much use as possible of suitable brownfield sites.

As a result, the analysis below includes a 'brownfield plus' scenario which increases both the number of brownfield sites utilised, and the building densities, in line with the requirements of NPPF para 146. This scenario can be found sound.

Previously developed land ('PDL')

It is reasonable to include PDL in the base brownfield site selections as they would only be excluded if housing need could be met in full without them.

The housing densities on these sites may be considered sub-optimal and further housing may be possible (particularly if greenfield Green Belt sites would otherwise, or in addition, need to be selected).

Chantilly Way

As this is currently greenfield Green Belt land and can only be released in exceptional circumstances, it is inappropriate and incorrect to be included in Scenario 1. In the analysis below, it is included in Scenarios 2-7.

Hook Road Arena

Given the high performing Green Belt status of Hook Road Arena and the low level of housing need to be met from its allocation, it is not appropriate that this is included as a fixed site in scenarios 2 to 7. All of the variable sites provide greater housing and several perform at or below Hook Road Arena with respect to Green Belt quality and flooding.

The potential benefits of the provision of sports pitches on parts of the Hook Road Arena site can be successfully realised separately from any housing allocation and are not considerations in favour of the inclusion of the site. Any suggestions that the housing proposed for part of the site is 'enabling development' are not supported by any analysis. 'Enabling development' is also not a principle generally accepted for site allocations.

In the analysis below, it is included in Scenarios 2, 6 and 7.

Hollywood Lodge (HOR002)

This site contains an area of previously developed land which should be developed and is therefore included in revised Scenario 1b (and consequently all other scenarios).

Other greenfield Green Belt sites inc Noble Park (HOR007)

The remaining sites included in the scenarios represent an incomplete subset of environmentally and socially valuable greenfield Green Belt sites the development of which will result in varying, but generally substantial, detrimental impacts including issues such as flooding, transport infrastructure, school availability, etc.

The Land Availability Assessment should have assessed all Green Belt sites (under government policy) but failed to do so. The rationale for including only some of the available sites in the SA is not compelling.

In the absence of a complete Green Belt assessment, the Noble Park site is included in revised Scenario 7, but is not supported for development.

Scenario selection conclusion

It is necessary, under government guidance, to assess various alternative scenarios. Based on the revised assessment below, it is clear that revised Scenario 1b provides the most appropriate balance and should be taken forward in the Local Plan. All of the sites can be validly excluded under the NPPF (Dec 2023) and should be protected as far as possible from development, for the benefit of future generations. **It is revised Scenario 1b that will result in a sound local plan, the Scenario 5 proposed for adoption is unsound.**

Scenario Analysis

The Scenario rankings against the different criteria have not been objectively assessed, each on a standalone basis. Instead, the majority of the rankings reflects a bias towards development (at whatever cost).

It is important to start with an unbiased, objective assessment. It is then possible to overlay the impact of other factors or outcomes that outweigh the underlying criteria.

The Revised rankings set out below take this unbiased, objective approach to scenario assessment.

- **Red** indicates a significant negative effect
- **Amber** indicates a negative effect of limited or uncertain significance
- **Light green** indicates a positive effect of limited or uncertain significance
- **Green** indicates a significant positive effect
- No colour indicates a neutral effect

Accessibility

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
5	4	3	2	1	1	2

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
2	1	3	4	4	5	6	7

Quotes from the SA are included in *italics* below.

Horton Farm

'Whilst latest understanding is that there is no requirement for the site to deliver a primary school, discussions remain ongoing (delivering an SEN school is another option) and there should be flexibility to deliver a school if required.'

See separate section on primary schools. The Horton Farm site is not sustainable with respect to primary school provision.

'The site is also considered to be well-located from an accessibility perspective in terms of: A) integrating with and complementing recently redeveloped areas within the former hospital cluster; B) accessing the town centre; and C) accessing neighbourhood retail areas'

This statement conflicts with the evidence provided in support of the Local Plan.

The site is unsustainable as it is not within walking or cycling distance of key destinations, lacks suitable cycle routes to those destinations and will rely almost entirely on private vehicles.

As the majority of journeys will be by private vehicle, there is no benefit of selecting this site compared to any other site serviced only or largely by private vehicles.

The highway assessment indicates that adjacent road junctions already exceed capacity and cannot accommodate the significant further traffic this development would produce.

There is no evidence to support the assertion with it would integrate with or complement the former hospital cluster, or that this would provide any benefit.

There is a single, small retail area which is relatively accessible. Other than this, the assessment provided is incorrect.

Hook Road Arena

This is on the B284 which already suffers from congestion.

No detail is provided of the 'major new sports hub', or the impact of it on the road network and parking provision.

Growth quantum

'Generating unmet need is not supported, as there can be no certainty that this would be provided for elsewhere in a way that performs well in terms of accessibility objectives. Similarly, a low growth scenario could create issues for the progression of the plan, such that the Borough is at risk of sub-optimal growth (e.g. piecemeal growth in the Green Belt, or growth in the town centre that does not fully align with the masterplan) under the presumption in favour of sustainable development. There is a clear case for realising opportunities to deliver community infrastructure benefits alongside housing growth, and several of the variable sites discussed above have merit in this regard.'

As set out above, there is no 'unmet need' in any of the scenarios.

On the assumption that the Local Plan is approved, it is inappropriate to assume that 'unmet need' will be provided for elsewhere.

- a) Neighbouring boroughs have responded to the consultation stating that they cannot help to meet need; and
- b) The approved Local Plan would dictate what and where development will be permitted. The presumption in favour of sustainable development is met by following the Local Plan, not by speculative development that fails to comply.

There is no community infrastructure benefit required from sites that do not exist, so this is also misleading.

On this basis, accessibility reduces the more housing is built that relies on unsustainable transport (private vehicles). This is reflected in the revised analysis above.

Air Quality

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
3	2	2	★1	★1	★1	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	2	3	4	4	5	6	7

Growth quantum

‘There is a clear transport argument to be made against generating unmet housing need, as discussed further below under the ‘transport’ heading. Also, some towns in the sub-region that might feasibly be a focus for unmet need are notably constrained in air quality terms.’

As set out above, there is no ‘unmet need’ in any of the scenarios.

On the assumption that the Local Plan is approved, it is inappropriate to assume that ‘unmet need’ will be provided for elsewhere. There is not a valid transport argument against generating what is termed ‘unmet housing need’ (see transport section below).

Neighbouring boroughs have responded to the consultation stating that they cannot help to meet need. There is no obligation for boroughs

Additional housing that is not fully supported by sustainable transport modes will reduce air quality. The revised rankings illustrate this fact, with the considerable increases in vehicle movements, and the insufficient capacity of road networks in the vicinity of the Horton Farm site in particular, resulting in road congestion and pollution.

Biodiversity

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
3	2	2	★1	★1	★1	3

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	2	3	3	4	5	6

Growth quantum

‘unmet need from East Surrey is problematic for biodiversity, given a high level of constraint affecting West Surrey, including the internationally important Thames Basin Heaths Special Protection Area (SPA), around which there is a 400m zone where there is no potential for new homes and a 5-7km zone (depending on scheme size) within which there are strict requirements for new homes to come forward alongside costly mitigation including Suitable Alternative Natural Greenspace (SANG).’

As set out above, there is no ‘unmet need’ in any of the scenarios.

On the assumption that the Local Plan is approved, it is inappropriate to assume that ‘unmet need’ will affect the listed sites. As highlighted in the SA, there are exclusion zones in which housing cannot and will not be built. To assess local sites on the basis that suggested under-delivery of housing will result in a breach of obligations elsewhere is incorrect and unsupported.

Protecting and enhancing greenfield sites (as required by the NPPF, but not as currently delivered in this Local Plan) will have the most positive impact on biodiversity. The revised rankings reflect the level of greenfield land loss in each scenario.

Revised Scenarios 1 and 1b do not result in any greenfield land loss and require biodiversity net gain, and therefore have a limited positive effect.

Climate Change Adaptation

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
★1	★1	★1	★1	2	★1	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	3	2	2	3	3	3

The SFRA understates flood risk, as set out elsewhere in this document. The Horton Farm and Hook Road Arena sites score poorly in the sequential test and should be avoided if possible.

Climate Change Mitigation

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	★1	★1	★1	★1	★1	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	2	3	3	4	4	4

The mitigation of climate change requires the availability of natural green spaces with healthy tree and plant growth, land for flood water absorption

Flatted developments provide the opportunity for the lowest carbon per dwelling and water use per dwelling, significantly below those of houses. Detached housing, such as that anticipated for larger site allocations have the most negative impact.

Town centre sites are intended to have minimal private vehicle use, whilst all the developments added in revised Scenarios 2 to 7 will be almost entirely dependent on private vehicle use.

In addition, development of greenfield land removes existing mitigations. The greater the land use, the greater the detrimental impact of the development.

Communities

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	1	1	2	2	3	3

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
1	1	2	3	4	4	5	5

Higher growth scenarios

‘Whilst the equivalent appraisal in 2023 was ultimately unable to differentiate between the growth scenarios with any certainty, at this stage it is considered appropriate to flag a concern with the higher growth scenarios. This is on the basis of local concerns with housing growth, as understood from the consultation in 2023, and in the context of a densely developed Borough associated with sensitive green gaps between settlements. Also, the reality is that a high growth scenario would generate very significant levels of local opposition with the implication that the plan would struggle to progress, leaving the Borough at risk of planning applications being considered under the presumption in favour of sustainable development, and the Borough also potentially being at risk from Government intervention (which is to be avoided, if at all possible, from a ‘communities’ perspective).’

Each of the Hospital clusters currently have active local communities with levels of ‘village’ style interaction. Building on Horton Farm would absorb these communities into the densely developed borough with no tangible, offsetting benefits.

There is very strong opposition to development of greenfield, Green Belt sites, particularly so for the Downs Farm and Horton Farm sites which is already pitching communities against the council.

The SA makes the statement that development of Horton Farm and Hook Road Arena would ‘complete’ the expansion of Epsom in this direction. The redevelopment of the former hospital sites was restricted to specific areas. Horton Farm and Hook Road Arena were never part of a wider plan, and therefore developing them do not represent ‘completion’ of a project, but rather the undermining of previous successful developments.

Only the brownfield scenarios provide realistic opportunities to improve communities.

Economy and Employment

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
7	6	5	4	3	2	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	2	3	3	3	3	3

The employment opportunities generated directly at any of the greenfield sites are minimal. There is the potential for a limited number of janitorial-type roles for larger flatted developments such as might be found on the former gas works site.

'A lack of family and affordable housing can be a major issue for the effective functioning of local economies'

As set out elsewhere in this document, truly affordable homes are likely only to be delivered from flatted developments. Part of the affordability of homes is also related to the availability of public transport, avoiding the cost of private vehicles (see separate section on affordable housing). All of the greenfield sites included in the scenarios are likely to require the use of private vehicles for the majority of transport needs, making the housing less affordable overall.

As there is limited consideration or delivery of employment opportunities included within the Local Plan, the benefits that might have been associated with housing growth will largely be lost. It is possible that higher unemployment levels might result, but as there is no analysis of employment provision, this is not represented in the revised table above.

Rankings are therefore based on the likelihood of relative affordability of homes and the likelihood of sites generating truly affordable housing.

Historic Environment

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	★1	★1	★1	★1	★1	3

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	★1	★1	2	2	3	4

Downs Farm, Horton Farm and Noble Park developments all have the potential to impact listed buildings and/or conservation areas. These sites are therefore ranked slightly below the other options.

Housing

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
7	6	5	4	3	2	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
5	4	4	3	3	2	★1	★1

'6.10.1 There is a clear need to rank the scenarios in order of growth quantum and to predict significant negative effects under all scenarios because of the unmet housing need generated (see discussion in Section 5.5). As part of this, the Borough would continue to deliver affordable housing at a very low rate (see discussion in Section 5.2) given the current reliance on market-led housing schemes to deliver affordable housing.'

As set out above, there is no 'unmet need' in any of the scenarios.

Ranking is based purely on the number of homes delivered. As there are only limited additional homes delivered on Hook Road Arena and Noble Park, these do not impact the rankings given.

Land, Soils and Resources

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	★1	★1	★1	★1	★1	★1

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	2	3	3	4	4	4

'[Based on the] 'provisional' agricultural land quality dataset... all agricultural land in the Borough [is] either 'grade 3' quality (which may or may not be 'best and most versatile, which the NPPF classes as land that is of grade 1, 2 or 3a quality) or 'grade 4' quality. Specifically, there is a prevalence of grade 4 quality land in the south of the Borough, which could potentially mean that Horton Farm comprises higher quality agricultural land than is the case for Downs Farm; however, there is no certainty in this respect.'

The rankings given in the SA do not reflect the analysis above.

'It is fair to predict that scenarios involving high levels of unmet need would lead to pressure on productive, and potentially higher grade, agricultural land over-and-above scenarios involving meeting more of Epsom and Ewell's housing need in the Borough. However, this is a fairly marginal consideration, as the national 'provisional' dataset does not show a high prevalence of higher quality (grade 2) quality land across the wider sub-region.'

As set out above, there is no 'unmet need' in any of the scenarios.

Notwithstanding this, there is no expectation that high performing farm land will be used elsewhere outside the borough to provide additional homes, so there are no known impacts of any hypothetical unmet need.

Landscape

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	★1	4	3	★1	5	5

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
★1	★1	2	4	4	3	5	5

It is clearly the case that brownfield developments have the lowest impact on the landscape.

The assessments of landscape value from the Green Belt reports is reflected in the revised rankings above.

With respect to Horton Farm, the report states

‘... this is a historic area of farmland closely associated with the Hospitals Cluster, surrounded by historic roads/lanes on three sides, and with the majority of the historic field boundaries shown on the pre-1914 OS map still present. However, there are no public rights of way intersecting or adjacent to the site (other than footways along the roads), and along the entire perimeter of the site the roads appear to have been widened and otherwise modernised (including with near complete coverage of offroad cycle paths), which likely limits any sense of rurality. There are widespread views into the site from the adjacent roads and associated pedestrian / cycle paths, but these are filtered views through hedgerows (of varying thickness / quality, and with some standard trees) and, whilst the land does rise to the west, it is not clear that there are extensive views into or across the site that are likely to be of particularly high value (this will require further consideration through masterplanning, noting that the current proposal is to focus greenspace on lower land subject to surface water flood risk).’

In practice, the Horton Farm landscape is highly appreciated by local residents, giving the former hospital cluster a rural feel. Views from the South West and West include picturesque farmland with the backdrop of the original brick tower on the St Ebbas site. The footpath / cycle path to the South West also affords views across to the City of London, including the Shard and other prominent landmarks. All these views would be lost through development of the site.

Transport

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
4	3	3	2	1	2	2

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
1	1	2	3	3	4	5	5

The rankings in the SA do not reflect the output of the Transport Assessment or Highways Assessment supporting the Local Plan. They are so misaligned to call into question how they were prepared.

One of the main purposes of a ‘brownfield first’ approach to development is:

‘to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.’ NPPF Note 27

For the SA to score the brownfield sites as worst for transport, particularly when these sites are close to public transport facilities, makes no logical sense.

Growth quantum

‘Generating unmet need is not supported, because there is a clear transport-case for providing for housing need as close as possible to source (i.e. where the housing need arises). Also, unmet need is not conducive to effective strategic transport planning, which requires early and long-term certainty regarding the distribution of housing growth across a sub-region. Having said this, at this advanced stage in the plan-making process it is also fair to strike a note of caution in respect of the higher growth scenarios appraised, in that the County Council has not commented on them (the County Council did not comment on the Interim SA Report, 2023) and they have not been a focus of detailed work to consider traffic / transport implications (or opportunities, e.g. targeted infrastructure upgrades).’

As set out above, there is no ‘unmet need’ in any of the scenarios. There is specifically no housing need at any of the greenfield sites.

Housing should be provided near to existing (or proposed) sustainable transport links.

No improved transport infrastructure is proposed as part of the Local Plan to address the greatly increased transport requirements arising from the development of sites away from the Town Centre and train stations.

Noble Park and Hollywood Lodge

'The two adjacent sites to the west (Noble Park Extension / Hollywood Lodge) benefit from good proximity to the town centre, and reasonable bus connectivity.'

The Transport Assessment ranks Noble Park as 181st and Hollywood Lodge 176th out of 191 sites assessed.

Horton Farm

'Has reasonable train and bus connectivity, with work having established that there is the potential to divert two bus services into the site, which is encouraging albeit bus services are inherently uncertain, and equivalent work has not been undertaken for all of the other variable sites. There is also very good cycle connectivity, including to existing local centres (there are offroad routes on nearly all sides of the site), very good road access (subject to ongoing work, including noting surface water flood risk), and there is an opportunity to better-connect the somewhat isolated community of Long Grove.'

This description appears to bare little or no relation to the supporting evidence.

The Transport Assessment shows that the Horton Farm site is in neither a 20 minute or 40 minute neighbourhood, scoring the site poorly (before accounting for the incorrect school scoring explained elsewhere in this document which would reduce the score further).

It shows that Horton Farm scores worst out of all sites for access to train stations; it does not have 'reasonable connectivity'.

The Highways Assessment, discussed elsewhere in this document, highlights the inadequacy of the road network in the vicinity of Horton Farm to support additional vehicular traffic.

The Epsom and Ewell Local Cycling and Walking Infrastructure Plan indicates that Horton Farm is not supported by an effective cycle network (to required destinations). It is not sufficient that there are cycle paths running around the site as these serve only recreational, not transport purposes.

The response to the Regulation 18 Local Plan from the neighbouring Royal Borough of Kingston on Thames stated:

'Strategic site allocations SA5 [West Park Hospital], 6 [Horton Farm], 7 [Chantilly Way] and 9 [Hook Road Arena] sit within reasonable proximity to the RBK borough boundary, and are scored under the Reg 18 Transport Assessment as having poor access to a number of key criteria, including access to railway stations. There is concern that development of these sites, through the high likelihood for car dependency, will add pressure to the local road network including the key stress points of Hook and Tolworth junctions of the A3. Hook junction is a strategic bus transport route through RBK, and any further traffic increase here has the potential to impact sustainable transport within our borough. Of particular note for impact to Hook Junction are:

- *Hook Road Arena SA9, which is scored relatively poorly for access to secondary schools, GPs, town/secondary centres and rail stations*
- *Horton Lane SA6 similarly has relatively poor access to a number of key criteria'*

No road network improvements are proposed to address any of the issues raised.

Other sites

All of the greenfield sites perform poorly from a transport perspective as they are not sufficiently close to public transport hubs. The larger the housing development, the more significant the detrimental impact the site will have on the road network. Conversely, the lower the level of housing away from the Town Centre, the better from a transport perspective.

Water

The SA provides the following ranking of scenarios:

Scenario 1 Low growth	Scenario 2 Scenario 1 + Hook Rd Ar.	Scenario 3 Scenario 2 + S. Cluster	Scenario 4 Scenario 2 + Downs Farm	Scenario 5 Scenario 2 + Horton Farm	Scenario 6 Scenario 2 + SC, DF, HF	Scenario 7 Scenario 6 + two sites
2	2	1	1	1	2	2

Revised rankings based on the plan evidence are:

Scenario 1 Brownfield	Scenario 1b High density, more sites	Scenario 2 Scenario 1b + Hook Rd Ar.	Scenario 3 Scenario 1b + S. Cluster	Scenario 4 Scenario 1b + Downs Farm	Scenario 5 Scenario 1b + Horton Farm	Scenario 6 Scenario 1b + HRA, SC, DF, HF	Scenario 7 Scenario 6 + Noble Park
1	2	3	4	4	5	6	6

The SA states:

'there are regional and potentially sub-regional concerns ('water stress'), [however] there is no reason to suggest a particular concern with higher growth in Epsom and Ewell.'

The area is water-stressed, and minimising growth in water consumption is therefore the preferred option.

There are a high level of sewage releases into the Hogsmill resulting from excess sewage water from Epsom & Ewell and other areas. Whilst longer term plans have been set out by Thames Water to attempt to address this issue, in the short and medium term, all housing growth will increase the levels of sewage and therefore the likely frequency and impact of sewage releases.

The sites are therefore ranked in order to fewest to most housing delivered.

Summary of Revised rankings for each scenario

The table below summarises the objectively assessed Revised rankings for each of the scenarios. This differs significantly from the rankings in the SA (see following page).

Scenario	1 Brownfield	1b High density, more sites	2 Scenario 1b + Hook Rd Ar.	3 Scenario 1b + S. Cluster	4 Scenario 1b + Downs Farm	5 Scenario 1b + Horton Farm	6 Scenario 1b + HRA, SC, DF, HF	7 Scenario 6 + Noble Park
Topic								
Accessibility	2	1	3	4	4	5	6	7
Air quality	1	2	3	4	4	5	6	7
Biodiversity	1	1	2	3	3	4	5	6
Climate Change adaptation	1	1	3	2	2	3	3	3
Climate Change mitigation	1	1	2	3	3	4	4	4
Communities	1	1	2	3	4	4	5	5
Economy / employment	1	1	2	3	3	3	3	3
Historic environment	1	1	1	1	2	2	3	4
Housing	5	4	4	3	3	2	1	1
Land, soils & resources	1	1	2	3	3	4	4	4
Landscape	1	1	2	4	4	3	5	5
Transport	1	1	2	3	3	4	5	5
Water	1	2	3	4	4	5	6	6

Scenario 1b includes all available brownfield and previously developed land sites. It requires the land availability assessment to be updated (as set out elsewhere in this document) in order to release further brownfield housing. It anticipates an uplift in housing densities on brownfield sites where there is reasonable to achieve.

On balance, Scenario 1b is the preferred option as it balances the provision of significant housing with protection of the other important characteristics of the borough and can therefore be found sound.

The SA proposal to adopt Scenario 5 is unsound.

Further work is required in all scenarios to properly complete the Land Availability Assessment and to comply with the requirements of NPPF (Dec 2023) para 146a and b, in order to ‘make as much use as possible of suitable brownfield sites and underutilised land’ and ‘optimise the density of development’.

Assessment of plan soundness

Paragraph 35 of the NPPF (Dec 2023) sets out the requirements for plans to be deemed ‘sound’.

1. 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’

None of the scenarios presented in the SA or in the Revised rankings above meets the standard method housing figure. This is because there is limited available, appropriate land for delivering housing without either:

- a) Adopting unrealistic and inappropriate housing densities which fundamentally change the nature of the borough (e.g. high rise), and/or
- b) Developing at high densities across all greenfield Green Belt land in the borough.

Such development would be impractical and unsustainable.

Given these constraints, it is also not possible to accommodate unmet need from neighbouring areas.

Accepting that it is not possible to meet this target, the question is as to whether the scenarios presented are sustainable and comply with the other requirements of the NPPF.

Scenario 1b is most sustainable and achieves the greatest level of NPPF compliance of the scenarios considered, whilst providing a substantial uplift in housing delivery over that historically achieved in the borough. Scenario 1b therefore complies with the requirement for the Local Plan to be ‘positively prepared’.

2. Justified

‘an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence’

Having assessed a suite of reasonable alternatives to Scenario 1b, and based on the evidence provided, this is an appropriate strategy and can therefore be considered justified.

3. 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’

Subject to addressing a number of issues set out in this document, including delivering on the % targets for truly affordable housing at each site, Scenario 1b is deliverable over the plan period and can therefore be considered effective.

Whilst Scenario 1 is easier to deliver than Scenario 1b, it provides lower levels of housing and is not compliant with NPPF para 146. The other scenarios considered would be more challenging to deliver and detrimental to the borough and therefore not effective.

4. 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.’

Subject to addressing the issues set out in this document, Scenario 1b results in the greatest level of compliance with the policies included in the NPPF (Dec 2023) and can be considered consistent with national policy.

Original SA rankings

Scenario	1	2	3	4	5	6	7
	Low growth	Scenario 1 + Hook Rd Ar.	Scenario 2 + S. Cluster	Scenario 2 + Downs Farm	Scenario 2 + Horton Farm	Scenario 2 + SC, DF, HF	Scenario 6 + two sites
Topic	Order of preference (numbers) and predicted significant effects (shading)						
Accessibility	5	4	3	2	1	1	2
Air quality	3	2	2	1	1	1	1
Biodiversity	3	2	2	1	1	1	3
CC adaptation	1	1	1	1	2	1	1
CC mitigation	2	1	1	1	1	1	1
Communities	2	1	1	2	2	3	3
Economy / emp.	7	6	5	4	3	2	1
Historic env.	2	1	1	1	1	1	3
Housing	7	6	5	4	3	2	1
Land and soils	2	1	1	1	1	1	1
Landscape	2	1	4	3	1	5	5
Transport	4	3	3	2	1	3	2
Water	2	2	1	1	1	2	2

Lack of active choice to review and alter Green Belt boundaries

The NPPF (Dec 2023) states:

*'145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. **Authorities may choose to review and alter Green Belt boundaries** where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.'*

The requirement to make a choice as to whether or not to review and alter Green Belt boundaries was created in Dec 2023 on issuance of the updated NPPF under which this local plan is being considered.

According to the EEBC constitution Appendix 3, the Licensing and Planning Policy Committee ('LPPC') is:

'To be responsible for influencing and controlling development and use of land as Local Planning Authority including:

- a. Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.*
- b. Preparation, adoption and review of Supplementary Planning Documents.'*

The choice as to whether or not to review and alter Green Belt boundaries was therefore required to be made either by Full Council or the LPPC. According to the minutes of those meetings no choice was ever put before either Full Council or the LPPC as to whether to review and/or alter Green Belt boundaries.

It is acknowledged that council officers, without requesting a decision / choice to be made by the Full Council or LPPC over the review or alteration of Green Belt boundaries, took it upon themselves to make the decision on behalf of the Council, however they appear not to have been entitled to make that decision.

It *may* be argued that the decision was implicitly approved by the LPPC in its meeting of 20 Nov 2024 and/or the Full Council in its meeting of 10 Dec 2024, however such an argument would be at best weak. Even in these meetings, the question of whether to review and/or alter Green Belt boundaries was not raised, discussed or voted upon. At Full Council on 10 Dec 2024, which was the only opportunity afforded to councillors at any stage to question or debate the Local Plan, councillors were permitted only to ask a single question each before being required to vote on approving the Local Plan for Reg 19 consultation. This in itself was undemocratic, but was exacerbated by the fact that they did not know they would be limited to a single question, and only found this out when trying to raise a second question.

It cannot reasonably be concluded that, in the absence of any discussion, debate or voting at any stage, that EEBC chose to review and alter Green Belt boundaries. Instead the decision was made for them by unelected council officers, a decision they were obliged to accept because of inadequate processes for decision making and scrutiny.

At a broader level, neither the LPPC nor the Full Council made any decisions on the Local Plan or its strategic objectives, or scrutinised its content at any point from Feb 2023 to Nov 2024.

Para 33A of the Planning and Compulsory Purchase Act 2004 mandates that the authority 'engage **constructively, actively and on an ongoing basis** in... the preparation of development plan documents and the preparation of other local development documents'.

On 25 October 2023, the council issued the following statement:

[Epsom & Ewell Borough Council's Local Plan process to be un-paused | Epsom and Ewell Borough Council](#)

This states: 'All Councillors will be involved in the **development of** the proposed submission version of the Local Plan'

As the development of the Local Plan was not included in the agendas of either the LPPC or the Full Council prior to the approval in Nov/Dec 2024, there is no evidence of compliance either with the LPPC's terms of reference, the council's statement of 25 Oct 2023 above, or para 33A of the Planning and Compulsory Purchase Act 2004.

The council has not complied with the law or the NPPF in the preparation of the Local Plan.

The Local Plan should be taken back to the Regulation 18 stage and the correct processes and activities undertaken.

Exceptional circumstances for Green Belt release are not fully evidenced and justified

In the Planning Advisory Services review report dated May 2021, presented to the LPPC, it stated that the strategic and site-specific exceptional circumstances case for Green Belt land release must be clearly and robustly demonstrated.

On 10 April 2024, the Epsom Green Belt Group submitted a Freedom of Information request asking:

'Please provide a copy of the 'clear and robust demonstration of strategic and site-specific exceptional circumstances' for each parcel of Green Belt land proposed to be released under the Local Plan.'

In the 15 May 2024 response to this request, the council stated:

'This information is not held by the Council – evidence being developed.'

To the extent this evidence was being developed in May 2024, as at Feb 2025 it has not been published.

For the Local Plan to be found sound, this evidence should be published to enable scrutiny and challenge.

Insufficient affordable housing on council-owned sites

It must be assumed, based both on past under-delivery of affordable housing and on the profit-motive of developers, that affordable housing provision will never exceed targets set and will frequently not be met in full.

For the Local Plan to be found sound, it must be deliverable. The delivery of the required levels of affordable housing are a key part of this.

The text supporting the existing policy on affordable housing, CS9, contained in the Core Strategy 2007 indicates that:

‘3.12.9 The delivery of the target expressed in Policy CS9 will depend upon some sites being developed for up to 100% affordable homes, including land currently owned by the Borough Council, or under the control of Registered Social Landlords.’

For the Local Plan to be sound, it must deliver the affordable housing needed in the borough. The solution in Core Strategy 2007 set out above, remains appropriate for the new Local Plan.

The council-owned brownfield site allocations should maximise affordable housing delivery by targeting up to 100% affordable housing, e.g. on site SA2 (Hook Road car park), site SA5 (Town Hall), etc.

Council-owned sites should be mandated to deliver 100% affordable housing or, if this is not possible, as close to 100% as is viable (and not less than 40%). This will help to ensure the soundness of the plan with respect to affordable housing provision, and also make the plan more sustainable (as these sites are in town and benefit from sustainable transport links).

Sufficiency and use of financial contributions made in lieu of affordable housing

The Local Plan Policy S6 sets out the circumstances in which financial contributions may be made in lieu of providing the required affordable housing.

The current policy wording is not sound as it does not ensure the affordable housing required can be delivered with the contributions made, and is delivered in practice.

It is clearly highly preferable for each development to provide, in full, the level of affordable housing required by the policy.

The exception to full provision of affordable housing is where the application of the policy would lead to a requirement for fractions of affordable housing (Policy S6 para 3). For instance 40% of an 11-dwelling development would require 4.4 affordable homes; the 0.4 affordable homes is a fraction which can reasonably be fulfilled through a financial contribution.

Other than for fractions of affordable housing, financial contributions in lieu of housing provision should be resisted to the extent it is legally possible to do so. Given the low threshold for 'exceptional circumstances' to be deemed to exist, the wording of Policy S6 para 5 is likely to be insufficient to drive compliance and should be strengthened.

'Only where it can be demonstrated that exceptional circumstances exist will provision for off-site provision be allowed or the payment of a financial contribution made (equivalent in value to it being provided on-site).' Policy S6 para 5

Where financial contributions are made (under Policy S6 para 3 or 5), four criteria should be put in place. This is to avoid the current situation whereby the council receives contributions but does not invest them in the affordable housing stock they are intended to provide.

1. The contribution made must be sufficient to procure in the market, or construct, the number and type of dwellings by which the development provision falls short of its obligations.
In all cases such housing to be within the borough.
In all cases, such housing (other than fractions of houses) to be procured or constructed and made available before completion of the development to which it relates. This ensures sufficiency of financial contributions.
2. For fractions of affordable homes, the financial contributions to be used to procure affordable housing as soon as, and to the extent that, the combined contributions from developments equate to, or exceed, a whole number of affordable houses.
3. All procurement or construction of alternative, off-site provision to be the responsibility of the developer to the satisfaction of, and with written approval from, the council (not to be unreasonably withheld).
4. Any and all interest or investment returns on unspent financial contributions to be retained within the financial contribution fund solely for the purpose of procuring affordable homes and to be used for no other purpose.

These provisions are necessary to ensure the delivery of the mandated level of affordable housing rather than the accumulation of unused funds, or the provision of inadequate funds to secure the required affordable housing provision.

NPPF Paras 11 and 145

NPPF (Dec 2023) Para 11

The officer's report for agenda Item 13 of the 10 Dec 2024 Full Council meeting stated:

'3.13 The housing requirement contained in the Proposed Submission Local Plan is a reduction compared to that contained the Draft Regulation 18 Local Plan (5,400 homes) and presents a significant shortfall when compared to the need generated by the standard method. However, officers consider that this position is in accordance with paragraph 11b(i) and (ii) of the National Planning Policy Framework (NPPF, 2023).'

In numerous places within the evidence base, officers have argued that their preferred Green Belt site allocations must not be removed from the Local Plan. It would be disingenuous to suggest that NPPF Para 11b distinguishes between the sites officers have excluded from the Local Plan and sites residents believe should be excluded. The rule applies equally to all such sites and can, and should support the removal of sites SA33-SA35.

NPPF (Dec 2023) Para 145

When the NPPF was revised in December 2023 to permit local authorities not to review Green Belt boundaries, officers advised councillors that, whilst legally possible, this approach would not be accepted by a planning inspector and should not be adopted.

Notwithstanding this, in EEBC's response to the London Borough of Sutton Local Plan Regulation 18 consultation, the same officers stated:

'We note that under the National Planning Policy Framework (December 2023) there is no requirement on local authorities to review or amend their Green Belt boundaries through the plan making process and that any amendments must demonstrate 'exceptional circumstances'.

It remains the case that the most appropriate option for the borough is to retain the existing Green Belt boundaries and maximise the use of brownfield sites. The approach taken by officers, to advise EEBC councillors differently to other boroughs is highly inappropriate.

Site specific exceptional circumstances

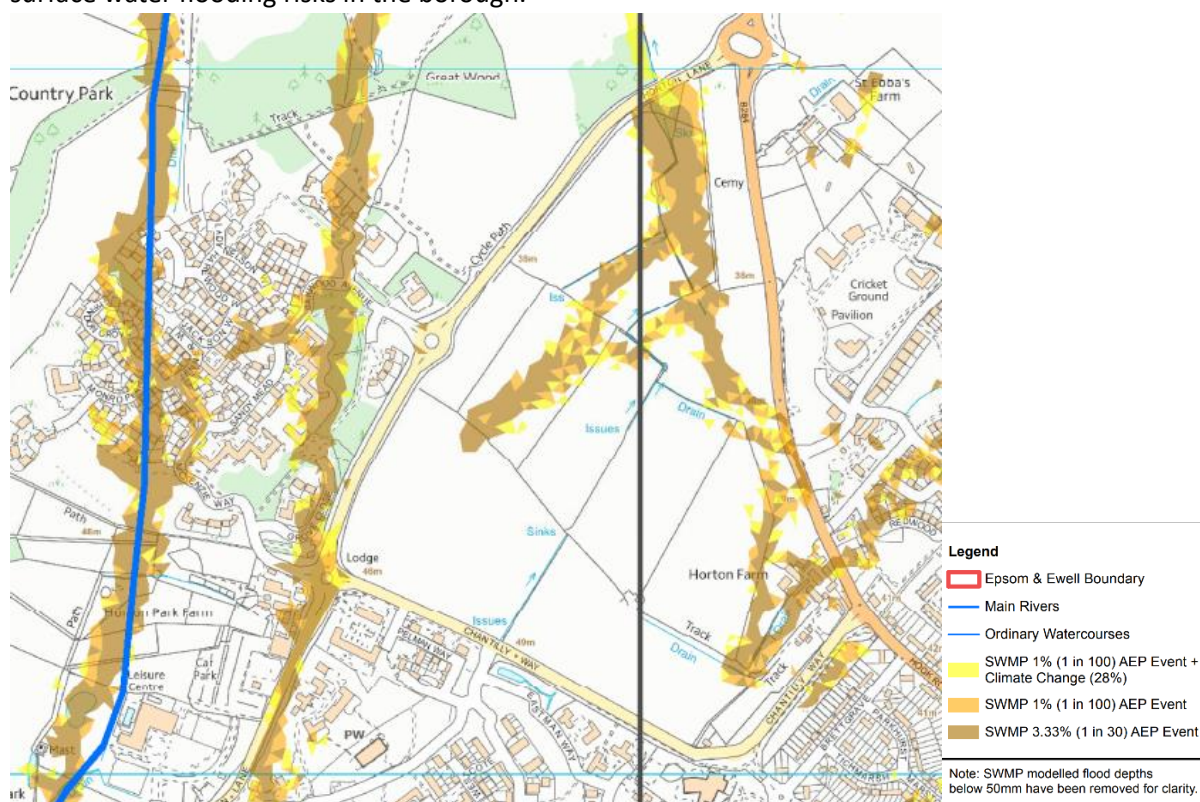
In the Planning Advisory Services review report dated May 2021, presented to the LPPC, it stated that the strategic and site-specific exceptional circumstances case for Green Belt land release must be clearly and robustly demonstrated.

Following a request for information under The Environmental Information Regulations 2004, reference EIR 044.24, the Council responded on 15 May 2024 that the necessary evidence was 'being developed'.

No site-specific exceptional circumstances cases have been presented for any of the Green Belt sites across the borough.

Issues with the Strategic Flood Risk Assessment

The Strategic Flood Risk Assessment 2018 ('SFRA 2018') set out, in narrative and diagrammatic form, surface water flooding risks in the borough.



Source: Jacobs – SFRA 2018 Fig 105 (extract)

Whilst this mapping was directionally valid, it was evident that the report understated the surface water flooding in the Horton Ward. This may also have been true for other areas of the borough. In procuring an update to the SFRA, the council has not sought proactively to identify the true extent of the surface water flooding issues based on surveying residents or reviewing information submitted.

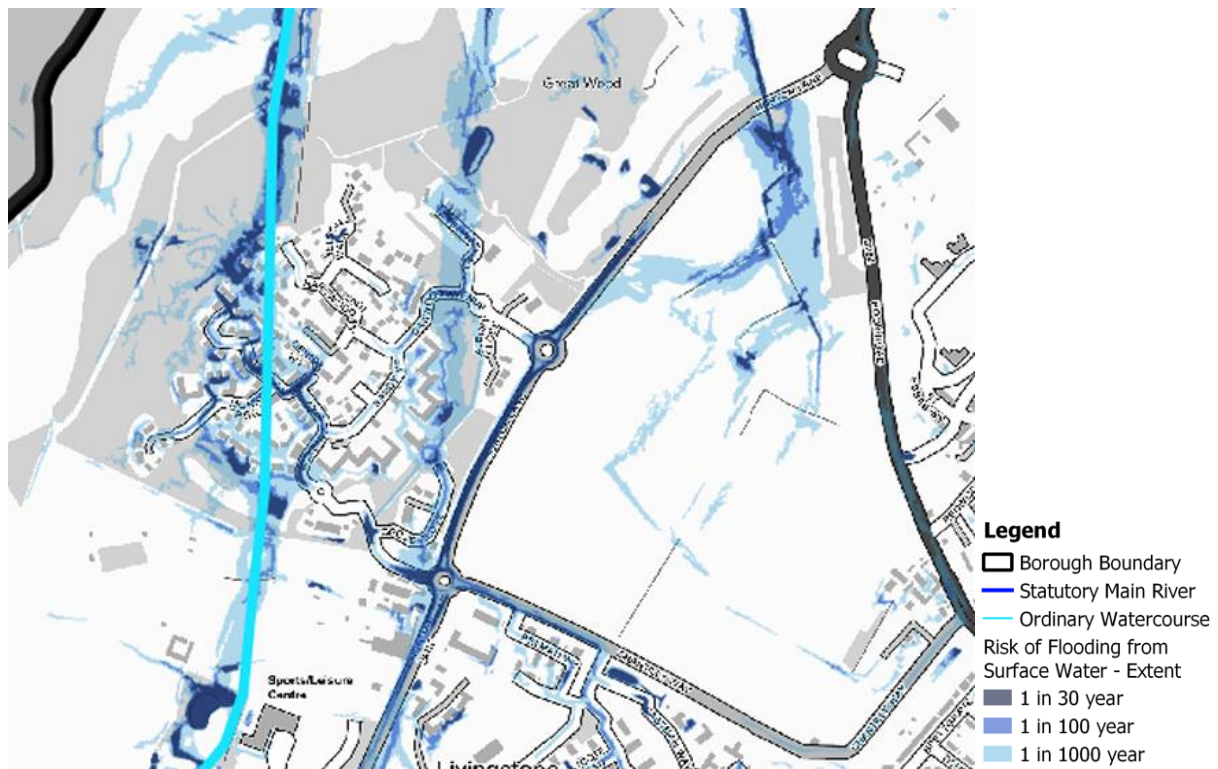
As a result of climate change and land development in and around the critical drainage areas, surface water flooding in Horton Country Park, particularly in Hobbledown, into the Clarendon Park housing estate has increased over recent years.

Every year, surface water flooding extends well beyond the boundaries of what is shown on the mapping.

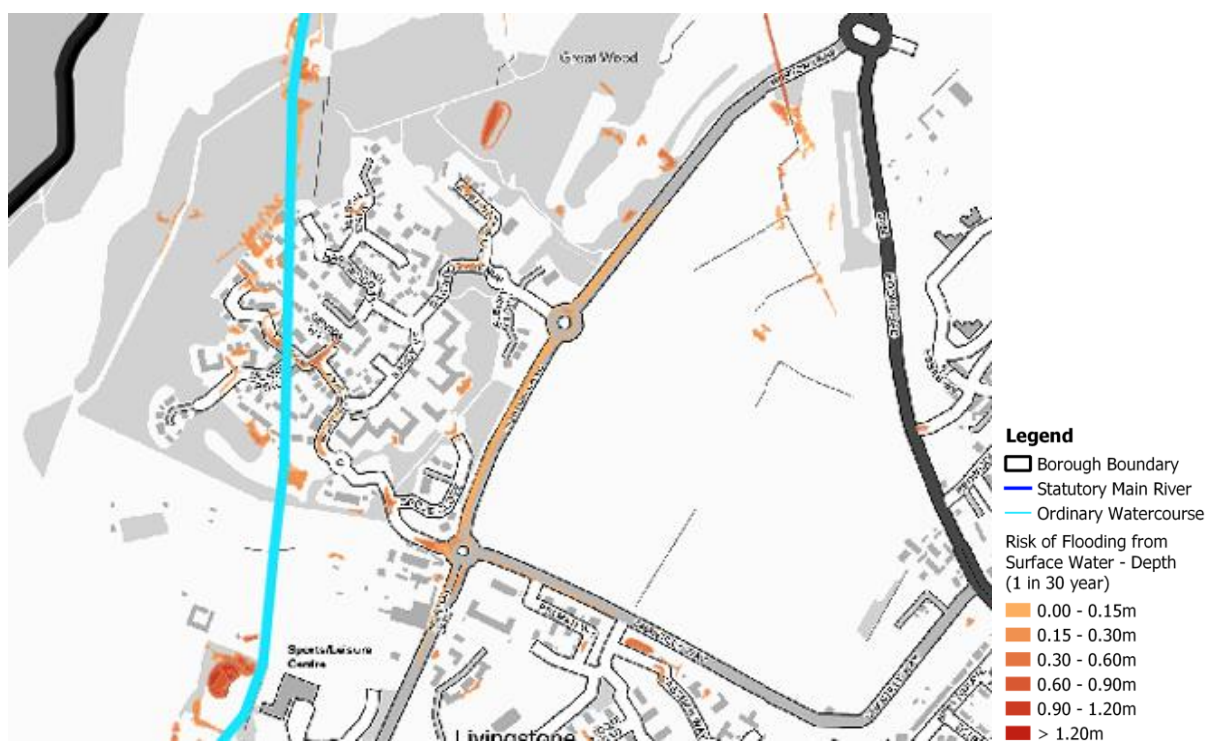
The photographs in Appendix 4 are mostly of land that is not identified as suffering from surface water flooding. As can be seen from these photographs, the flooding occurs several times per year (approximately 4 in 1 frequency). The 1 in 30 or 1 in 100 flood risk (depth and velocity) would be significantly higher than the actual annual experience rather than significantly lower, as is currently illustrated on the SFRA flood maps.

It was expected that this higher level of surface water flood impact would be captured in the Strategic Flood Risk Assessment 2024 ('SFRA 2024'). However, rather than capturing this more

extensive level of actual and potential surface water flooding, the SFRA 2024 shows a flood risk significantly lower than that in the SFRA 2018. This bears little relation to reality.



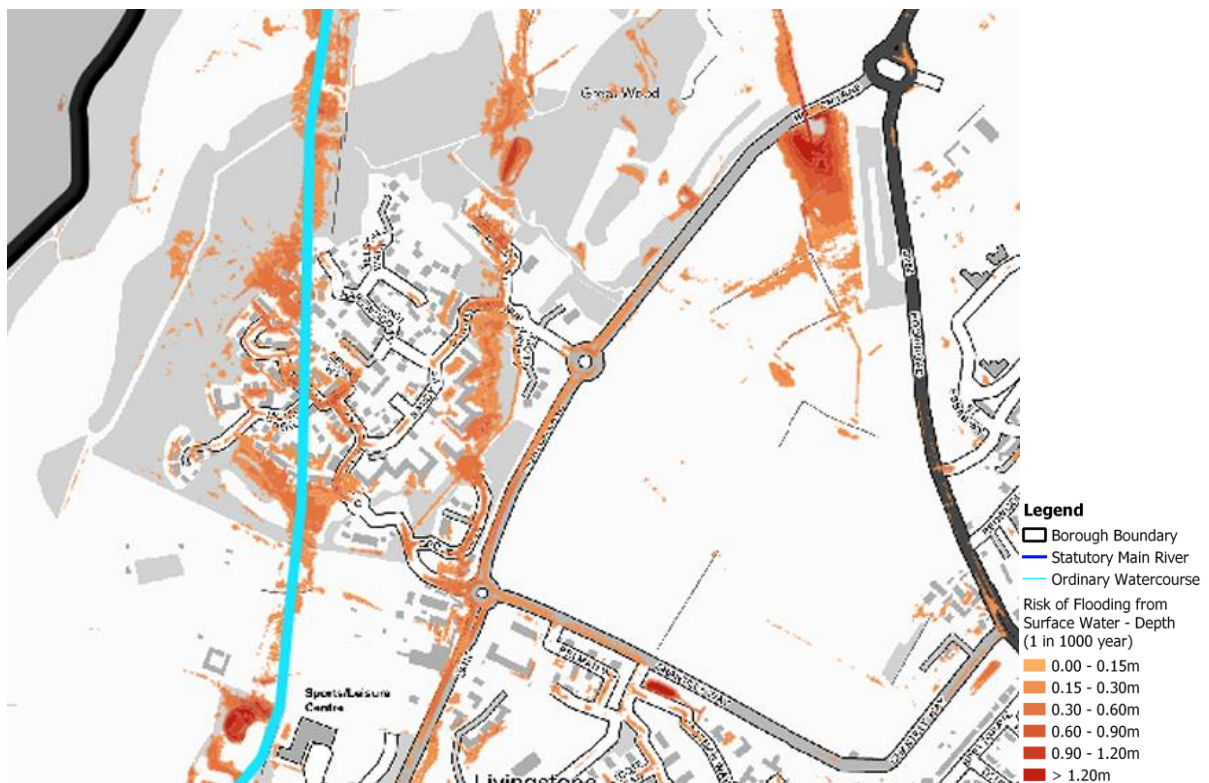
Source: Metis Consultants - SFRA 2024 – Surface Water Flood Extent



Source: Metis Consultants - SFRA 2024 – Surface Water Flood Depth (1 in 30 year)



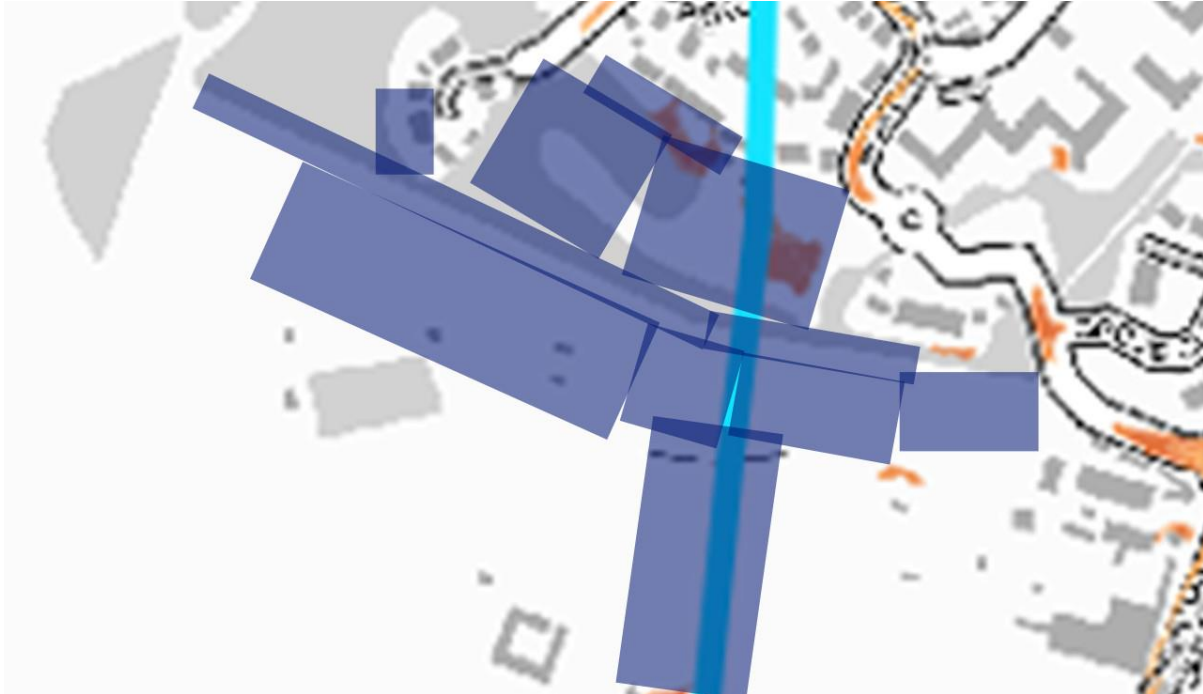
Source: Metis Consultants - SFRA 2024 – Surface Water Flood Depth (1 in 100 year)



Source: Metis Consultants - SFRA 2024 – Surface Water Flood Depth (1 in 1000 year)

Note that some of the areas shown in light blue (1 in 1000 year flooding) in the Surface Water Flood Extent map do not appear on the 1 in 1000 year Surface Water Flood Depth map implying that the depth of the flooding is zero. This appears incorrect.

The locations of some of the areas of actual annual flooding, examples of which are shown in Appendix 4, are marked in dark blue on the map below. These areas mostly fall within the 0-0.3m depth categories, with some in the 0.3-0.9m depth categories (e.g. where there is a trench within one of the tree lines).



Source: Metis Consultants - SFRA 2024 – Surface Water Flood Depth (1 in 30 year) with known areas of annual flooding added and shown in dark blue.

There is a very significant disparity between the SFRA 2024 mapping and reality in this sample area, backed up by photographic and video evidence. The 1 in 1000 year flooding extent from the SFRA 2024 is closest to the annual flooding experience, but even that significantly understates actual annual flooding extent and depth in some areas.

As can be seen from the extract from the SFRA 2018 Fig 105 above, the extent of the flooding in Horton Farm was also shown as being significantly greater than has now been shown in the SFRA 2024. There is no evidence to suggest flooding has decreased in the intervening 6-year period.

The consideration of flood risk plays a significant part in the determination of site suitability for the Local plan. The clear errors in the flood mapping call into question both the validity of the SFRA 2024 flood risk information, and any site selections reliant upon it.

The Local Plan cannot currently be deemed sound as it is based on this inaccurate and unreliable information.

Sequential test

In developing the Local Plan, EEBC was required to prepare a Sequential Test for the sites put forward for development.

NPPF (Dec 2023) states:

‘167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;*
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and*
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.*

168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. 48

170. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

171. Both elements of the exception test should be satisfied for development to be allocated or permitted.’

The requirements of para 168 are very clear, but have not been applied in ways that materially impact both the validity of the sequential test results and the choices made for the Local Plan itself.

Appendix A of the 'Proposed Submission Local Plan Flooding Sequential Test' dated December 2024 provides a flood risk score only for the 35 sites selected / allocated in the Local Plan (see more on this below). These scores vary from 3 to 7, where a lower score represents a higher risk of flooding.

The Land at Horton Farm and the Land at Chantilly Way score the highest risk of any site, 3. The Land at Hook Road Arena scores 4.

The purpose of the sequential test is to ***'is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'***

To achieve this aim, all other sites that are reasonably available must also be assessed to determine whether they are lower risk (have a higher score) than those selected.

'The Sequential Test needs to be applied to the whole local planning authority area to increase the possibilities of accommodating development which is not exposed to flood risk, both now and in the future.'

NPPG Paragraph: 025 Reference ID: 7-025-20220825

Evidence base

The Strategic Flood Risk Assessment – Level 1 ('SFRA-L1') dated September 2024, para 5.2.1 correctly states:

[Strategic Flood Risk Assessment – Level 1](#)

'The Sequential Test requires that proposed development sites are situated within areas of the lowest flood risk. Alternative sites situated within areas that may potentially be at risk of flooding can only be considered for development if applicants can demonstrate that the wider search area does not contain any other suitable sites at a lower risk level. The 'wider search area' is defined as the entire borough extent for this SFRA, although locally defined search area exceptions managed and governed by the LPA exist depending on the type and location of the proposed development.'

To progress to consideration of medium or high flood risk sites, it is necessary first to consider whether development can be allocated in areas of low flood risk both now and in the future (see the first box on figure 5.1 of the SFRA-L1)

Only if this is not possible, can development be allocated in areas of medium flood risk. If this happens, it is still required to allocate development to lowest risk sites first. (SFRA-L1 fig 5.1, box 2)

On page 37 of the SFRA-L1 it states:

'Reasonably available sites: These typically include sites that are suitable (in which applicants can accommodate a proposed development's requirements), developable, and deliverable. As per Paragraph 28 of the Flood Risk and Coastal Change PPG, sites do not need to be owned by the applicant to be considered 'reasonably available'. These sites could be selected from various sources, including the following:

o A list of sites that has been prepared as part of the evidence base or background documents produced to inform the Local Plan.

o Sites that are listed under a Local Authority's brownfield land register, which provides information on the previously developed sites that are appropriate for residential development and includes sites with and without planning permission.'

The SFRA-L1 therefore correctly assess the requirements of the NPPF and NPPG, however no evidence has been presented of compliance with these requirements.

The Sequential Test Regulation 18 dated January 2023 provides a high level assessment of 93 sites across the borough.

[Draft Local Plan - Sequential Test Jan 23.pdf](#)

This highlights a number of available sites, a number of which are listed as available in the Land Availability Assessment, with 'No identified flood risk' and numerous others with 'almost negligible' or other very low levels of flood risk.

Many of these were not taken forward to The Strategic Flood Risk Assessment – Level 2 ('SFRA-L2') dated September 2024 for consideration, which breaches the requirements of the NPPF and NPPG.

[Strategic Flood Risk Assessment - Level 2 \(compressed\).pdf](#)

The Proposed Submission Local Plan Flooding Sequential Test – December 2024 states:

'5.1. The Sequential Test has been applied to the 35 proposed site allocations within the Regulation 19 Epsom and Ewell Local Plan'

[Flooding Sequential Test](#)

There is no reference to having performed the sequential test across the whole local planning authority area, and specifically to prioritising any of the other Land Availability Assessment sites which had a lower flood risk.

Having not correctly undertaken the sequential test, the order of site selection is not compliant with the NPPF and the Local Plan cannot currently be deemed sound.

Had the assessment correctly prioritised lower risk sites, as required by the NPPF and NPPG, and found that it was necessary to include one or more sites with medium flood risk, the NPPG goes on to state:

'The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas'

NPPG Paragraph: 024 Reference ID: 7-024-20220825

Had all sites been assessed they should then have been ordered according to this priority, with the lower end of the medium risk sites chosen before the higher-medium risk sites. **This has also not happened, so this evidence is also incomplete and unsound.**

As the housing requirement figure used in the Local Plan is merely the total of the dwellings proposed on allocated sites, rather than a calculation based on need, the addition or removal of a site will result in a change to the housing requirement figure rather than an over or under-supply against the requirement. This means that the size of the Horton Farm site is not a fundamental factor as to whether or not it should be included.

In practice, a combination of:

- Increased densities on brownfield sites (as required by NPPF para 146b))
- The inclusion of discounted brownfield sites (as required by NPPF para 146a))
- The inclusion of discounted previously developed sites (as required by NPPF para 146a))

Could fully offset the removal of the greenfield Green Belt sites.

If absolutely necessary, the inclusion of lower performing Green Belt sites (greybelt) with lower flood risks, could also offset any impact from the removal of high performing Green Belt from the Local Plan.

Case law shows that it is not necessary for alternative sites to be directly comparable for the sequential test impact to apply. For instance a combination of smaller sites can replace a single larger site.

Highly vulnerable and more vulnerable uses

Under the NPPF (Dec 2023) Annex 3, Caravans, mobile homes and park homes intended for permanent residential use are classified as 'Highly Vulnerable'. The permanent (non-travelling) traveller pitches proposed for Horton Farm fall under this classification.

Buildings used for dwelling houses, non-residential uses for health services and nurseries, and sites used for short-term caravans (traveller pitches) are all classified as 'More Vulnerable'.

These are currently allocated to the Horton Farm site which, as described above, scores the highest risk of any site considered for inclusion in the Local Plan, with a score of 3. As set out elsewhere in this document, there are lower risk, and preferable site for traveller pitches elsewhere in the borough which should be selected in preference to Horton Farm.

It is inappropriate and not compliant with the NPPF to allocate developments which are in highly vulnerable and more vulnerable use classes to the site with the highest flood risk. The plan is also unsound in this respect.

Providing homes but not employment, infrastructure or overall environmental improvement

NPPF (Dec 2023) Para 8 states:

'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*;

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

Para 20 states:

'Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.'

Employment floorspace and land

Employment floorspace and land requirement – economic objective

There is a planned increase of c.12,700 residents over the plan period (4,914 dwellings x 2.58 people per dwelling). Based on 2019 demographic data, 60% of these new residents will be of working age (80% of 17-18 year olds and 100% of 19-67 year olds), equating to over 7,500 working age people. Many of these will not require employment within the borough, but many will.

The HEDNA forecasts a net job increase of 5,207 full-time employees over the period 2022 to 2040, as set out in the table below. [Epsom & Ewell HEDNA](#)

Table 89: FTE Job growth by B-Class and E(g)-Class sector, Baseline scenario 2022-40, Epsom & Ewell

Baseline	2022-26	2022-31	2022-36	2022-40
Offices / R&D - E(g)	454	851	1,201	1,483
Light industrial - E(g)	41	65	84	100
General industrial - B2	120	143	160	174
Warehousing -B8	129	158	175	185
Other Non-B class	1,085	1,962	2,688	3,264
Total	1,829	3,179	4,308	5,207

Source: Oxford Economics, 2022; GLH Calculation¹⁸²

The baseline scenario predicts 5,207 new jobs. The ‘dwelling-led’ growth scenario, which takes into account the inorganic growth arising from building additional housing at 576dpa, indicates the creation of 9,128 new jobs.

The land for the businesses in which these jobs are predicted to be located must be provided to avoid the new homes creating an unemployment issue in the borough.

Table 99: Recommended employment floorspace and land need, Epsom & Ewell

(Use Class)	Floorspace (sqm)	Land (ha)	Method
Offices / R&D	19,437	1.2	Mid-range forecast with 20% buffer margin
Light industrial	9,021	2.3	Mid-range forecast with 20% buffer margin
General industrial	9,554	2.4	Mid-range forecast with 5-year margin
Warehousing	18,157	4.5	Mid-range forecast with 20% buffer margin
Total	56,169	10.3	

Source: GL Hearn calculation

Para 17.80 of the HEDNA states:

‘it is suggested to redevelop the estates to increase the job density to absorb the additional floorspace (36,732sqm) or land needs (9.1ha) relevant to light industrial, general industrial and warehousing purposes.’

Employment floorspace and land requirement - delivery

The Local Plan document is mostly focussed on the provision of housing. Almost nothing tangible is included for increases in, or enhancements to employment in the borough.

'3.26. A small extension is proposed to the Longmead Industrial Estate (as shown on the policies map) to include an area of land to the North that is currently amenity land surrounding the Kings Church. This site will enable limited expansion of the site for employment uses.'
(If there is an extension it is not clearly depicted on the policies map.)

Other than this 'small extension', the size and location of which is uncertain, no land is allocated for employment floorspace in the Local Plan. The Local Plan is not, therefore, sound with respect to meeting the NPPF's economic objective.

The policies regarding employment land are vague and lack any targets, strategy, implementation plan or timetable.

Policy S1:

'2) Employment needs (office, light industrial, industrial and warehousing) will be met through the development and intensification of the strategic employment sites (as defined on the policies map), and the delivery of additional employment floorspace that is compatible with residential use in Epsom Town Centre.'

Policy S9 of the Local Plan (page 86) refers only to 'safeguarding' existing sites, 'supporting' businesses and the economy, with no specific actions or land allocations.

Local Plan para 6.27 states:

'To help support a prosperous economy, the policy designates Kiln Lane and Longmead Industrial Estates as strategic employment sites (as defined on the policies map) which provides the highest degree of protection and actively encourages the development, regeneration and intensification of these sites to provide modern floorspace for employment generating uses.'

Strategic Employment Sites is not a defined term in the NPPF and may only provide limited protection of these sites.

Policy DM7 – employment land,

'2) Safeguarding strategic employment sites and encouraging the regeneration and intensification of land to meet the needs of the economy to support job creation and meet the needs of business'

Employment floorspace and land summary

In summary, there is an identified need for employment land of over 10 hectares, but no allocations to meet this need.

Infrastructure

The Infrastructure Delivery Plan sets out the planned changes to infrastructure. These can be summarised as follows

[Reg 19 IDP Nov 24.pdf](#)

Infrastructure area	Planned changes
4.1.1 Local Roads	None across the borough. Some changes to Ewell Village
4.1.2 Bus Services	No new routes. No increased frequency. Potentially extend the S2 route from Epsom town centre to Epsom Hospital (if funded) Improvements to bus stops, stands and bus priority measures (if funded) Surrey Bus Service Improvement Plan 2024 has no improvements specific to Epsom.
4.1.3 Rail	None planned.
4.1.4 Walking and Cycling	No fixed plans. A 10 year Local Cycling and Walking Infrastructure Plan has been developed 'which could be further developed and implemented' and is subject to over £115m of required funding. There are no proposals for the largest (Horton Farm) site which currently is not served by cycle routes to key destinations (see below) Appendix 1 – LCWIP.pdf
4.1.5 Electric Vehicle Charging Points	Limited current provision. Surrey County Council has a contract, but no detail provided for provision in Epsom & Ewell.
4.2.1 Water and Wastewater	No specific plans to address issues. Left to utilities. 'The Thames Water region is "seriously water stressed". This will increase with population growth and climate change.' 'It is essential that adequate water and sewerage infrastructure is delivered prior to development taking place, in order to avoid unacceptable impacts on the environment.'
4.2.2 Electricity supply	No specific plans to address projected shortfall. Left to utilities. The UK Power Networks 'Distribution Future Energy Scenarios Network Scenario Headroom Report' shows that, prior to proposed developments, the grid cannot meet Epsom & Ewell forecast demand in 2033.
4.2.3 Gas supply	No specific plans to address projected demand increase.
4.2.4 Telecommunications	No issues identified
4.2.5 Waste Management and Disposal	No issues identified for recycling centres due to reduced waste levels / household. Need for additional Refuse collection vehicles – no plans provided
4.2.6 Flood Risk Management	Surface water flooding and foul water flooding issues which will increase with development.

	No specific plans for addressing surface water flooding. 'Development proposals within areas identified as being at risk from flooding will either be discouraged or required to introduce appropriate levels of mitigation, which may include new flood prevention infrastructure such as SuDS.'
4.3.1 Early years provision (ages 0-5 years)	Expected demand increases but not assessed, quantified or planned for.
4.3.2 Primary Education	No planned provision. Issues with locations of development with respect to primary school capacity – not considered.
4.3.3 Secondary Education	Insufficient places based on reasonable planning scenarios. No planned provision.
4.3.4 Post 16 Education/Training	No additional provision planned. Under the Raising the Participation Age legislation, all young people have a duty to continue in education or training until their 18 th birthday. No assessment undertaken of required provision to meet increased demand. Expectation of additional provision for SEND students.
4.3.5 Special Education Needs and Disabilities (SEND) provision	Some additional provision planned.
4.4.1 Primary health infrastructure	No specific plans to address projected demand increase. Significant planned population increase has been assessed as requiring additional healthcare floorspace. The New Hospital Programme update 20 Jan 2025 deprioritised Epsom. ‘People have been let down once again’: our response to New Hospital Programme announcement News and events at Epsom and St Helier hospitals Epsom and St Helier University Hospitals
4.4.2 Acute Care Facilities	No specific plans to address projected demand increase. The New Hospital Programme update 20 Jan 2025 deprioritised Epsom.
4.5.1 Community Centres	Potential for some community space on Horton Farm.
4.5.2 Libraries	No specific plans set out.
4.5.3 Sports Facilities	Insufficient provision in many areas. No planned improvements for most sports facilities.
4.6.1 Police	Increases in population due to additional housing require additional police. Sets out increased needs, but provides no plans for provision. Current police station planned for housing development.
4.6.2 Ambulance service	Any increased demand through population growth will place pressure on the ambulance service. Sets out increased needs, but provides no plans for provision. Current ambulance station planned for housing development.
4.6.3 Fire and Rescue	No increased need identified.
4.7.1 Open Spaces	'Increase in population is likely to result in increased use of the borough's open spaces. Investment will be needed to ensure the quality of these spaces is maintained.' Insufficient allotments. No planned provision.

In summary, the IDP identifies shortfalls in provision of adequate infrastructure across the majority of areas, but provides no plans in most areas for these shortfalls to be addressed.

Given the very extensive analysis and documentation of housing provision within the Local Plan, the failure to ensure that the infrastructure necessary to support this housing renders the plan unsound.

The sections below focus on a subset of the infrastructure areas listed above to illustrate some of the issues that arise but are not appropriately or adequately addressed within the Local Plan.

Transport

The Strategic Transport Model Assessment Report – October 2024 ('STMAR') provides an analysis of hypothetical potential impacts of development on the transport network within and external to the borough.

[STMAR Results and Analysis.pdf](#)

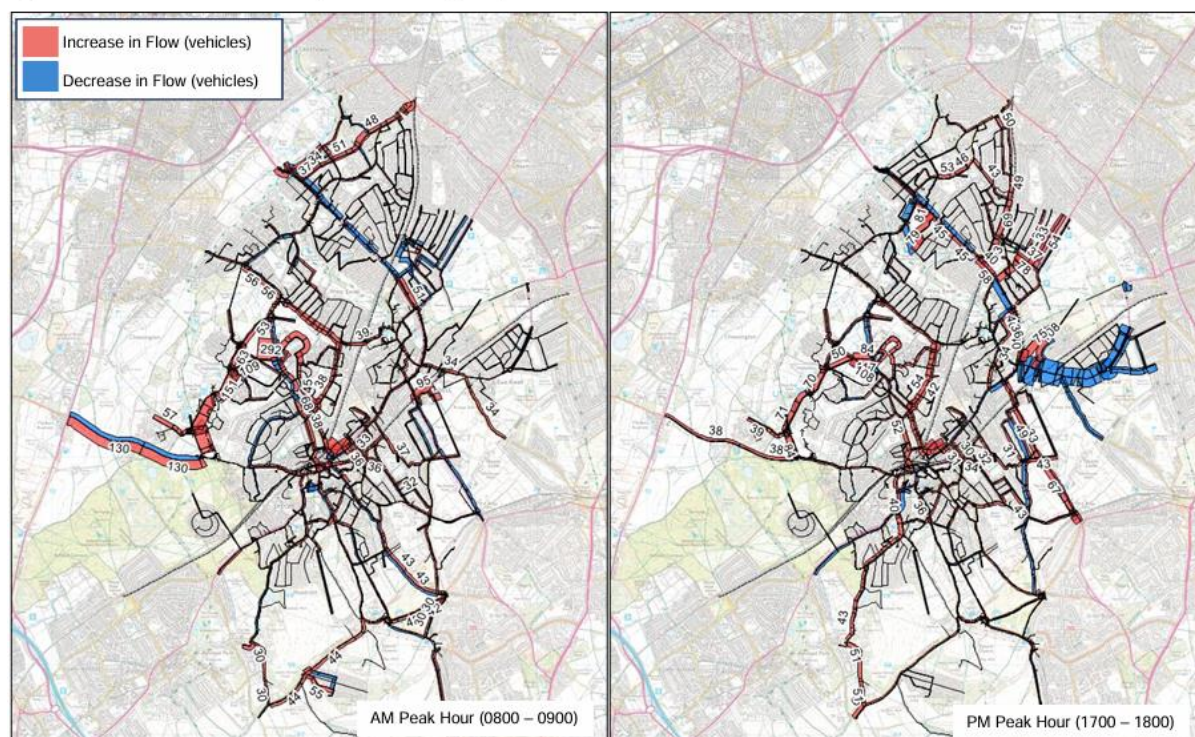
The manner and extent to which traffic levels and routes change as a result of new housing may vary significantly to that modelled. The information presented provides only a single outcome, when many different outcomes are possible. The analysis does not provide any sensitivities, the 'what ifs' should, for instance, traffic levels increase above those modelled.

Even in the best-case scenario presented, the developments have a significant detrimental impact on traffic flows around the Horton Farm development. No mitigations are proposed to address these impacts which not only add to the existing congestion, but on some critical routes result in network breakdown. 11 important routes show a decline in the 'Level of Service' from 'Unstable flow, operating at capacity' to 'Forced or breakdown of flow', the worst possible category.

The highways report describes this as 'the stretch of road or turning movement has a higher level of traffic flow than its theoretical capacity, suggesting flow breakdown and extensive queues'.

To plan to build housing in locations that, as a best case scenario are expected to cause the road network to fail, is a dereliction of duty. Such a plan is clearly not sustainable and cannot be found sound.

Figure 25 Link Flow Difference Plots, Do-Something compared with Do-Minimum



This diagram, from the STMAR, highlights the significant increase of traffic flows related to and around the Horton Farm site, much of which flows into junctions that have existing significant congestion problems, as described in the highways assessment.

Building on sites such as Horton Farm, routes from which are already traffic 'hotspots' is not sustainable. No improvements to the road network or enhancements to its capacity are proposed. Failure to improve the transport infrastructure will condemn not only the over 5,000 new residents in the Horton Ward to a future of endless traffic jams and the accompanying pollution this causes, but also the exiting residents.

'Links and junctions within the borough which have been forecasted to be under stress, where drivers will be subject to considerable delay, have been defined as 'hotspots'. These hotspots, set out in the previous section, are likely to require mitigation to reduce the impact of any development sites in the local area, and provide a preparatory list to inform the borough's Infrastructure Delivery Plan (IDP) and subsequent Community Infrastructure Levy (CIL). This mitigation is likely to focus on measures to encourage the use of alternatives to the private car rather than simply increasing highway capacity. It should be noted that the majority of these locations already experience congestion issues which are exacerbated by the additional trips arising from the potential development sites.'

Source STMAR p.62

Lack of realistic mitigation

'This mitigation is likely to focus on measures to encourage the use of alternatives to the private car rather than simply increasing highway capacity.'

Source STMAR p.62

Shifting travel from private vehicles to more sustainable alternatives is a noble ambition. The reality is that less than 1% of trips from the hospital cluster sites to key destinations such as town centres, railways, doctors, etc. are currently taken by foot, bicycle or bus. This is mostly because the distance of these sites (like Horton Farm) from the key destinations exceeds the distance (and therefore time) residents are willing to travel by bike or on foot. This reluctance to walk or cycle is further exacerbated for any trip that would involve carrying bags, e.g. of shopping, sports equipment, etc. Even if residents were willing to travel by bicycle, the infrastructure to do so is woefully inadequate.

'There is a need for localised mitigation tied in with specified development sites as well as schemes to address cumulative impacts. In particular, high quality pedestrian and cycle links linking the development sites with where people want to travel is required, in order to limit travel by private vehicles, and this includes connections to their local bus and rail services.'

Source STMAR p.63

The Epsom and Ewell Local Cycling and Walking Infrastructure Plan (LCWIP) referred to in the STMAR would appear to be very relevant to the assessment of the sustainability credentials of the Local Plan but has not been included in the proposed evidence base.

[Appendix 1 - LCWIP.pdf](#)

The LCWIP is not proposed as a Local Plan evidence document. Even if adopted, it is likely to have only a very limited impact on the issues noted above.

The LCWIP does not include any commitments, only concepts and suggestions; it has not yet reached the feasibility stage and there are no plans to meet the considerable funding requirements implementation would entail.

As the Horton Farm site allocation is not in a 20-minute or 40-minute neighbourhood according to the transport assessment, it would appear not to be sustainable from a transport perspective. As no

road improvements or expansions are planned, not only will the vast majority of trips be by private car, they will also be subject to significant delays due to increased congestion at existing road 'hotspots'.

Given the distance from key travel destinations, the only (very) partial mitigation to this would be for the provision of high quality cycle routes / corridors. In the LCWIP, it recommended a high-scoring Phase 1 cycle corridor along the B284 (Cycle Corridor 2).

The existing available routes from Horton Ward to Epsom are perilous and unsuitable for all but very experienced cyclists. The LCWIP highlights that of all the routes considered, this had the highest recorded cyclist collisions across the borough. As a result the existing cyclist provision on this route is unsuitable for increased cycle traffic. Despite this, a decision was taken by the council to take this off the priority 1 list meaning that even if the LCWIP is adopted in full, there will be no cycle route improvements in the foreseeable future.

(Note that corridor 6 is not a suitable alternative to corridor 2 as there is no route to join corridor 6 from Horton Farm).

Summary

Several of the site allocations, such as Horton Farm, are not sustainable from a transport perspective. Horton Farm in particular will negatively impact existing traffic problems resulting in 'Forced or breakdown of flow' on the road network and the associated increased pollution and CO2 emissions.

No plans are in place to address this issue, with a specific decision made not to progress with cycle infrastructure.

The Local Plan is not sustainable and is not sound with respect to transport provision.

The Environment

In the forward to the DEFRA Land use consultation launched on 31 Jan 2025, it states:

'our natural world is under threat, with England now one of the most nature-depleted countries in the world'

Climate change, species extinction and other devastating environmental challenges must be central to any plan involving the use of land. For Epsom & Ewell's Local Plan, it is not.

No overall enhancement or protection of the environment is planned. Given the critical state of many native species, and the urgent issues related to global warming, protection and enhancement of the natural environment is critical.

c.53 hectares of high performing **greenfield** Green Belt land are proposed for development, with no equivalent land being released for environmental benefits.

Inadequacy of biodiversity net gain in compensating for environmental impact

There appears to be a fundamental misunderstanding throughout the Local Plan that negative impacts on the natural environment can or will be offset through 'biodiversity net gain'.

It is recognised in the NPPF that the natural environment serves many purposes.

'124. Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;'

Habitats

It provides habitats to support myriad ecosystems, many of which we do not yet understand, which benefit us in a multitude of ways. We know, for instance, that food production is dependent on insects for pollination, and that it is both quantity (land area) and diversity of plants that is necessary to support pollinating insects throughout the year. These are in decline [Bees: Many British pollinating insects in decline, study shows - BBC News](#)

The borough is home to many rare and protected species of plant, insect, bird and amphibian, the displacement of which may render remaining populations unviable.

It is also important to restrict access to sufficient tracts of greenfield land to provide viable, undisturbed habitats for wildlife. Many species need undisturbed areas to survive, such as ground-nesting birds. Sites such as Horton Farm provide an almost unique location in the borough that is free from the impact of domestic pets and human activity.

Nature corridors

To avoid creating isolated, and ultimately unviable nature islands, suitable nature corridors must be provided between sites. For many species it is not sufficient for these corridors to be either long,

narrow, or subject to human (or domestic pet) interference. Site allocations and the suggested nature corridor plans in the Local Plan do not meet these needs.

CO2 absorption

Climate change results from numerous factors. Two of the most important are the loss of the natural carbon sinks (vegetation) and the burning of fossil fuels.

Every effort should be made to minimise the loss of greenfield sites to minimise vegetation loss, and to minimise private vehicle use to reduce fossil fuel consumption (this includes electric cars, a substantial proportion of the electricity for which requires the burning of fossil fuels).

As shown elsewhere in this document, the greenfield site allocations not only result in the loss of large areas of vegetation, but are also not in sustainable locations with respect to vehicle use.

Air quality and particulates

The negative impact of particulates on health are well researched and have resulted in, amongst other things, the introduction of clean air zones in large towns and cities.

Reductions in vehicle use from developing in only sustainable locations (not greenfield) are important to minimise particulates.

Equally important is the need for greenfield sites between built up area to break up the landscape and provide safe locations for particulates to fall and be dissipated into the environment across wide areas (to avoid dangerous concentrations building up).

Water absorption

One of the significant issues for the borough is the prevalence of issues related to surface water run-off. The development of greenfield land significantly exacerbates the extent and impact of surface water run-off.

All of these factors need to be addressed for the Local Plan to be sustainable and for it to balance environmental needs against other outcomes.

The plan refers to proposals for 10-20% biodiversity net gain. Biodiversity net gain ('BNG') is only one component of environmental impact and does not, on its own, address the environmental objective of the NPPF (para 9c).

BNG itself may not be delivered within the borough, and if this is the case would result in a deterioration of local biodiversity in even the best-case scenario.

The BNG legislation also does not guarantee biodiversity. For instance replacing large existing established ecosystems with much smaller, different ecosystems unsuitable for existing local species would both reduce land available for ecology and potentially reduce the type and variety of species in the local area.

BNG does not reflect the overall environmental impact which extends considerably beyond only diversity of species, as summarised above.

By way of simplistic examples:

1. A 5ha green field site, comprising hedge-lined grassland and a small number of mature oaks is a key feeding ground for house martins, swallows and redwings.

The whole site is developed with '20% biodiversity uplift' being provided in a 0.5ha corner of the site.

The 0.5ha site is not suitable for house martins, swallows and redwings, which are displaced resulting in further declines in their numbers.

2. An existing green field site of 30ha is home to 500 species of insect, 50 species of bird, 10 species of mammal, 5 species of amphibian and 2 species of reptile. It also contains 15 species of tree. It is a nature corridor between other green field sites.
The majority of the site is developed into a large housing estate. A wetland is created in part of the site.
During the site's construction, the majority of the existing species are wiped out. The wetland area created meets The Statutory Biodiversity Metric requirements and some new species such as mallard, coot and moorhen take residence.
The overall impact, although compliant with biodiversity rules, is a significant reduction both in biodiversity and in the other benefits the original green field site afforded to nature and the environment.

Policy S15 on biodiversity net gain relates to the loss of existing environments and the provision of some alternative (and in reality considerably less spacious) to offset this. It is a reactive policy designed partially to mitigate development impacts, not a proactive policy to enhance or protect the boroughs natural capital.

The biodiversity net gain legislation provides an estimated cost of the impact of BNG initiatives:

Table 8.3 Cost of Biodiversity Net Gain – South East	
2017 based costs	
	Scenario A 100% on-site
Cost per ha of residential development	£3,456/ha
Cost per ha of non-residential development	£3,150/ha
Cost per greenfield housing unit	£162/unit
Cost per brownfield housing unit	£56/unit
Residential greenfield delivery costs as proportion of build costs	0.1%
Residential brownfield delivery costs as proportion of build costs	<0.1%
% of industrial land values	0.3%
% of commercial land values (office edge of city centre)	0.2%
% of commercial land values (office out of town - business park)	0.2%

Source: Local Plan Viability Assessment 2022

In a c.£1bn development scheme such as that proposed for Horton Farm, only c.£400k (2017 figures) would be allocated to offset the environmental impact (the table is for 10% biodiversity net gain, whereas the policy is for 20% BNG: 1,250 homes x £162/unit x 2 = £405k).

According to para 8.23 of the Local Plan Viability Assessment 2022, *'much of the cost of implementing Biodiversity Net Gain is in the survey work and of the design, rather than the costs of the actual works.'* Even the £400k will mostly relate to the costs of consultants.

At a time of environmental and climate crisis, this represents no more than an embarrassingly miniscule, token gesture to the environmental impact of development in the borough.

The Environmental Objective for Local Plans, set out in para 8c of the NPPF (Dec 2023) is not met solely through complying with BNG requirements. The Local Plan is currently unsound with respect to the environmental objective.

Other policies

Policy S14 focuses on biodiversity and geodiversity. Importantly, it does not seek to enhance the borough, but rather to minimise impacts from other development.

Policy DM17 lists the various situations in which it will be permitted to lose or damage trees, woodlands and hedgerows and doesn't provide any plans for enhancement or additions to the provisions of these habitats.

Summary

Whilst it may be 'normal' to take land from the 'environment' category and give to the 'economic' and 'social' categories, it cannot objectively be described as a balanced approach between the three NPPF para 8 objectives.

The Local Plan includes no active enhancement of the environmental assets of the borough, only some efforts to reduce the overall impact of development. This does not meet the requirements of NPPF para 8 and means the plan is not sound in this respect.

Failure to address the findings of the Infrastructure Delivery Plan

The Infrastructure Delivery Plan ('IDP') considers, at a high level, the existing and expected future state of various categories of infrastructure across the borough.

[Reg 19 IDP Nov 24.pdf](#)

The report highlights many areas of insufficient provision, but largely fails to provide solutions to address these problems. If appropriate, realistic, deliverable plans are not formulated to address these problems, the Local Plan cannot be found to be sound.

Primary Schools

School Year	Year R-6 places	Year R-6 forecasts	Surplus / deficit	Difference to base pupil projections*
2025-26	7,196	6,901	295	0
2026-27	7,196	6,816	380	0
2027-28	7,196	6,711	485	0
2028-29	7,196	6,655	541	0
2029-30	7,196	6,549	647	0
2030-31	7,196	6,483	713	15
2031-32	7,196	6,474	722	55
2032-33	7,196	6,368	828	89
2033-34	7,196	6,263	933	113

*Base pupil projections are normal growth without the Regulation 19 Local Plan allocations

Source: IDP Page 48

According to the Infrastructure Delivery Plan ('IDP') p.47 [Reg 19 IDP Nov 24.pdf](#):

'Any growth in the number of primary pupils over the next three to four years is expected to be generated by additional pupils created from new housing, with underlying demographic trends remaining generally static.'

The underlying pupil numbers in table on p.48 of the IDP does not correlate with the statement above, instead showing a downward trend in the underlying (pre-allocation) primary school numbers. No supporting data is provided to explain this anomaly.

In addition, the table reflects the total number of primary school places and those that are available and unfilled, across all 7 year-groups. This lack of granularity may hide shortages of provision in individual year groups which cannot be met through current school availability.

No analysis is provided of the available school places by primary school across the borough. This is critical, as the acceptable commute for primary school aged children is significantly smaller than for secondary schools and other purposes.

The table states that it indicates the expected availability of primary school places before taking into account Regulation 19 Local Plan allocations. The analysis of the expected numbers of primary school

pupils that the proposed housing developments will generate is found in the final column. This data is fundamental to assessing potential need for primary school places.

However, as explained in the sustainability appraisal para 6.2.3 'the nature of school places forecasting is such that modelling can give notably different results from one year to the next.' No account appears to have been taken of the potential for substantially different needs than the single case set out in the IDP.

The table shows a total of 23 new pupils by 2033-34. The Local Plan (Appendix 2) indicates that 3,460 homes will have been completed by this date, an increase of c.10.5% in the number of homes in the borough. If it were to be assumed that the demographics for the new residents filling these homes matches the current demographics of the borough, the number of primary school aged children would increase by this percentage, equating to 657 additional pupils from housing allocations rather than the 23 shown in the IDP. It might be expected that the types of homes proposed would attract residents in younger demographics than the current demographic spread in the borough, which would be likely to further increase this discrepancy. This issue should be investigated and resolved prior to relying on the data presented.

In theory this higher-than-predicted influx of primary school children may, in total, be accommodated by existing primary school provision. However, there are other issues that are likely to render this theory inappropriate.

The IDP states that there is no planned provision for additional primary school places over the Local Plan period.

Any new housing development must be supported by **accessible** primary school provision. It is not sufficient for there to be available primary school spaces somewhere in the borough, the spaces must be in a school in reasonable proximity (e.g. a 10 min walk) from the housing. It cannot generally be expected that a primary school child will walk over a mile (20 mins), meaning that all journeys exceeding this distance, and a significant proportion of journeys of 0.5-1 mile will be by car, and therefore not sustainable.

Surrey County Council provides an analysis of the primary school reception class intake for each school in the borough. [Epsom & Ewell Primary allocation figures - September 2024](#)

This shows that there were a total of 89 reception spaces available across the EEBC primary school portfolio of 16 schools at the date of the Sept 2024 intake.

Horton Farm site

The closest school to the proposed 1,250 dwellings on the Horton Farm site is Southfield Park Primary School.

According to the Surrey school intake report (link above), this had only eight free spaces in the Sept 2024 intake. Compare this to the c.260+ primary school aged children the Horton Farm allocation can be predicted to bring to the borough.

According to the 2023 Ofsted report, overall the school was full (420 pupils spaces were all taken)

[Southfield Park Primary School | Ofsted Ratings, Reviews, Exam Results & Admission 2026](#)
[Ofsted report for Southfield Park - 50210004](#)

The majority of primary school children from the Horton Farm site will therefore not be able to attend the closest school and will need to find alternative schooling elsewhere in the borough.

Importantly Southfield Park Primary School is the school upon which the Transport Assessment ranking for the Horton Farm site was based, resulting in the site being allocated a score of the maximum 4.5 (it was still ranked a lowly 134th of the sites in the transport assessment despite this). If it were instead given a primary school transport score of 1.5 (based on a walking time of 20-25 minutes – see table below), Horton Farm would rank 175th out of 191 sites assessed. Unlike for other Green Belt sites, no additional primary school provision is proposed to meet the needs of potential residents of Horton Farm.

[Epsom and Ewell Local Plan - Transport Assessment](#)

Southfield Park is also the school Land Availability Assessment and other reports considered the sustainability of the site for housing development.

As, based on the available data, Southfield Park will not be able to accommodate the influx of primary school children to be expected from the 1,250, largely family, homes proposed to be built on Horton Farm, it is necessary to consider the alternative schooling provision.

The EEBC primary schools with higher availability in Sept 2024 were Meadow Primary (19), Riverview CofE (18), St Martin's (17), Cuddington Community (9) and St Clement's (9)

At a walking speed of 2.5mph/4kph (for an average 5 year old, ignoring road crossings and route suitability), these schools are the following distances and walking times from Horton Farm:

School	Walking distance from Horton Farm site	Walking time each way (excluding time for road crossings, etc)	Walkable from Horton Farm
Meadow Primary	3.2 miles	1:17 hours	No
Riverview CofE	1.8 miles	0:43 hours	No
St Martin's	1.8 miles	0:43 hours	No
Cuddington Community	2.6 miles	1:02 hours	No
St Clement's	1.5 miles	0:36 hours	No

The Strategic Highways Modelling Assessment Report Oct 24 anticipates that primary school children from Horton Farm would attend the geographically closest school (Southfield Park). It therefore fails to consider, or take account of, the additional traffic necessarily arising from the failure to ensure sufficient primary school places for the proposed development.

Hook Road Arena site

Similar issues apply to Hook Road Arena, although as it is planned for 100 dwellings, the impact is lower than for Horton Farm, but still significant.

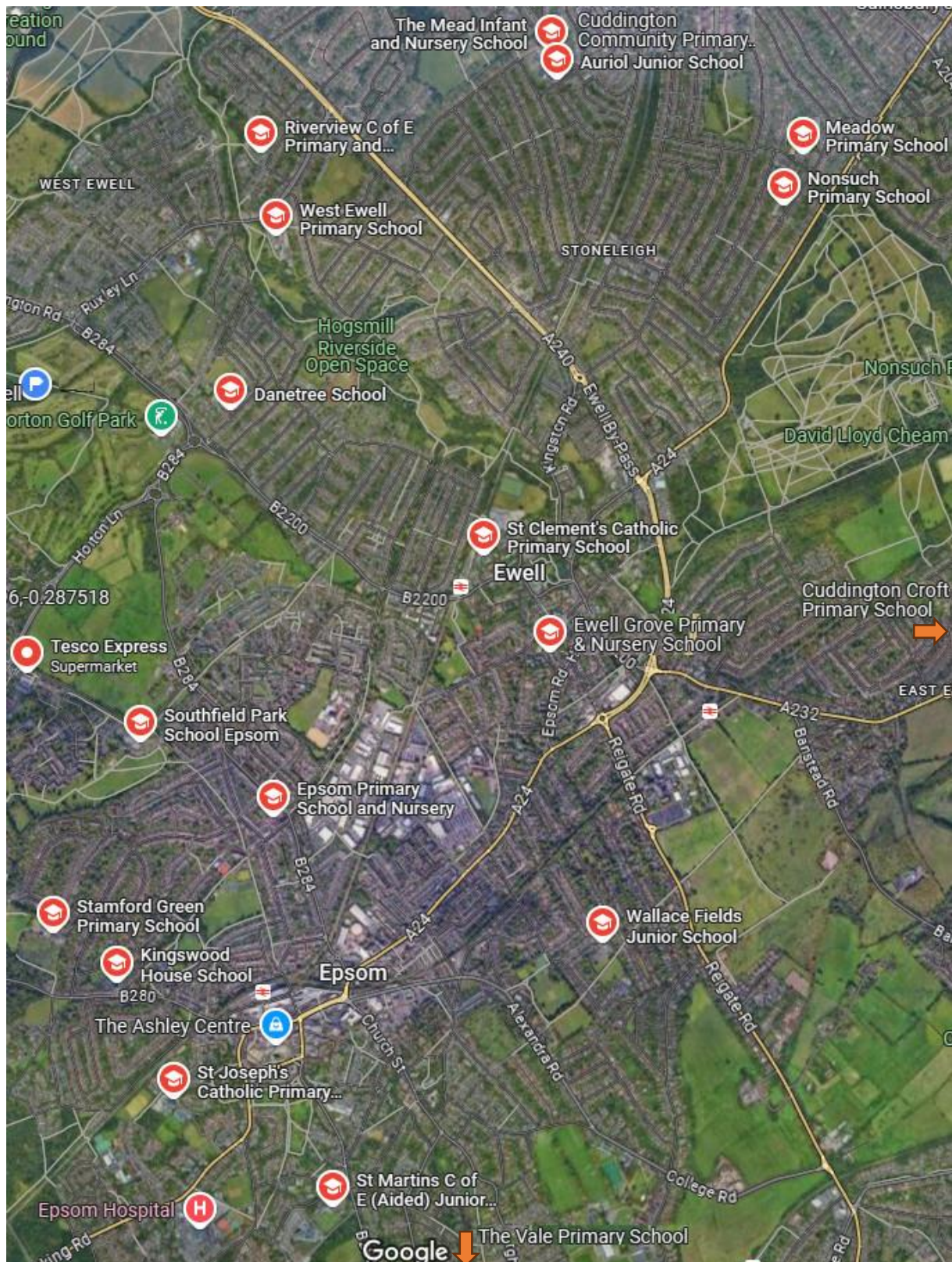
The two closest schools to the Eastern end of Hook Road Arena are Danetree and St Clement's. These are approximately equidistant from the development site. According the Surrey analysis of reception school places in the borough, Danetree had two spare places and St Clements had nine.

Danetree and St Clement's are both fully subscribed:

[Danetree Primary School | Ofsted Ratings, Reviews, Exam Results & Admission 2026](#)

[St Clement's Catholic Primary School | Ofsted Ratings, Reviews, Exam Results & Admission 2026](#)

The council should undertake the required analysis for Hook Road Arena.



Google Maps showing location of primary schools in Epsom & Ewell Borough

Solutions

The Regulation 19 Local Plan does not provide any solutions for Horton Farm and Hook Road Arena primary school provision. Potential solutions to consider would include:

1. Adjusting catchment areas:

A case may be put forward for addressing the issue through adjustments to school catchment areas, i.e. shifting pupils to the next available school thereby freeing up Southfield Park capacity. Southfield Park already provides capacity for a large proportion of the former hospital cluster sites for which there is no alternative primary school provisioning. There is limited, if any, opportunity to address the Horton Farm or Hook Road Arena by this means. No proposals have been made to do this.

2. School expansion:

Consideration could be given to expanding the capacity of Southfield Park. The school has already doubled in capacity over its originally intended size. The current site does not have additional land available to expand further.

No proposals have been made to do this.

If it is not possible to build housing sufficiently close to suitable available infrastructure in the borough (in this case primary schools and sustainable transport), a more strategic approach should be undertaken which approaches provision at a regional (and national) level, utilising infrastructure in areas at below full capacity rather than overloading local infrastructure well beyond its designed capacity and creating/exacerbating schooling and transport issues.

Conclusion

The Transport Assessment is incorrect.

The Strategic Highways Modelling Assessment Report Oct 24 is incorrect.

The Infrastructure Delivery Plan does not properly assess need and provision of school places.

There is insufficient primary school provision to accommodate the needs of the Horton Farm and Hook Road Arena housing proposals.

There is insufficient secondary school provision to accommodate the planned housing expansion in the borough.

The Horton Farm and Hook Road Arena sites are not sustainable.

The Local Plan is not sound with respect to education.

Secondary Schools

School Year	Year 7-11 places	Year 7-11 forecasts	Surplus / deficit	Difference to base pupil projections*
2025-26	4,696	4,640	56	0
2026-27	4,748	4,711	37	0
2027-28	4,800	4,735	65	0
2028-29	4,800	4,728	72	0
2029-30	4,800	4,798	2	0
2030-31	4,800	4,776	24	3
2031-32	4,800	4,706	94	8
2032-33	4,800	4,691	109	16
2033-34	4,800	4,644	156	23

*Base pupil projections are normal growth without the Regulation 19 Local Plan allocations

Source: IDP Page 51

According to the Infrastructure Delivery Plan ('IDP') p.50:

[Reg 19 IDP Nov 24.pdf](#)

'the secondary sector continues to see increasing numbers of pupils as the larger primary cohorts from the birth peak now transfer into secondary education. However, this is expected to fall over the next five years as the impact of the lower birth rate makes its way into secondary schools. Any long-term increases in pupils are expected to come primarily from new housing. New housing developments will result in an increase in the number of pupils that need a place at Surrey schools.'

The IDP states that there is **no planned provision for additional secondary school places over the Local Plan period**.

The table on p.51 of the IDP indicates the expected availability of secondary school places before taking into account Regulation 19 Local Plan allocations.

The text states:

'The increase in demand attributed to the Regulation 19 Local Plan during the forecasting period happens in the last four years, where the pupil projections increase from the base projections by 50 pupils. This increase is across all schools and all year groups.'

This forecast does not appear sound. The plan anticipates 4,914 new dwellings to be built in the borough. According to the Regulation 18 Local Plan para 1.39, the average household size in the borough is 2.58 people. If new dwellings are consistent with this average, the population of the borough would expand by 12,678. The forecast secondary school aged population increase of 50 is 0.39% of this total, i.e. implying that 11-16 year olds (years 7-11) in secondary education will make up only 1 in 254 of new residents. No data is provided to support this hypothesis.

No data is given in the IDP for places in years 12 and 13 or whether they are sufficient to meet the 'Raising the Participation Age legislation'.

According to the demographic information provided by the Office of National Statistics for 2019, [Overview of the UK population - Office for National Statistics](#)

in 2019, just over 10% of residents of the borough fell within the 11-18 age range.

Of these, all 11-16 year olds were expected to be in secondary education, and (based on national data) over 80% of 17 and 18 year olds.

[Participation in education, training and employment age 16 to 18, Calendar year 2023 - Explore education statistics - GOV.UK](#)

This would result in an expectation of over 9.5% of residents being in secondary education. Whilst some of these will either be educated outside the borough (e.g. at Sutton Grammar School or Tiffin School) or in public schools (e.g. Epsom College, Ewell Castle and London City of Freemans) there is no reason to believe these schools would have the capacity or inclination to increase their intakes of Epsom & Ewell Borough students. Indeed the recent application of VAT to public school fees may reduce public school intake and increase the schooling requirements for secondary school state education places. There is no evidence that this change has been into account in the figures provided in the IDP.

Applying the 9.5% of residents being in secondary education to the expected 12,678 additional residents accommodated by the Regulation 19 Local Plan allocations would give an increase of 1,210 secondary school pupils (960 in years 7-11 and 250 in years 12 & 13) rather than the 50 (in years 7-11) predicted.

Nowhere in the data does it suggest that anywhere close to this number of secondary school places will be available in the borough, meaning that the planned influx of new residents cannot be accommodated within the available secondary schools.

Whilst this is only an estimate, it would need to be 85% overstated before it reached a level that could be accommodated. Without properly understanding the potential for new secondary school students coming to the borough, the overall assessment of secondary school provision is incomplete and unsound.

Even without any new dwellings, the table of secondary school place availability indicates a significant issue. The expected base case presented in the table on p.51 of the IDP (before new housing) represents only 1% of secondary school places in most years. Only 2 secondary school places are expected to be available across the whole borough in 2029-30 in the base case. No sensitivities are presented for this figure, however it can be assumed that under many reasonably probable scenarios there will be a deficit of places during the plan period.

No assessment has been presented of this issue, nor are any solutions proposed to address the, reasonably probable, insufficiency of secondary school provision.

In addition to the failure appropriately to assess and provide for the influx of secondary school aged children, no assessment has been undertaken of the availability of secondary school places at schools [in the proximity of the site allocations](#) in the Local Plan. Because of the insufficiency of secondary school places, it is unavoidable that pupils from strategic Green Belt allocations will need to travel greater distances to schools with available places. This will further exacerbate the unsustainable travel requirements and further undermine the case for developing sites such as Horton Farm.

It would not be acceptable for EEBC to assert that school provision is a county issue and that they do not need to address and plan for sufficient, appropriate secondary school provision. It is critical that realistic, detailed plans are formulated to meet legally binding schooling requirements prior to approval of the Local Plan otherwise the plan must be found unsound.

If it is not possible to build housing sufficiently close to suitable available infrastructure in the borough (in this case secondary schools and sustainable transport), a more strategic approach should be undertaken which approaches provision at a regional (and national) level, utilising infrastructure in areas at below full capacity rather than overloading local infrastructure well beyond its designed capacity and creating/exacerbating schooling and transport issues.

Based on the above, the local plan is not sound with respect to secondary school place availability or provision, even without any new dwellings. This issue is significantly exacerbated if the impact of residents in the 4,914 proposed new dwellings is included, and becomes completely untenable.

The Local Plan fails to provide any analysis of the sufficiency of post 16 education opportunities, as a result it also cannot be found sound in this respect.

Local Roads

The ICP states:

'Surrey County Council have modelled and assessed the likely impacts of the Regulation 19 Proposed Submission Local Plan on the highway network. This found that overall, the Regulation 19 sites are mostly reasonably small and/or well located in relation to existing transport connections and amenities. As a result, the highway impacts tend to be local to the development sites themselves and the cumulative impact is in general, tolerable. It is therefore not considered that any impacts would be considered severe in terms of the National Planning Policy Framework (NPPF). However, there will be a need for localised mitigation as well as schemes to address cumulative impacts. This is most likely to focus on reducing the reliance on the private car rather than simply increasing capacity.

The report identified traffic 'hotspots'; junctions and links that experience significant vehicle delays and are operating above capacity by 2040. It is noted that many of these locations already experience congestion issues. The hotspots provide a preparatory list of where potential mitigation should be focused. The identification of potential mitigation is currently underway and the IDP will be updated in due course with a schedule of schemes, which will tie in with other transport strategies, such as the Local Cycling and Walking Implementation Plan (LCWIP).'

Although the report endeavours to downplay the significance of the road network undercapacity and resulting congestion, careful reading highlights significant issues arising from the significant sites.

Various of the transport reports conflict with one another or are based on unvalidated, and often incorrect, assumptions and estimates.

For instance, the sustainability appraisal states, incorrectly:

9.3.1

'this part of the Borough [Horton Farm and Hook Road Arena] benefits from good sustainable transport connectivity, particularly high quality cycle infrastructure.'

whilst the LTWIP indicates the opposite.

In Clarendon Park, one of the former hospital sites adjacent to Horton Farm, comprising c.300 dwellings, only two households regularly use a bicycle as a means of transport. Of these, one makes 80% of their trips by car, and neither believe the available cycle routes are suitable for primary school children, even when accompanied. Over 99% of trips are made by car.

It is reasonable to assume that a similar statistic will apply to dwellings that may be constructed on Horton Farm, meaning that from a transport perspective the site is in the category of least sustainable sites in the borough.

The Strategic Transport Model Assessment Report ('STMAR') is insufficient accurately to assess the transport impact of site selections. It is based on estimates and assumptions but, concerningly, provides only single views of the impact of developments, rather than a range of possibilities.

It also, erroneously, assumes high quality routes:

'the mode share estimations do not consider the quality of the walk, cycle, public transport or vehicle routes, just simply time and distance of competing modes and routes. Planning applications should closely assess route quality to major attractors, for example in terms of safety, surfacing,

width and perception, to assist in the delivery of successful development sites which offer good travel by a variety of modes and for residents and visitors not to be solely reliant on the car.’ Source: STMAR

The Local Cycling and Walking Infrastructure Plan (LCWIP) indicates that there are no suitable cycle routes from the Horton Farm site, and states that there are no plans to develop them.

Bus services near Horton Farm run only every 30 minutes and do not serve the whole site with sufficient convenience to be used extensively.

Despite the absence of a suitable cycle route, and paucity of bus service, the STMAR assumes 30% of trips are made via these transport modes. This overestimate of cycle and bus use still results in an unsustainable level of car use:

‘Horton Farm is the largest residential only site with a net increase of 1,500 dwellings, and with the exception of the commercial sites, Horton Farm has one of the highest shares of car use with a mode share of 65% in the AM peak and 69% in the PM peak. The public transport share is 24% and 21% for the AM and PM peaks respectively, and active modes 10% in both time periods.’ Source: STMAR

The reality is likely to be considerably worse than this.

A single, accurate view should be prepared, aligning all transport information to a consistent and evidence-based assessment, with reports being updated as necessary to reflect this. The current evidence is materially inconsistent and unreliable and cannot be used to prepare a sound local plan.

Actual experience of the transport (road, cycle and bus networks) highlight areas in which they are currently of insufficient quality and capacity to meet existing demand, some of which are recognised in the STMAR as already operating at capacity or suffering from ‘Forced or breakdown flow’. This will deteriorate further with the addition of significant housing developments to the point that allocated sites are completely unsustainable in themselves, and they have a knock-on impact of causing a breakdown of the road network for existing residents as well.

Transport infrastructure

The Local Plan transport assessment highlights numerous concerns and challenges that must be overcome to ensure that the Local Plan is sustainable. A non-exhaustive selection of these is covered briefly below.

Transport Assessment

‘The assumption is that any new car trips generated by potential allocation sites will:

- a) Increase congestion*
- b) Worsen safety for pedestrians and cyclists*
- c) Increase air pollution*
- d) Have a negative impact on resident and visitor health and well-being’*

- a) The assessment methodology, whilst generally good, has some important shortcomings. One of the most important of these is the availability of the anticipated destination for specific travel purposes, either due to its inherent capacity, or because of restrictions on its use.

As an example, if the nearest primary school is already at capacity, the distance of new housing from this school should be discounted, and the distance to the primary school with sufficient available capacity to meet expected need should instead be used. This methodology has not been adopted, which means that the site assessment is incorrect and the use of the results is unsound (see section on primary schools in this document for further details).

The nearest available site with capacity for the demand should be used to score each site and the assessment re-run.

- b) The weighting of each category of travel should be based on the average frequency of travel to that destination. School travel will involve twice daily return trips (assuming parents dropping off and picking up) during termtime for those households with school aged children, and possibly will include more than one school destination per household. Conversely trips to GPs may only be a few times per year per household. Whilst the assessment recognises this principle, the weighting used is overly simplistic, for instance assuming 50% greater distance travelled for primary schools than to pharmacies or GPs.
- c) Common reasons for travel that are not explicitly included in the analysis, include popular recreation activities (gym / swimming, sports pitches, bowling, cinema), and specific retail offerings that may not be found in the town centre (supermarket, electrical retailer), etc. It may be that the assessment assumes that these travel destinations are either found in the town centre or in green spaces. However, it is generally only allocations in and around the town centre that will be close to the majority of destinations.

As an example, virtually all households purchase from supermarkets at least once per week. The largest local supermarket, Sainsbury’s, is in Kiln Lane, which is 0.8 miles from the town centre. This will be 0.8 miles closer to some potential site allocations and 0.8 miles further for others, which could recategorize those allocations into, or out of, 20-minute and 40-minute neighbourhoods. This principle will also apply to other principal destinations.

Public Transport – buses and rail

The major greenfield Green Belt site allocations are largely a long way from railway stations. The bus services are infrequent and are unlikely to provide any significant mitigation of the impacts of these sites.

Cycling and walking

As set out elsewhere in this document, the Local Cycling and Walking Infrastructure Plan has specifically excluded provision of a suitable cycle route from the Horton Farm site. The evidence base acknowledges that the major greenfield Green Belt site allocations are not within reasonable cycling or walking distance of the important transport destinations and are therefore unlikely to mitigate private vehicle use.

Local Roads

Acknowledging that the main greenfield Green Belt site allocations are not sustainable from a travel perspective, the resulting trips will be almost exclusively by private vehicles. Despite this, and the fact that the Highways assessment indicates significant road and junction capacity issues around the Horton Farm site, there are also no planned improvements to road capacity. The Highways assessment indicates that mitigations are required, but they are not planned for.

The plan is unsound in this regard.

Electricity network

Domestic (including domestic vehicle) energy use is becoming increasingly reliant on electricity rather than the historical carbon-based energy supplies (domestic gas, petrol and diesel).

Below is the published '2022 consumer transformation' projections base scenario with headroom (deficit) given in MW of capacity.

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2035	2040
Epsom 11kV	4.2	4.2	4.1	4.0	3.8	3.4	2.9	2.4	1.8	1.0	0.3	-2.2	-7.4
Ewell 11kV	14.4	14.3	13.6	12.6	11.4	10.0	8.5	7.0	5.3	3.4	1.8	-4.6	-18.6

Source: Southern Power Networks demand headroom.

The scenario in the table pre-dates a number of important government initiatives and is therefore likely to overstate headroom, possibly materially so.

The table does not account for the bringing forward of electric car targets (phasing out of combustion engines), and does not account for the very significant increase in household demand resulting from the Epsom & Ewell Local Plan (4,900 new homes) or the impact of the increases in house building targets announced in 2024 across the wider region.

As can be seen from the table, the electricity shortfall occurs at the time the major allocated housing sites are scheduled to come on stream. Approximately 3,000 homes are planned to be delivered in Epsom & Ewell by 2032/33, with domestic demand, employment demand and electric vehicle demand being added to the network.

The IDP notes the expectation for the roll out of high voltage EV charging points across the borough. Common public EV charge points range from 7kW to 175kW, whilst most domestic chargers are 7kW. The use of only 40 additional home charging points or two additional high voltage public EV charging points would absorb the entire available electricity network headroom forecast for 2032. The network is not ready.

Significant upgrades will be required to the network to accommodate this growth. Based on the information provided in the IDP, these upgrades have not been planned to date.

In addition, due to the routing of the electricity infrastructure within the borough, any upgrades to that infrastructure will impact main arterial routes through the borough, further degrading traffic flows (see transport section).

Concerningly and confusingly, the IDP only quotes the electricity capacity headroom figures up to 2032, stopping just as the forecast is for insufficient capacity being available, despite the Local Plan being for the period to 2040. This choice appears to be to hide the future issues the data clearly shows.

This submission does not attempt to quantify the impact of the additional new homes, the initiative to move to electric vehicles (transferring significant energy use from petrol and diesel to electricity), the initiative to replace gas boilers with heat pumps (using electricity), or other impacts that increase

the demand on the electricity network. Calculating that impact should be part of the council's Local Plan submission.

However it is reasonable to assume, with each home increasing domestic demand and most involving 7kW electric vehicle charging points, that headroom within the existing network will decrease by several MW over that shown in the table above.

There is no discussion in the Local Plan how this critical infrastructure challenge is to be approached or resolved. The Local Plan cannot be deemed deliverable if there is no plan to install the required infrastructure.

The Local Plan is not sound in this respect.

Water network

Potable water

The IDP states that:

'The Environment Agency has designated the Thames Water region to be "seriously water stressed" which occurs when the demand for water is greater than the supply. Future pressure on water resources will continue to increase with key factors being population growth and climate change.'

Hosepipe bans have been put in place during the summer in recent years, highlighting the existing water shortage issues in the borough.

The greenfield Green Belt development sites such as Horton Farm and Hook Road Arena currently do not consume piped, potable water. Developing large housing estates of homes with gardens will very significantly increase the water requirements within the borough.

No plans are set out to address this challenge.

Even if Thames Water delivers their demand management programme, which is by no means certain, there will be a need for new water resources to be developed by 2030 in order to achieve a supply-demand balance.

Adding demand to the "seriously water stressed" area, however water efficient this demand is, will put further stress on the water network, impacting both new and existing residents.

'It is essential that adequate water and sewerage infrastructure is delivered prior to development taking place, in order to avoid unacceptable impacts on the environment. Lead in times for infrastructure should be adequately planned for (for example local network upgrades can take around 18 months to deliver, while sewerage treatment and water treatment works upgrades can take 3 to 5 years to deliver).'

Source: IDP page 31

No plans are set out to deliver this infrastructure. The Local Plan cannot be deemed deliverable if there is no plan to install the required infrastructure. The Local Plan is not sound in this respect.

Waste water / sewage disposal

'Surface water and foul sewers exist across the borough but in the south, there are very few existing surface water sewers as ground conditions lend themselves to the use of soakaways in this area.'

Source: IDP page 29

Thames Water's plan for the Beddington and Hogsmill area (which includes Epsom & Ewell) highlights the deteriorating situation and the need to take significant action, including targeting greater use of soakaways to alleviate the stress on the sewage network. As can be seen from the IDP statement, this would naturally direct development away from areas with surface water flooding issues, such as in Horton Ward.

The Local Plan is not sustainable or sound with respect to site allocations in the greenfield Green Belt sites in the West of the Borough.

Flood risk management

'The main cause of flood risk in the borough is from surface water flooding. This mainly occurs during intense or prolonged rainfall which exceeds the design standard of the drainage system.

There is a foul water flooding issue related to the storm overflow discharges in the River Hogsmill from the Thames Water Hogsmill storm tanks.'

Source: IDP page 42

'Development proposals within areas identified as being at risk from flooding will either be discouraged or required to introduce appropriate levels of mitigation, which may include new flood prevention infrastructure such as SuDS.'

Source: IDP page 43

As set out elsewhere in this document, the sequential test has not been performed correctly and sites such as Horton Farm and Hook Road Arena, which have significant flooding issues, have been selected ahead of sites at lower risk of flooding. The Local Plan is not sound in this respect.

In addition, there is a significant issue regarding sewage flows into the River Hogsmill due to capacity constraints in the waste water system. Adding significant levels of housing will both exacerbate surface water flooding and dramatically increase the levels of sewage the already overstretched network will need to handle. While appropriately designed SuDS may partially mitigate the increased surface water flooding that would result from development of Horton Farm, SuDS will not address increases in sewage volumes and will result in increases of damaging sewage discharges into the Hogsmill.

The Local Plan is not sound in this respect.

Gypsy and Traveller sites

The Local Plan states:

‘3.11. A need for 18 pitches for Gypsy and Travellers has been identified through the Epsom and Ewell Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA), 2022.’

The report ‘Gypsy and Traveller Accommodation Assessment (GTAA) – June 2022’ accompanying the Local Plan states in para 1.11 that there is a ‘need for 10 pitches for [Gypsy or Traveller] households that met the planning definition’.

Policy S1 – Spatial Strategy

‘4) Provision has been made for 10 permanent pitches for Gypsies and Travellers within Epsom and Ewell over the plan period. The council will seek to make provision for additional pitches for Gypsies and Travellers by permitting suitable sites.’

These pitches are currently proposed to be provided on site SA35 – Horton Farm.

The officer’s report for agenda Item 13 of the 10 Dec 2024 Full Council meeting stated:

‘3.36 ... the Council requires the release of Green Belt to assist in meeting some of the need for Gypsy and Traveller accommodation in the borough over the Local Plan period.’

‘3.49 In addition to the potential implications identified above in terms of housing supply and mix, it is important to note that the council is required to plan to meet the needs of Gypsy and Travellers in the borough. Gypsies and Travellers are protected by the Equalities Act 2010 and Housing Act 1996 (as amended). Site allocation SA35 – Land at Horton Farm - contains a requirement to provide 10 gypsy and travelled pitches to assist in meeting some of the unmet need over the plan period. The approach of requiring a small number of gypsy pitches as part of strategic housing allocations in local plans is not uncommon. Without this allocation the council will not be providing any additional gypsy accommodation through the local plan process, this will come under intensive scrutiny at examination.’

It is clear that EEBC should provide additional gypsy and traveller pitches within the borough as part of the Local Plan process. However it is incorrect to assume that these *must* be provided on Green Belt land, or that they *must* be provided on site allocation SA35. The council has failed properly to assess the options for locating gypsy and traveller pitches and has not provided the evidence necessary to reach its conclusion to provide the pitches on high performing Green Belt.

Policy S8 provides the proposals for future provision of gypsy and traveller sites.

The criteria set out in paragraph 2 of policy S8 also apply to many other sites from the Land Availability Assessment that appear not to have been assessed for the provision of Gypsy and Traveller pitches. These include e.g. The Gas Works Site (TOW001), Swail House (TOW010), the Town Hall, Ambulance and Police Station sites (TOW060, TOW021, etc), Hook Road Arena, Hook Road Car Park (TOW 022), Kiln Lane, land around Burgh Heath Road (COL017, COL019), Hollywood Lodge (HOR002), West Park Hospital (HOR005, HOR006), Downs Farm (NON016), Drift Bridge Farm (NON021), Banstead Road (NON038), Langley Bottom Farm (WOO020), etc.

There is no evidence of an up-to-date assessment having been undertaken for any of these sites, most importantly the brownfield sites, to determine whether they would be suitable for pitch provision.

‘6) To meet the needs of Gypsy and Traveller households, accommodation will be expected to be provided on development sites of 200 C3 homes or more whilst there remains an identified unmet need within the borough. Where application sites are within Epsom Town Centre (as defined on the policies map) or the inclusion of Gypsy and Traveller accommodation can be demonstrated to have a significant negative impact on the efficient use of land, provision will not be expected. This will need to be robustly demonstrated.’

- a) No justification for the threshold of 200 C3 homes has been provided. On the face of it, this appears to be an arbitrary threshold designed to limit the provision of suitable pitches.
- b) Importantly, no consideration of possible site allocation options is provided with the Local Plan, nor is such as assessment referred to on page 85 of the Local Plan. There may be several opportunities for other site allocations which provide appropriate facilities or options but which do not require the sacrifice of high performing Green Belt.

The council appears to have failed to undertake the necessary work to permit the release of any part of the Green Belt Horton Farm site for gypsy and traveller pitches. Para 146 of the NPPF (Dec 2023) mandates that ‘the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development’. In the absence of an assessment of possible site allocation options for gypsy and traveller sites, it cannot have met this requirement.

In the absence of such as assessment, the Epsom & Ewell Local Plan: Traveller Site Accommodation Assessment – June 2017 (‘GT2017’) can provide a useful reference point. This is likely to be too old to be relied upon, but nevertheless provides indications of where other options may be available, See Appendix 1 for extracts from the GT2017.

The process for identifying sites in 2017 identified several opportunities for the 27 pitches calculated as being needed as at that date (versus the 10/18 pitches identified in the latest assessment). See Table 1 in Appendix 1.

The reasons for discounting the sites at that time warrant reconsideration in the context of the proposal to build the gypsy and traveller sites on Horton Farm.

Site 3, Hook Road Arena was discounted in the GT2017

‘The site lies entirely within the Green Belt. It is currently utilised for public open space uses. Development of the site as new accommodation provision could result in significant conflict with the existing open space and neighbouring residential uses. **Discount from the process on the basis that the site is not appropriate for new Traveller accommodation and is not readily available.**’

The site is now being put forward by the Council (who own the site) for development for accommodation (site SA34). It is therefore readily available.

The argument made in the report that the provision of accommodation could result in conflict with existing open space no longer holds as the Hook Road Arena site is proposed for accommodation and sports pitches with pavilion.

The argument that new accommodation provision could result in significant conflict with neighbouring residential uses applies equally to the proposed Horton Farm development. The argument cannot validly be used to exclude the Hook Road Arena Site (or any other site), if it is not also to be applied to, or considered for, the Horton Farm site.

Site 4, Manor, Christ Church Road was discounted

‘Development of the site as new accommodation provision could result in significant conflict with the adjoining protected habitats and neighbouring residential uses. **Discount from the process on the basis that the site is not appropriate for new Traveller accommodation and is not readily available.**’

The report does not show the exact location of this site, but the argument that new accommodation provision could result in significant conflict with neighbouring residential uses applies equally to the proposed Horton Farm development, so cannot validly be used to exclude this site.

Site 1, Extension to the Greenlands site, Cox Lane

This site was recommended for development in 2017, but has not been considered in the Reg 19 Local Plan.

Conclusions

1. The necessary assessment of all alternative options for the location of gypsy and traveller pitches has not been undertaken before deciding to locate them on Horton Farm. This conflicts with NPPF (Dec 2023) para 146.
2. The failure to consider (and potentially include) the preferred, non-Green-Belt, such as the Greenlands Site from the GT2017 report is a breach of NPPF (2003) para 146.
3. The rationale for excluding sites (such as Hook Road Arena) no longer apply as a result of other decisions in the local plan. This, and other sites must be reconsidered.

Land availability assessment

NPPF (Dec 2023) states:

*'146. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has **examined fully all other reasonable options for meeting its identified need for development**. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

- a) makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.'*

This section focuses on compliance with NPPF (Dec 2023) para 146a, and to a lesser extent, para 146b.

The LAA does not comply with the relevant government guidance and does not demonstrate that the Council has 'examined fully all other reasonable options...' as required by the NPPF:

[Housing and economic land availability assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-and-economic-land-availability-assessment)

The council's Land Availability Assessment Sept 2024 ('LAA Sept 2024') states:

*'4.14 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%). The LAA methodology set out that if there were insufficient sites to meet the identified need then the Council will need to revisit the assessment and its assumptions to see if the shortfall can be met. **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** (for example there are numerous garage sites which have availability or deliverability issues by having a large number of leaseholders or freeholder interest across the site). By applying density uplifts at some of the sites discounted, as they are unable to deliver 5 units, this would result in a negligible increase in housing supply.'*

[Microsoft Word - EEBC Land Availability Assessment 2024 FINAL DRAFT](#)

This makes it explicit that **the council did not attempt to increase the density of potential sites nor did they revisit discounted sites** (see para 4.14 of the report linked above) as they did not expect doing so would bridge the overall gap to the government's 'standard method' figure of 573 dwellings per year.

Failing to do this is in breach of paragraph 146 of the National Planning Policy Framework ('NPPF').

As the Regulation 19 Local Plan proposals do not meet the standard method figure of 573 dpa, and the council goes on to release Green Belt land to supplement this shortfall, it is both non-compliant and inexcusable to fail first to maximise the use of brownfield and previously developed land opportunities.

LAA site assessment concerns

The LAA Sept 2024 provided as support for the local plan sets out the sites considered:

- 1) Appendix 1: The list of 23 sites (excluding GB sites) selected as being deliverable

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites	Proposed dwellings per site
0.03 – 0.1	5	5-8
0.11 – 0.15	4	6-21
0.16 – 0.2	4	6-20
0.21 – 0.25	2	10-34
0.26+	8	0 (3 sites) 47-450

There may be opportunities to increase the density on some of these sites to make as much use as possible of brownfield and underutilised land.

- 2) Appendix 2: The list of 10 developable sites

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites	Proposed dwellings per site
0.05 – 0.1	1	15-25
0.11 – 0.15	1	15
0.25 – 0.5	3	0 (1 site) 30-200
0.51 – 0.75	2	30-100
1+	3	0 (1 site) 100-125

- 3) Appendix 5: The list of discounted sites

- a) Appendix 5.1: The list of 36 sites sourced from the desktop review process and discounted at stage 1

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites	Reason for discounting *
0.03 – 0.1	22	Too small
0.11 – 0.15	10	Too small
0.16 – 0.2	3	Too small
0.21 – 0.25	1	Too small

- b) Appendix 5.2: The list of 5 sites sourced from planning applications and discounted at stage 1

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites	Reason for discounting *
0.05 – 0.1	3	Too small
0.11 – 0.2	1	Too small
0.21 – 0.25	1	Too small

- c) Appendix 5.3: The 9 sites sourced from the call for sites exercises and discounted at stage 1

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites	Reason for discounting *
0.04 – 0.1	5	Too small
0.1 – 0.25	3	Too small
0.35 – 0.4	1	Too small

*** Every one of the 50 sites in appendices 5.1 to 5.3, discounted at stage 1 for being too small to accommodate 5 or more dwellings is as large as, or larger than, one or more sites included in the local plan as being deliverable.** All but 7 of these 50 sites is also as large as, or larger than, sites taken forward to stage 2 before being discounted, see d), below.

This was highlighted as part of the Regulation 18 consultation responses but has not been addressed.

If each of these sites were developed at the lowest or medium densities used for equivalent-sized sites included in developable sites from LAA Sept 2024 Appendix 1, **they could provide between 244 and 465 additional dwellings over the plan period.**

Site size (hectares)	Number of sites	Low density site yield	Mid density site yield
0.03 – 0.1	20	100 (5 dwellings / site)	240 (12 dwellings per site)
0.11 – 0.25	19	114 (6 dwellings / site)	185 (15 dwellings per site)
0.26+	1	30	40
Total		244	465

The failure properly to consider these sites represents non-compliance with NPPF para 146 a) and makes the plan unsound in its current form.

- d) Appendix 5.4: The 80 sites discounted at stage 2

These sites can be broken down by size as follows:

Site size (hectares)	Number of sites
0.05 – 0.1	13
0.11 – 0.15	13
0.16 – 0.2	16
0.21 – 0.25	4
0.26 – 0.5	17
0.51 - 1	4
1.01+	9

Of these 80 sites in appendix 5.4:

Reason for discounting	Number of sites
Site not available	47
Availability concerns	17 *1
Loss of open amenity land or open space	4 *2
Loss of playing fields	2 *3
Includes one or more TPO trees (and 'suitability concerns')	6 *4
Site in Flood Zone 2	1
Already developed	2
Unsuitable (other)	1

NPPF para 146 states that:

'Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development... [including whether it] a) makes as much use as possible of suitable brownfield sites and underutilised land'

*1 To fulfil the requirements of NPPF para 146, sites that have 'availability concerns' should be properly investigated to establish whether or not those concerns are justified. The sites should only be discounted if it is established that they are not available.

*2 General amenity land and open space that is designated as Local Green Space has a similar level of protection as Green Belt (NPPF para 107). Any sites which do not have this designation should be considered for designation or permitted for development in preference to Green Belt sites.

*3 The Regulation 18 Local Plan, which took into account the original LAA findings, allocated Priest Hill playing fields for development. Whilst that site was later removed from the Local Plan because it was not available (due to a long term lease), no reason is given for why the two sites containing playing fields have been discounted when other playing fields were allocated for development.

*4 The presence of TPO trees on a site does not stop the site from being developed or developable. Several sites, including Hook Road Arena, have numerous TPOs but are allocated for development.

As for *1 above, sites that have 'suitability concerns' should be properly investigated to establish whether or not those concerns are justified. The sites should only be discounted if it is established that they are truly unsuitable with justified, documented reasons.

At least 29 of the 80 sites discounted at stage 2 of the LAA Sept 2024 require further investigation in order to meet the requirements of NPPF para 146. These represent over 16.5 hectares of urban land that could deliver many hundreds of further homes if found to be deliverable.

Appendix 7 of the LAA Sept 2024 contains changes since the LAA 2022. Further opportunities may be available on these sites, such as on COL002 where an upper floor residential offering is frequently included in Aldi sites.

Sites not considered

Council-owned sites

The LAA Sept 2024 excludes consideration of a large number of Council owned sites within the urban area, for instance the land around Saddler's Court and the allotments at Bridle Rd. These are required to be considered under the guidance above, even if they are subsequently dismissed.

Recent government announcements indicate that Epsom & Ewell Borough Council is likely to be dissolved and subsumed within a unitary authority within Surrey. This being the case, the East Street property currently allocated for a move from the Town Hall site, could be released for development, enabling significant further housing on that site.

Other sites

A Freedom of Information request was submitted by the Epsom Green Belt Group on 11 April 2024 to identify to what addresses the call for sites letters were sent, so as to identify any opportunities for further brownfield sites that may not have been considered. The council initially withheld this information before finally providing it on 24 January 2025, see link below. This left insufficient time to properly consider and assess the response.

[Call for sites details - a Freedom of Information request to Epsom and Ewell Borough Council - WhatDoTheyKnow](#)

Although the Council issued requests for sites to be put forward, the list of sites written to does not fully align with the LAA assessment indicating that owners of some sites may not have been contacted at all and other sites may not have been included in the LAA Sept 2024.

No evidence has been provided to show that the Council has proactively engaged with suitable site owners to identify further opportunities for brownfield site development over an above sending a call for sites letter.

Optimisation of the density of development

Various documents that supported the preparation of the Local Plan included site densities for different site types across the borough. An example from the Local Plan viability assessment is shown below:

Table 8.2 Urban Housing Capacity Study Densities	
Location	Density
Epsom Town Centre	130 dph
Ewell Village	95 dph
Stoneleigh Broadway	95 dph
Areas within 5 mins walking distances from services/facilities	80 dph
Areas within 10 mins walking distances from services/facilities	65 dph
Remaining Areas	40 dph

Source: EEBC (November 2019)

[epson-ewell.gov.uk/sites/default/files/Local Plan Viability Assessment 2022.pdf](https://www.epson-ewell.gov.uk/sites/default/files/Local%20Plan%20Viability%20Assessment%202022.pdf)

Paragraph 7.2 of the Local Plan states that:

‘The council considers “efficient use of land” to mean, for major development (as defined by the Town and Country Planning Act etc.) a minimum of:

- *80 dwellings per hectare in Epsom Town Centre (as defined on the Policies Map)*
- *60 Dwellings per hectare near public transport hubs beyond Epsom Town Centre, and*
- *40 dwellings per hectare in other urban areas.’*

This is not stated in the relevant policy, S11, and so may not be applied in practice. The policy should be updated to include these target minimum densities.

The densities in para 7.2 of the Local Plan fall short, in some cases substantially, from densities deemed appropriate in the supporting evidence documents.

The issue of suboptimal densities is exacerbated by the failure then to apply the proposed, para 7.2 densities to all site allocations. Significant numbers (hundreds) of additional dwellings could be developed on brownfield and previously developed land by applying consistently the minimum thresholds of para 7.2 of the Local Plan.

Summary

The Land Availability Assessment Sept 2024 does not comply with government guidance and does not assess all sites.

It excludes a large number of sites without investigating them sufficiently.

Sites that are selected for development do not consistently meet the minimum density thresholds in para 7.2 of the Local Plan.

The minimum density thresholds may not be as high as could reasonably be achieved in urban settings.

The Local Plan does not meet the requirements of NPPF para 146 and is currently unsound in this respect.

Prioritisation of development of lower quality Green Belt

One of the reasons to assess the quality of Green Belt is to establish, if it is deemed unavoidable to develop Green Belt, which parcels should be prioritised for development and which parcels should be avoided. This assessment should be supplemented by consideration of other factors such as the sequential test and sustainability considerations.

The basis for scoring the quality of Green Belt land has changed between reports but nevertheless provides useful information as to the relative quality of the sites.

Green Belt purpose	Atkins Greenbelt study Feb 2017	Green Belt Study Update Sept 2024
a) to check the unrestricted sprawl of large built-up areas	Y	Y
b) to prevent neighbouring towns merging into one another	Y	Y
c) to assist in safeguarding the countryside from encroachment	Y	Y
d) to preserve the setting and special character of historic towns	Y	N
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land	N – assumed all Green Belt land performs this role equally	N

Under both reports, the site allocations for Horton Farm and Hook Road Arena score highly (above the majority of other parcels).

The December 2024 NPPF glossary provides a distinction between lower quality ('greybelt') and higher quality Green Belt land. It states that:

'148. Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.'

Whilst the Local Plan is not being assessed under the Dec 2024 NPPF, this nevertheless provides helpful guidance as to how to prioritise locations for development.

Under this principle (supported by the guidance in the Dec 2024 NPPF), it is evident that whilst West Park Hospital and Chantilly Way would qualify as greybelt and would be prioritised for development, Horton Farm and Hook Road Arena should not be developed as they would not be classified as greybelt and are of a higher quality than other sites around the borough.

The Sustainability Appraisal para 2.3.6 correctly observes:

'As for the undeveloped Green Belt, the great majority contributes very strongly to Green Belt purposes'

The Local Plan does not take this into account when choosing sites for development, which results in the plan being unsound.

Permitting development of above-average cost housing destroys additional Green Belt land

Although this Local Plan is being assessed under the Dec 2023 NPPF, the impacts will be subject to the Dec 2024 NPPF and these impacts must be anticipated and considered.

The Dec 2024 NPPF included a new Standard Method calculation methodology found in Paragraph 004 Reference ID: 2a-004-20241212 in the following link:

[Housing and economic needs assessment - GOV.UK](#)

Step 1 sets the baseline at 0.8% of the most recent government figure for existing housing stock for the area (33,036 dwellings as at the date of this consultation). $0.8\% \times 33,036 = 264.3$

Step 2 states:

‘The housing stock baseline figure (as calculated in step 1) is then adjusted based on the affordability of the area.

The affordability data used is the [median workplace-based affordability ratios](#), published by the Office for National Statistics at a local authority level. The mean average affordability over the five most recent years for which data is available should be used.

No adjustment is applied where the ratio is 5 or below. For each 1% the ratio is above 5, the housing stock baseline should be increased by 0.95%. An authority with a ratio of 10 will have a 95% increase on its annual housing stock baseline.

Where an adjustment is to be made, the precise formula is as follows:

$$\text{Adjustment factor} = \left(\frac{\text{five year average affordability ratio} - 5}{5} \right) \times 0.95 + 1$$

For values of ‘five year average affordability ratio’ above 5; otherwise zero.’

The implication of this adjustment factor is that the government has set a target for housing to be priced at or below 5 times the average workplace-based earnings in the borough.

The median workplace-based affordability ratios for Epsom & Ewell for the last 5 years (2019-2023) are 16.39, 16.97, 17.48, 19.53 and 16.8 respectively. The average is 17.43. The adjustment factor is therefore 3.36.

The overall standard method output for Epsom & Ewell is currently therefore $264.3 \times 3.36 = 889$ dwellings per annum.

Practical implication of the Standard Method formula

The Planning Policy Guidance Paragraph: 006 Reference ID: 2a-006-20241212 states:

‘The specific adjustment in this guidance is set at a level to ensure that minimum annual housing need starts to address the affordability of homes.’

Any new housing required or permitted under the Local Plan that is sold at or above the current average house price will result in an **increase** in the average house prices in the borough. The impact of such housing is to increase the workplace-based affordability ratio which directly conflicts with the purpose of the affordability 'adjustment factor' set out in the PPG.

An increase in the workplace-based affordability ratio also directly results in an increase in the future housing target for the borough.

This will not only fail to address (reduce) the overall affordability ratio of housing, but worse still, would actively cause it to worsen. i.e. building 'unaffordable' (above average cost) homes will not only fail to meet the need for Affordable Homes in the borough, but will increase the housing target for the future.

This increases future problems of insufficient land for development, without addressing current problems of housing need. The worst of both worlds.

The only land available in the borough to further increase housing supply to meet the increased target resulting from building 'unaffordable' homes is Green Belt land.

Permitting the building of any housing at or above the current average house price in the borough would increase future housing targets, and consequently would be deliberately, knowingly and voluntarily committing the borough to future destruction of protected Green Belt land.

This would represent a negligent, wilful and unnecessary decision to destroy protected Green Belt and would not be sustainable or sound. It also does not meet the objectives set out in the PPG (to address the affordability of homes).

The dual ambitions of meeting housing need and reducing house prices can only be achieved through building affordable homes, not by building more (expensive) homes.

Affordable housing

The Local Plan does not correctly assess the need for affordable housing nor does it adequately address this need. Policy S6 is not sufficient and will not deliver the required housing mix, or the range of house costs necessary for meeting the needs of those requiring affordable housing.

Most, if not all, the housing described as 'affordable housing' in the Local Plan is likely to fail to comply with the NPPF definition (see below). As a result, the Local Plan does not meet the obligations for affordable housing provision and is unsound.

The officer's report for agenda Item 13 of the 10 Dec 2024 Full Council meeting stated:

'3.36 In terms of the difficulties of achieving sustainable development without impinging on the Green Belt, the Council needs to increase the delivery of affordable housing to meet existing needs, for example the Councils [sic] Housing Register is also a core consideration, with numbers on the list having increased from approximately 1,200 households in 2022, to 1,350 households. This demonstrates a significant need for additional affordable housing delivery in the borough.'

'3.48 The failure to deliver a significant increase in affordable homes is likely to result in increased costs to the council for temporary accommodation for homeless households. The council spent over £1.6 million on nightly paid accommodation in 2023/24 with the highest temporary expenditure being for family sized households.'

The objective to address the needs of those on the Council's housing register can only be met by providing housing priced at a level that can be afforded by individuals and families on the register.

The NPPF (Dec 2023) states:

'63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.'

Affordable housing is defined in the NPPF Annex 2 Glossary (repeated in Appendix 1 to the Local Plan) as:

*'...housing for sale or rent, **for those whose needs are not met by the market** (including housing that provides a subsidised route to home ownership and/or is for essential local workers)...'* with further requirements also listed.

To comply with the affordable housing requirement in NPPF para 63, it is necessary both to:

- a) accurately assess the need for housing at price points that are objectively affordable to people or families whose needs are not met by the market; and
- b) meet this specific need through the development and implementation of suitable planning policies.

As explained in the Housing and Economic Development Needs Assessment 2023 accompanying the Local Plan ('HEDNA'), para 13.47: *'it will be important for the Council to ensure that any affordable home ownership dwelling is sold at a price that is genuinely affordable for the intended target group'*.

This is not just important, but critical both to addressing true housing need, and to complying with the NPPF definition of affordable housing.

Putting it another way, supplying housing that is at a price above the level that can be afforded by the target demographics will not address the affordable housing need and cannot accurately be described as being 'affordable housing'.

The analysis in this section uses the term 'Affordable Housing' to refer to housing that fully complies with the NPPF definition.

Transportation and home running cost impacts on housing affordability

The affordability of homes comprises three main components, which in order of size are:

- i) Purchase or rental cost of the property
- ii) Cost of travel to and from the property to key destinations
- iii) Running costs of the property

The HEDNA focuses almost exclusively on item i) as, therefore, does this analysis. However, the other two factors are increasingly important both socially and financially.

Any housing provided in locations that require the use of private vehicles can increase the effective total cost of housing by 10-20%. All of the Green Belt sites (greenfield and previously developed land) are likely to require the use of private vehicles, effectively adding a substantial premium to the financial cost of Affordable Housing on these sites.

Of lesser impact, but still significant, are the running costs of homes. As it is probable that all Affordable Homes will need to be in flatted developments in order to be affordable, wherever they are located in the borough, the difference in costs between houses and flats is not considered further here. Should the council (or developers) believe that it is possible and desirable to deliver Affordable Housing through the provision of houses, this factor should be considered further.

The underlying problem of under-delivery

Para 7.2.1 of the Sustainability Appraisal – November 2024 states that:

'the levels of affordable housing need that exist[s] locally... is a figure many times higher than the 30 homes affordable homes per annum delivery figure that the Borough has averaged over the past six years.'

This highlights a fundamental issue with both the existing Local Plan and the Regulation 19 proposals; the issue of deliverability.

The current local plan policy CS9 requires developments of 5-14 dwellings to provide 20% affordable housing, and larger developments (15+ dwellings) to provide 40% affordable housing, with an overall target of 35% affordable housing. These targets are currently the same or higher than those proposed in the Regulation 19 Local Plan.

Why then is the level of affordable housing delivered currently running at c.15%?

Either the policy is insufficiently robust, or the implementation of the policy is failing. In either case, simply increasing the level of non-affordable housing, at the expense of the borough's identity and the environment, does not target the root cause of the issue.

The proposed Regulation 19 Local Plan should be focussing on how to ensure it delivers the proportions of truly Affordable Housing 'for those whose needs are not met by the market', rather than following a large-scale construction programme delivering large volumes of unaffordable homes, failing to meet the real need.

The Local Plan, and specifically Policy S6, does not provide any mechanisms for addressing under-delivery of Affordable Housing.

The Regulation 19 Local Plan does not address this issue meaning that the Affordable Housing levels required will not be delivered and the Local plan is not sound.

Student accommodation

The NPPG states that local authorities

'need to plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus.'

The HEDNA highlights the expected significant increase in student numbers in the borough:

'16.245 When asked about growth aspirations for the Epsom campus, UCA stated that they expect the student population to grow by 10% per annum for at least the next three years (which is equivalent to an additional 573 students) but have no plans to deliver additional housing on the campus.

16.246 This has the potential to place a significant additional burden on the housing stock within the Borough, especially in areas such as Epsom's town centre, that are close to the Campus.

16.247 Therefore, the evidence gathered supports the recommendation that the Council should adopt a positive stance to student housing in appropriate locations to meet current and future housing needs of students.'

The provision of student accommodation is not considered in the viability assessment.

Whilst 400 student apartments were included in the Regulation 18 Local Plan for the Gas Works Site, this has been removed for Regulation 19 and no alternative provision has been made.

That means that the Local Plan does not meet the requirements of NPPF (2023) para 63 with respect to the provision of student accommodation and is unsound in this respect.

Defining the mechanism for confirming qualification as Affordable Housing

Because of the underlying high cost of housing in the borough, Affordable Housing needs to address the needs of a substantial number of residents of the borough.

Providing housing at, for instance, a 20% discount to market value does not meet the definition of Affordable Housing unless it results in a cost that meets the needs 'of those whose needs are not met by the market'. It is worth considering that even social housing may fail to meet some Affordable Housing needs. It is important to understand, and address in the housing policy, that it is the absolute cost of a home that is critical to its affordability, not the discount applied to market value.

Policy S6 (page 73 of the Local Plan) does not specify the basis, or mechanism, by which pricing levels will be determined to ensure that affordable housing is priced at a level suitable 'for those whose needs are not met by the market'.

In the absence of such a mechanism, Policy S6 therefore currently fails to ensure that any of the proposed housing will address Affordable Housing need. It is therefore not sound as currently worded.

Viability

The supporting evidence to the Local Plan considers viability of housing developments. The only housing 'need' in the borough is that for Affordable Housing (housing for those whose needs are not met by the market). Housing for those whose needs are met by the market is better termed 'Market Housing Demand'. If it is not viable to provide Affordable Housing in a development, the whole development will fail to meet true housing need.

The viability assessment is too long and detailed to be properly assessed in this document, however a few components are briefly covered below.

First Homes

The viability assessment considers the requirement for First Homes in detail. It highlights some significant issues and concludes that no First Homes of more than 2 bedrooms can be delivered under the required pricing mechanism.

This is problematic as First Homes provide a core component of the least cost house purchase options available. If First Homes cannot be provided (particularly 3 and 4 bedroom homes), then it is highly unlikely there will be sufficient Affordable Housing made available for purchase under the Local Plan.

This issue is exacerbated by the fact that the NPPF (Dec 2024) removes the requirement for provision of First Homes.

The solution to this is to provide a much higher level of truly low cost 1, 2 and 3 bed flats in the Local Plan housing mix to offset the loss of affordable First Homes.

Specific site shortfalls

Individual sites may not meet the required level of mix of Affordable Housing.

As an example:

- The planning application submitted for the Gas Works Site includes only c.10% affordable housing. This represents a shortfall of almost 100 affordable homes on a single site.

- None of the limited affordable housing proposed for the site is stated to be social rented housing.
- None of the affordable housing is proposed to be 3 or 4 bedroom homes.
- No prices have been indicated for the 10% affordable housing, but there is a strong probability, based on the designs submitted, that the affordable homes will be priced in excess of £400k and therefore fail to meet the definition of Affordable Housing or address any affordable housing need.

With the level of potential policy non-compliance experienced historically, the Local Plan will fail to deliver on its obligations.

The Local Plan must be deliverable to be found sound. If the proposed policies are not expected to deliver the Affordable Housing stated, they must be redrafted to ensure deliverability and soundness of the Local Plan.

Housing mix

The Local Plan provides a required housing mix for market and affordable housing.

The basis for proscribing this mix is not consistent with other assumptions made in the Local Plan.

Family size

For instance, the projections for a decline in primary and secondary school children over the plan period set out in the Infrastructure Delivery Plan (see relevant sections of this document) contradicts the HEDNA which states:

'15.6... This indicates there will be an increase in the number of households with dependent children by 28% (about 3,176 households) over this period.'

'15.7 It is worth noting that the number of households in the Borough with three or more children will outstrip the growth in smaller households with dependent children by around 26% (the average percentage growth in smaller households and that of households of 3+ children).'

Under-utilised homes

The existing housing stock is significantly under-utilised, indicating that the requirement is for homes with fewer bedrooms than is currently the case within the borough. With declining birth rates and an aging population, it should be expected that household sizes will continue to decrease. The borough is proportionately over-supplied with larger homes, unsuited to changing demographics.

Table 58: Occupancy Rating (Epsom & Ewell and comparator geographies) 2011

Occupancy rating	2		1		0		-1	
Age group/Area	Under 65	Age 65 and over	Under 65	Age 65 and over	Under 65	Age 65 and over	Under 65	Age 65 and over
Surrey	55%	71%	20%	16%	17%	10%	9%	3%
Epsom and Ewell	53%	72%	20%	17%	17%	9%	9%	3%
HMA	52%	70%	20%	17%	18%	10%	10%	3%
England	44%	65%	23%	20%	21%	11%	13%	3%

Source: Census 2011, Table [LC4410EW](#)

Continuing to provide housing with more bedrooms than necessary will not optimise land use and will serve instead to perpetuate the current inefficiencies in the housing market.

This should not be encouraged by building more, larger homes. However the HEDNA does exactly this, stating:

'15.17 On the assumption that occupancy patterns for each age group (within each tenure) remain the same over the Plan period as they were in 2011, it is possible to provide an estimate of the housing mix needed over the period to 2040 (from 2022).'

Adjusting the housing mix to better utilise the scarce land resource is critical, particularly in a constrained borough like Epsom & Ewell.

'15.24 The size of housing that households occupy relates more to their wealth and age than the number of people they contain. For example, there is no reason why a single person cannot buy (or choose to live in) a 4-bedroom home as long as they can afford it'

'15.25 As shown in the evidence presented related to the occupancy rating, a large majority of households aged 65 and above live in larger homes than they, strictly speaking, need. While many may opt for this in order to have enough space to accommodate guests and possessions, it may also point to a market failure in the provision of smaller homes that would enable people to "right-size".'

'15.26 Where there is evidence of such market failure it is important the modelling does not bake in misalignments between supply and demand that are present in the 2011 data. As a result, adjustments to the baseline outputs of the Housing Market Model may be appropriate.'

Affordable housing

Tables 63 and 64 of the HEDNA indicate that 40-50% of housing should be 1-bedroom, with a further 30-35% being 2 bedroom, 15-20% 3-bedroom and under 5% 4-bedroom. This is not reflected in the Table S5a Housing Mix, which is significantly skewed towards larger properties. This is particularly inappropriate given the challenges with delivering Affordable Housing with more than 2 bedrooms. The Housing Mix should be adjusted to reflect this reality.

Market housing

As explained in the 'under-utilised housing' section above, the inefficiencies in the housing stock should not be exacerbated and perpetuated by over-providing larger homes.

The real demographic changes must be established before determining that there will be a disproportionate growth in families with 3+ children (which bucks the national trend).

In addition, there is a considerable benefit from providing highly attractive housing developments for the large proportion of over 65s (and lower age groups) occupying homes significantly larger than necessary. Achieving a significant shift in this segment would activate the opportunities afforded by the Markov Chain Model by releasing existing larger homes and the knock on effect this has on releasing further homes down the property ladder.

This is significantly more efficient than building further large homes, resulting in a future glut of larger properties as the population ages.

Given the above, the proposed Housing Mix (below) appears to be inappropriately skewed towards larger homes, which will have numerous detrimental impacts on the Local Plan, not least of which would be a lack of Affordable Housing and an inefficient utilisation of the extremely-limited development land.

Table S5a: Housing Mix				
Tenure	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Market	10%	35%	35%	20%
Affordable home ownership	20%	40%	30%	10%
Affordable housing (rented)	40%	35%	20%	5%

Affordable rented, shared ownership, rent to buy, etc.

According to Policy S6, the majority (70%) of the Affordable Housing is required to be affordable rented, with half of this to be social rented housing.

The remaining 30% is to be for affordable home ownership.

Whilst paragraph 5.8 of the Local Plan indicates a preference for this to be shared ownership, this preference is not included in the policy itself.

The Local Plan does not indicate whether there are sufficient parties (Registered Providers) who will commit to taking on such a large quantity of Affordable Housing. **Unless there are expected to be sufficient parties, the Local Plan will not be deliverable and cannot be found sound.**

A recent example of the problems that can be expected to arise if the Local Plan does not address this issue can be found in the Spelthorne example below.

[Surrey's affordable homes left unclaimed >](#)

Impact for Horton Farm

It is clear from the viability assessment that all Affordable Housing will need to be delivered via flats (rather than terraced, semi-detached or detached housing) as there are no new build house prices anticipated in the viability assessment that would be affordable to those on median or lower income levels, at realistically possible discount levels.

That being the case, the Horton Farm site would need to provide 500 Affordable Housing flats.

On a standalone basis, the Affordable Housing flats on this site this would need to comprise:

- 1-bedroom – 100 units
- 2-bedroom – 200 units
- 3-bedroom – 150 units
- 4-bedroom – 50 units

These flats would need to be available for between approximately £120k and £330k to meet the affordability criteria of households earning between the 20th percentile and median household incomes (after a minimum 20% discount to local market value) or rental equivalent.

These Affordable Housing flats must be '*be indistinguishable [from Market-priced flats] and achieve the same high-quality design*' (Policy S6, para 4)).

The overall Local Plan needs to deliver the expected quantity and housing mix of Affordable Housing. To the extent it is anticipated that some sites will provide a different quantity of housing mix to that contained in Table S5a, other sites may need to adjust their proposals to compensate. For instance the Gas Works Site housing mix weighting towards housing with fewer bedrooms may increase the need for housing with 3-4 bedrooms from other sites such as Horton Farm (subject to adjustments to the Housing Mix suggested in the relevant section above).

The Local Plan must be deliverable to be found sound.

The council need to demonstrate that sites such as Horton Farm will deliver the Affordable Housing required (price, housing mix and quantity).

Market prices

The Local Plan Viability Assessment highlights the challenge in delivering Affordable Housing in the borough due to the high prices of new build housing. It is clear that the market will not provide Affordable Housing of its own accord, and creative solutions must be found in the Local Plan to ensure the delivery of truly Affordable Housing to meet need.

The policies in the Local Plan do not do this.

Income levels

It is important to note that, in establishing 'housing need' under the standard method, it is necessary to use government (ONS) figures for income levels and house prices. It would be most appropriate to use the actual income levels of those with housing need to establish the price levels for affordable housing, however this is impractical. It is therefore necessary to use other sources of available data.

It is most appropriate to use consistent data sources for the assessment of the need for affordable housing as those used for assessing the standard method housing need, where possible.

Government data

According to government data, the median gross annual wage in the borough of Epsom & Ewell in 2023 was £32.3k. The equivalent in 2018 was a median gross annual wage of £28.4k, and in 2021 it was £29.5k.

Source, tab 5b of: [House price to workplace-based earnings ratio - Office for National Statistics](#)

By definition, this means that 50% of residents of the borough earned at or below £32.3k in 2023. For housing to be considered objectively affordable, it is self-evident that residents with average or below-average earnings must be able to afford housing using generally available funding sources.

In the HEDNA, the Council provided a household income analysis from CAMEO, as shown in Table 47, below.

Table 47: CAMEO income bands: Epsom & Ewell

Income Band	CAMEO Income Group Description	% Epsom & Ewell Households	% UK Households
1	Many households with an income of over £100K +	1.6%	0.7%
2	Many households with an income of between £75 - £100K	11.4%	2.4%
3	Many households with an income of between £50 - £75K	34.1%	10.1%
4	Many households with an income of between £40 - £50K	26.0%	13.3%
5	Many households with an income of between £30 - £40K	16.6%	19.5%
6	Many households with an income of between £20 - £30K	7.4%	23.2%
7	Many households with an income of between £10 - £20K	2.1%	26.5%
8	Many households with an income of less than £10K	0.7%	4.1%

Source: CAMEO Income, TransUnion; Royal Mail PAF 2021

The HEDNA states that ‘the median household income in Epsom & Ewell was around £49,000 in 2021’.

The government’s ONS data provides the median annual gross income figure for individuals (not households):

Income percentile	Gross income at that point (£)	Maximum affordable housing costs at that point (£)	Maximum affordable house price (£)	Maximum monthly rent including service charges (£)
20	13,057	3,264	72,537	272
25 (lower quartile)	16,627	4,157	92,370	346
30	19,807	4,952	110,036	413
40	25,459	7,638	169,727	636
50 (median)	29,545	8,864	196,967	739
60	34,606	10,382	230,707	865

Source: *Earning and working hours by local authority - 2021* table 8.7a

Methodology for converting to affordable housing is from the [Strategic Housing Market Assessment 2019 Annex 1.pdf](#)

The affordable rent levels at the lower end of the income range fall significantly short of the amounts needed to secure rented accommodation at the values available in the borough.

The CAMEO household data gives income that is some 66% higher than the ONS data per worker. One of the possible implications of this difference is that two in three households contain two working/paid adults.

The affordability of housing is critically dependent on the income level of the purchaser/renter. The disparity between the council’s and the government’s figures above is therefore extremely important when determining the level of need at various income levels within the borough.

The council must carefully assess the data they have used against other sources, and confirm its validity or amend the analysis as necessary.

House price affordability

The HEDNA rightly highlights that:

‘13.47 The reason for the analysis to follow is that it will be important for the Council to ensure that any affordable home ownership dwelling is sold at a price that is genuinely affordable for the intended target group – for example there is no point in discounting a new market home by 30% if the price still remains above that for which a reasonable home can already be bought in the open market.’

There is also no point in providing discounted housing at a price that, even if it is lower than the price a home can be bought on the open market price, if the price remains above the level that can be afforded by those in need.

It is the price of the new homes that is critical to their affordability, not the discount to market price.

The HEDNA provides the following analysis of median house prices for different sized homes in Epsom & Ewell and the discount necessary on those prices for them to be affordable to those on various income levels:

Table 48: Discounts are required for median house prices to be affordable to the target group^{117,118}

Income level	Home budget	FH (Median for sale)- Studio/1bed	FH (Median for sale)-2 bed	FH (Median for sale)-3 bed	FH (Median for sale)-4 bed	Discount required - Studio/1bed	Discount required - 2 bed	Discount required - 3 bed	Discount required - 4 bed
£10,000	£77,125	£247,500	£322,000	£620,500	£740,000	69%	76%	88%	90%
£15,000	£97,125	£247,500	£322,000	£620,500	£740,000	61%	70%	84%	87%
£20,000	£117,125	£247,500	£322,000	£620,500	£740,000	53%	64%	81%	84%
£25,000	£137,125	£247,500	£322,000	£620,500	£740,000	45%	57%	78%	81%
£30,000	£157,125	£247,500	£322,000	£620,500	£740,000	37%	51%	75%	79%
£35,000	£177,125	£247,500	£322,000	£620,500	£740,000	28%	45%	71%	76%
£40,000	£197,125	£247,500	£322,000	£620,500	£740,000	20%	39%	68%	73%
£45,000	£217,125	£247,500	£322,000	£620,500	£740,000	12%	33%	65%	71%
£50,000	£237,125	£247,500	£322,000	£620,500	£740,000	4%	26%	62%	68%
£55,000	£257,125	£247,500	£322,000	£620,500	£740,000	N/A	20%	59%	65%
£60,000	£277,125	£247,500	£322,000	£620,500	£740,000	N/A	14%	55%	63%
£65,000	£297,125	£247,500	£322,000	£620,500	£740,000	N/A	8%	52%	60%
£70,000	£317,125	£247,500	£322,000	£620,500	£740,000	N/A	2%	49%	57%
£75,000	£337,125	£247,500	£322,000	£620,500	£740,000	N/A	N/A	46%	54%
£80,000	£357,125	£247,500	£322,000	£620,500	£740,000	N/A	N/A	42%	52%

Source: GL Hearn Calculations

Interpreting this data indicates the following:

- A one-bedroom property with a 20% discount to market value would require an income of £40k + a £37k deposit.
- A two-bedroom property with a 20% discount would require an income of £55k + a £48k deposit.
- A three-bedroom property with a 20% discount would require an income of over £100k and a £93k deposit.
- A four-bedroom property with a 20% discount would require an income of £120k and a £111k deposit.

Using the Council's income analyses in table 47 of the HEDNA, it is clear from the analysis above that none of the Affordable Housing need will be met by discounting, by 20%, houses that are priced at the median level. This is because the average market price of housing in the borough is too high.

Keeping in mind the underlying objective to provide Affordable Housing (housing for those whose needs are not met by the market) rather than simply affordable housing (housing sold at a 20% discount to market) a more granular and tailored approach is needed to ensure the required Affordable Housing is provided in the borough.

That being the case, it is necessary then to review the relative costs of different types of housing to determine which housing might be suitable to fill the need for Affordable Housing, all of which need would otherwise be left unmet.

The council's viability assessment shows that houses (which are most likely to be delivered on green field sites) are prohibitively expensive, whereas flats (which are most likely to be delivered on brownfield sites) are relatively considerably more affordable.

The house price data in the HEDNA (as well as being somewhat out of data) does not take into account the likelihood of new homes on Green Belt sites being priced considerably higher than the average historical sales prices. The vast majority of the 'affordable' homes to be delivered under the Local Plan are planned for Green Belt sites. With premium market prices, even with a 20% discount these homes are likely to be even further out of reach for the homeless and those looking to make a first step onto the property ladder. It is quite possible that the Local Plan will not result in any meaningful reduction in homelessness in the borough.

The policies in the Local Plan do not mandate the types of property to be built on a site; the actual developments delivered will be determined by property developers' views on maximising profits and will therefore, by definition, not target those on below average incomes. The council has provided no evidence to suggest that properties on Green Belt sites such as Horton Farm will deliver any housing at all that meets the Affordable Housing need set out above.

It is critical that the affordable housing policy is defined in detail and in such a way as to ensure the housing delivered meets the specific needs of 'those whose needs are not met by the market' and is not left to later interpretation by developers or future council officers or members.

If this is not done, the affordable housing delivered will not meet the housing mix required, and will be exclusively at the top end of the possible 'affordable housing' pricing range. It would then fail to meet anything other than the least serious affordable housing needs.

The current policy is ineffective at achieving this outcome and is therefore unsound.

Removal of Hook Road Arena & Horton Farm from the Green Belt is not NPPF para 143 compliant

The NPPF (2023) specifies that:

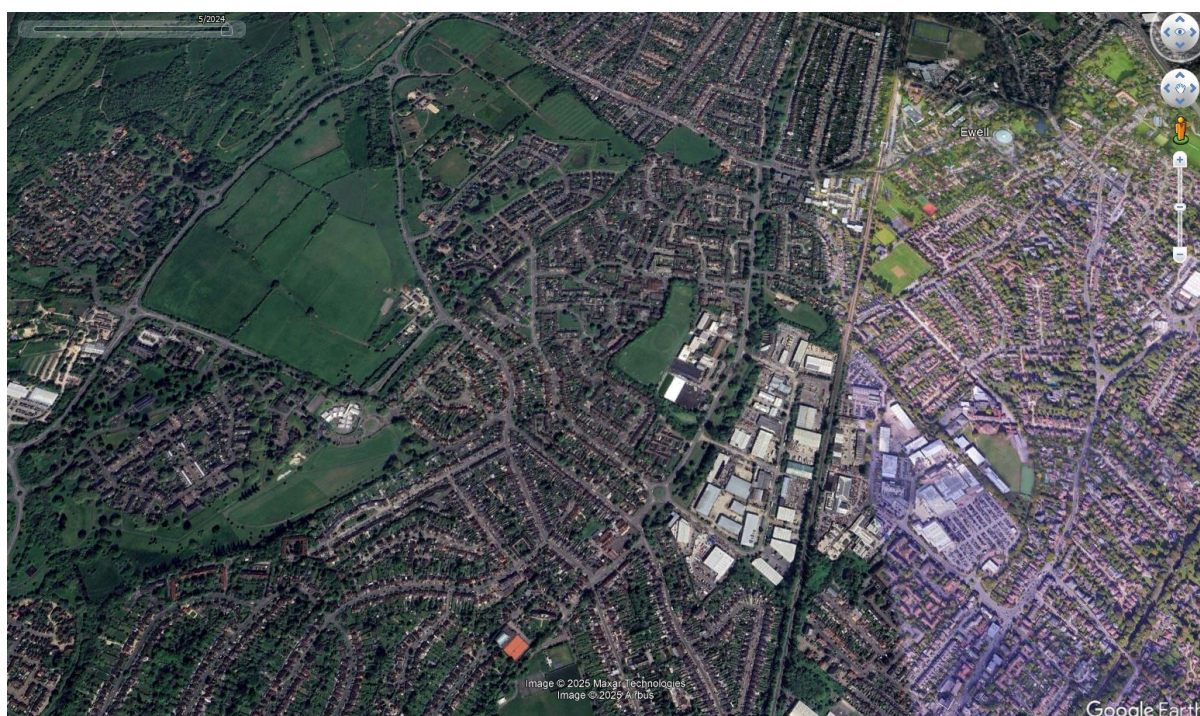
'143. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

The high performing greenfield Green Belt Horton Farm and Hook Road Arena sites contribute significantly to these purposes. It is very evident from the issues arising from the Land Availability Assessment covered elsewhere in this document that the retention of these sites would encourage the recycling of derelict and other urban land to an extent considerably greater than that achieved in this Local Plan (para 143e)).

In addition, these sites also serve the other Green Belt purposes, including as explained below:

a) To check the unrestricted sprawl of large built-up areas



Source: Google Earth

It is evident from the map above that Horton Farm and Hook Road Arena serve to break up the borough and check the unrestricted sprawl of buildings from the North and East. The development of the Horton Farm site in particular would fill in this natural oasis between the built up areas of the former hospital sites and Epsom town.

b) To prevent neighbouring towns merging into one another

As with many boroughs across the country that are formed from aggregations of two or more towns, although forming part of a single borough, Ewell and Epsom are separate towns.

1. Ewell is a town

It is described as a town centre in the Local Plan, e.g. under policy S10 of the Local Plan, and para 4.45 of the Retail and Commercial Leisure Needs Assessment Update Sept 2021. Ewell Village qualifies as a Town Centre under NPPF Annex 2

[Retail and Commercial Leisure Needs Assessment Update](#)

2. Epsom is a town.

The following maps illustrate the original distinction between Epsom, Ewell (and Horton):

a) Surrey Ordnance Survey 1871 maps XIX and XIII

[Side by side georeferenced maps viewer with layer swipe - Map images - National Library of Scotland](#)

b) Surrey Ordnance Survey 1897 maps XIX and XIII

[Side by side georeferenced maps viewer with layer swipe - Map images - National Library of Scotland](#)

c) Surrey Ordnance Survey 1962 maps TQ26SW and TQ16SE

[Side by side georeferenced maps viewer with layer swipe - Map images - National Library of Scotland](#)

3. Horton is a village.

[Horton, Surrey - Wikipedia](#)

Ewell qualifies as a town and Epsom qualifies as a town. Horton, Ewell and Epsom should all be prevented from merging as required by NPPF (2023) para 143b.

It is evident that the historical expansion of each of these conurbations has resulted in the loss of separation between Ewell and Epsom in the Eastern part of these towns, but Hook Road Arena currently serves to maintain the distinction to the West. Horton Farm serves to separate the housing estates on the former hospital sites of Horton from Epsom.

It is the Green Belt land of Hook Road Arena and Horton Farm that is fundamental to achieving this required separation.

Although this Local Plan is being examined under NPPF (2023), it is important to recognise that the NPPF (2024) considers NPPF para 143b to be one of the specific policy bases for neither Horton Farm nor Hook Road Arena qualifying as greybelt.

c) To assist in safeguarding the countryside from encroachment

As can be seen from the map below, Horton Farm and Hook Road Arena are part of the countryside, separated from Horton Country Park only by the nature-permeable Horton Lane.

Developing either of these sites would not only fail to safeguard the countryside, but would significantly encroach into it (up to 50 hectares).



Source: Google Earth

The Horton Farm and Hook Road Arena sites perform very strongly against these Green Belt criteria and should not be considered for development unless and until all other options are fully examined and utilised, including

- using all brownfield and previously developed land opportunities
- increased building densities
- if absolutely necessary, utilising truly poor-performing Green Belt (greybelt) sites.

These actions have not been properly completed, therefore to comply with NPPF para 143, the Horton Farm and Hook Road Arena sites should not be developed.

Hook Road Arena cannot all be released based on the stated exceptional circumstances

NPPF (2023) para 154 states:

‘Development in the Green Belt is inappropriate unless one of the following exceptions applies:

*b) the **provision of appropriate facilities** (in connection with the existing use of land or a change of use), including buildings, **for outdoor sport**, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’*

No specific plans have been provided for Hook Road Arena so it is not clear what is proposed or where precisely on the site dwellings or pitches will be built.

Despite the absence of this detail, it is evident that **sports pitches could be delivered on Hook Road Arena without removing any of the land from the Green Belt (under para 154b).**

Under para 145 of the NPPF (2023), Green Belt should be protected except in exceptional circumstances.

The exceptional circumstance listed in the Green Belt Technical Note 2023 (‘GBTN’) refers solely to the need for housing. [EEBC Green Belt Technical Note \(2023\).pdf](#)

‘4.8 The professional view of officers is that we have exceptional circumstances to warrant amending Green Belt boundaries to help meet our needs. In reaching this position, officers have balanced the harm caused by the principle of Green Belt release and the impact on individual sites against the benefits of those sites being developed and to the strategy as a whole. The key point is that the release at just 3.6% of the boroughs [sic] Green Belt is very limited and therefore the benefits clearly outweigh the degree of harm. The same position would be unlikely in the event of a much larger release. As such, the Council is focused on releasing land for specific purposes. These are: family homes, a greater proportion of affordable housing (40% on green field compared with 30% on brownfield), and the provision of Gypsy and Traveller accommodation.’

In the very limited assessment of exceptional circumstances provided, the officers have only set out the suggested benefits of Green Belt release, and **not described or assessed the harm caused**. Some of this harm is more fully examined elsewhere in this document.

Officers refer to a Green Belt release of ‘just 3.6%’ of the borough’s Green Belt. In fact, the Local Plan releases Green Belt from sites SA31-SA35 of 59.6 hectares, other sites of 85.3 hectares and boundary changes of 0.3 hectares, **totalling 145.2 hectares, or 10.14% of the borough’s Green Belt.**

As set out elsewhere in this document, a significant proportion of the nominally ‘affordable housing’ indicated to be included within the Green Belt developments is unlikely to qualify as affordable under the NPPF definition, meaning that the level of suggested benefits intended to be derived from Green Belt release will not be realised in practice.

With significantly lower benefits than suggested (not adequately quantified) and significantly greater harm than suggested (not quantified), it is reasonable to assert that the case that benefits clearly outweigh harm has not been successfully demonstrated.

‘4.9 The overall rationale for the selection of sites has been those that result in the least harm for the most benefit. Without the Green Belt sites, the Local Plan would largely deliver the status quo in terms of housing delivery, with only allocated sites in the urban area that can achieve planning permission regardless of whether we have an up-to-date Local Plan in place.’

It is important to recognise that sometimes the status quo is the best or optimal solution, so should not be dismissed out of hand.

The analysis, provided in the evidence accompanying the Local Plan, does not support the officers’ conclusion that the sites selected ‘result in the least harm for the most benefit’. **Harm attributed to allocation of the proposed Green Belt sites has been significantly understated, whilst the benefit has been overstated.**

‘4.10 This Technical Note sets out below the basis for exceptional circumstances, proportionate to the stage of plan-making (Regulation 18). These are:

- *A historic under delivery of housing as shown in the Authority Monitoring report.*
- *A historic under delivery of affordable housing as shown in the Authority Monitoring report.*
- *A lack of five-year housing land supply.*
- *A failure of the Housing Delivery test.*
- *The increasing levels of homelessness.*
- *That there were 1200 households on the housing needs register, over 600 of these households were identified as being in high housing need (June 2022).’*

The exceptional circumstances described are the need for additional housing and, specifically, additional affordable housing. If the argument that exceptional circumstances exist for the release of Green Belt is accepted (which is disputed), **only land associated with the delivery of outcomes that meet these exceptional circumstances can be released.**

This is not the case, as set out below.

‘4.11 Green Belt release sites provide the opportunity to:

- *deliver a greater mix of homes including the provision of family housing, which would not be feasible on previously developed urban sites. Urban sites are largely expected to prioritise the delivery of housing through flatted development schemes in order to maximise the efficient use of land and boost densities. Greenfield sites however are not subject to the same constraints and viability issues and therefore offer somewhat of a ‘blank canvas’ to increase the provision of dwellinghouses.*
- *deliver a higher proportion of affordable housing. Due to their less complex viability considerations, greenfield sites i.e. those in the Green Belt, have been viability tested to a level of 40% Affordable Housing. This level will help to substantially increase the level of Affordable Housing provision within the borough. In comparison, viability testing on previously developed urban site typologies has shown that only a 30% Affordable Housing level is likely to be viable.*

- *delivery Gypsy and Traveller Accommodation. Due to the constrained nature of the borough, it has not been possible to identify any sites within the urban area or any brownfield sites on which to accommodate additional pitches.*

In other boroughs, for instance in towns and cities without the benefit of greenfield Green Belt land, all dwellings must be, and are, delivered via flatted development schemes. There is no reason for Epsom & Ewell to be any different. Family housing can, and must, be delivered on urban sites either now or in the future. The need for family homes does not provide justification for developing Green Belt land.

As set out elsewhere in this document, council owned brownfield land can be developed at levels of up to 100% affordable housing. The combination of private developments and council land developments can generate NPPF compliant urban affordable housing of 40% or more.

As set out elsewhere in this document, greenfield Green Belt sites are highly unlikely to deliver the levels of compliant affordable housing suggested. This is because it is necessary for affordable housing to be priced at a price point that meets the needs of 'those whose needs are not met by the market'. Much of the nominally affordable housing on Green Belt sites is likely to significantly exceed those price levels and be unaffordable. The Green Belt sites will not, therefore, deliver the benefits suggested.

There has been no assessment as part of the Local Plan evidence base which sets out possible locations for Gypsy and Traveller Accommodation. Previous assessments have shown possible sites in different locations within the borough. Other options, such as the council's car park sites, have not yet been considered.

The assessment provided is not robust.

Application of the exceptional circumstances justification to the Hook Road Arena site.

The site is allocated for the delivery of 100 dwellings (it is expected that these will be flats, although this is not stated).

- Flatted developments can be built on urban / brownfield sites and do not require the release of greenfield Green Belt land
- The site is not allocated for Gypsy and Traveller Accommodation (although it could be), so does not currently warrant release for this purpose
- Only a small portion of the site is being allocated for housing; none of the rest of the site qualifies for release under the exceptional circumstances provided as justification and must be retained as Green Belt
- The housing proposed (100 dwellings) is significantly less than could be added to brownfield land allocations or sites erroneously discounted through the land availability assessment. If there is a need for these dwellings, they can be provided elsewhere without releasing Green Belt
- Hook Road Arena is highly performing Green Belt (as set out elsewhere in this document)
- It is not appropriate for the council to release its own Green Belt land for development in order to fund its other ambitions, when more suitable, brownfield land (or lower performing Green Belt) is available elsewhere in the borough which could deliver the same or greater housing levels.

The justification for releasing Hook Road Arena Green Belt for housing development is not sound.

Should housing therefore be required on a part of Hook Road Arena, only the specific part of the site required for homes can be removed from the Green Belt based on the exceptional circumstances set out.

The remainder of the site should be retained as Green Belt unless or until other exceptional circumstances are provided for its release.

Horton Farm cannot all be released based on the stated exceptional circumstances

See also section entitled 'Hook Road Arena cannot all be released based on the stated exceptional circumstances'.

The plans presented for Horton Farm include an area of c.7ha of wetlands. This land is not to be used for housing.

Under para 145 of the NPPF, Green Belt should be protected except in exceptional circumstances.

The exceptional circumstances described in the GBTN are the need for additional housing and, specifically, additional affordable housing. If the argument that exceptional circumstances exist for the release of Green Belt is accepted (which is disputed), **only land associated with the delivery of outcomes that meet these exceptional circumstances can be released.**

Should housing therefore be unavoidable on a part of Horton Farm, only the specific part of the site required for homes can be removed from the Green Belt based on the exceptional circumstances set out.

The remainder of the site should be retained as Green Belt unless or until other exceptional circumstances are provided for its release.

The wetland area falls under para 150 of the NPPF (Dec 2023) and should be retained and enhanced: *'150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'*

[EEBC Green Belt Technical Note \(2023\).pdf](#)

Failure to comply with NPPF (Dec 2023) para 148e) – end of the plan period

NPPF (Dec 2023) para 148e) states:

‘148. When defining Green Belt boundaries, plans should:

e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period’

No attempt has been made in the Local Plan to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

The NPPF (Dec 2024) standard method required 879 dwellings per annum. In the absence of any information to the contrary, it can be assumed that this requirement will apply at the end of the plan period.

No further brownfield land or other land outside the Green Belt has been identified for the very significant further development of 879 dwellings per annum at the end of the plan period.

It is reasonable to assume that there will be considerable pressure for further Green Belt land to be released for development at that point.

The council has not complied with this requirement. It should assess the potential need to alter Green Belt boundaries at the end of the plan period and determine how to address the results of the assessment. It should update the Local Plan, as necessary, based on the results of that assessment.

The Local Plan does not comply with NPPF para 148e) and is not sound in this respect.

The Horton Farm site is not sustainable for travel purposes

Horton Farm is ranked 134th out of 191 sites in the Transport Assessment produced in support of the Local Plan. It is not in either a 20-minute or 40-minute neighbourhood and is not considered sustainable.

It states:

'sites with the lowest scores at the bottom of the table performed extremely poorly and residents would be reliant on the car for their daily needs. If suitable mitigation cannot be provided to successfully remove the barriers to travel by foot, then if transport is considered in isolation these sites should not be progressed'

No mitigation is proposed, in the Local Plan, to bring the amenities required in the assessment to the site, to remove the barriers to travel by foot.

The ranking includes the allocation of a maximum score of 4.5 for the Horton Farm site for the primary school assessment category. However, as set out in the section of this document related to primary schools, there is little or no surplus capacity in the nearest, Southfield Park Primary School, which has already expanded as far as possible on its available land. As a result, adjusting for this issue would drop Horton Farm to around 175th on the Transport Assessment ranking.

Cycling

The Local Plan sets out the requirement for cycle parking spaces. Assuming that the 1,250 proposed dwellings on the Horton Farm site are each 3 or more bedroom properties, the policy shown in Table A4.2 will require a minimum of 2,750 cycle spaces.

The Epsom & Ewell Local Cycling and Walking Infrastructure Plan 'LCWIP', approved by the LPPC in Sept 2024, highlights as a matter of priority, the need for a suitable cycle route to serve Horton Farm. [democracy.epsom-ewell.gov.uk/documents/s32880/Appendix 1 - LCWIP.pdf](https://democracy.epsom-ewell.gov.uk/documents/s32880/Appendix%201%20-%20LCWIP.pdf)

According to the LCWIP, the existing route has the highest rate of cycling accidents found anywhere across the borough.

On page 163 of the report, regarding prioritisation of actions, it states:

Route 2 'B284 Epsom Town Centre to Chessington'

'This corridor was originally selected for the cycling shortlist, but due to off-carriageway provision, some high-quality facilities already in place, and the selection of the parallel Corridor 6, stakeholders requested no proposals to be included for the corridor as part of the LCWIP.'

It is not clear who the stakeholders are who had the seniority to make this change (the comments do not appear to be included in Appendix 6 'Stakeholder comments'). Unlike Corridor 2, Corridor 6 is not near Horton Farm and is not an alternative cycling route. The key stretch of Hook Road from Chantilly Way to the town centre is currently very unsuitable for cycling, with no facilities, and certainly no high-quality facilities in place.

For the improvements recommended in the LCWIP (which do not benefit Horton Farm), feasibility assessments have not been undertaken and funding has not been identified or secured. There is no cycle-based mitigation to the sustainability of the Horton Farm site.

Horton Farm does not have, and is not planned to have, a sustainable cycle route to Epsom.

Walking

The LCWIP assumes that Horton Farm is not a Core Walking Zone as it is too far from the key destinations. (p.123)

No mitigation is planned to address this.

In summary, there is no provision, in the local plan, to facilitate sustainable modes of transport from the Horton Farm site. The existing provision is inadequate to encourage walking or cycling to identified key destinations.

The Horton Farm site is not sustainable for travel purposes. The inclusion of the site therefore contributes to the Local Plan being unsound.

Failure to improve environmental quality of Green Belt land

As set out elsewhere in this document, it is not agreed or accepted that it is necessary, desirable or 'sound' to remove land from the Green Belt.

Also as set out elsewhere in this document, it is not agreed or accepted that the Green Belt land proposed for removal from the Green Belt is the most appropriate Green Belt land to select as the parcels selected are not the most suitable for release under various NPPF requirements. They appear to be chosen as they are potentially the least effort for council officers to include.

Notwithstanding this, should EEBC insist on unnecessarily and inappropriately releasing high quality and unsustainable Green Belt land for development, para 147 of the NPPF (Dec 2023) applies:

*'147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. **They 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.***

According to council data (not published in the Regulation 19 Local Plan, but included in a newspaper article [Epsom and Ewell Council response to Local Plan criticism](#)), the Local Plan involves the removal of 138 hectares (c. 9%) of the borough's Green Belt land.

The policies in the Local Plan are generally policies of managed decline in the borough's natural environment. Decline in the extent of green spaces and, apart from the limited impact of biodiversity net gain in small parts of developed sites, decline in the quality of the environment.

Policy DM15 – Green Belt, does not include any review or actions to offset the extremely substantial impact of removing land from the Green Belt.

Policy S14 – Biodiversity and Geodiversity, does not refer to the Green Belt or any defined plans to provide compensatory improvements to the environmental quality of the remaining Green Belt land. Notably the planning conditions and planning obligations in Policy S14 para 3), and the biodiversity net gain in Policy S15, cannot apply to remaining Green Belt land as remaining Green Belt is not owned by those undertaking development.

Policy DM17 - Trees, Woodlands and Hedgerows, refers only to the loss of these plants from green spaces.

The Local Plan fails to meet the requirements of NPPF (Dec 2023) para 147 with respect to compensatory improvements to the environmental quality and accessibility of remaining Green Belt land and is therefore not sound in this respect.

Policy monitoring and indicators

Chapter 9 of the Local Plan relates to the implementation and monitoring of the plan. It quite rightly highlights the need to monitor delivery of the plan to enable active management and maximise the chance of successful implementation.

However, many of the indicators set out in the plan (pages 139-150) are overly simplistic, lack specificity, are not based on clear targets and/or fail to drive desired change, etc. and are therefore highly unlikely to be effective in practice

According to the KPI institute, good KPIs should be:

'Relevant

Indicators should be relevant to the organization.

Clear definition

Should have a clear and intelligible definition in order to ensure consistent collection and fair comparison. Vague descriptions can lead to misinterpretation and confusion.

Easy to understand and use

It is important that indicators are described in terms that the users of the information will understand, even if the definition itself has to use technical terminology. Indicators focused on the public should avoid management jargon, or abstract concepts.

Comparable

Indicators should ideally be comparable on a consistent basis both between organizations and over time. An essential aspect of the comparability of performance indicators is the inclusion of the context within which the comparison is taking place. External and internal circumstances can differ to such a degree that comparison is invalid.

Verifiable

The indicator also needs to be collected and calculated in a way that enables the information and data to be verified. The indicator should be based on robust data collection systems, and it should be possible for managers to verify the accuracy of information and the consistency of the methods used.

Cost effective

Where possible, an indicator should be based on information already available and linked to existing data collection activity.

Attributable

Service managers should be able to influence the performance measured by the indicator. If this is not the case, the incentives for making an effort to improve performance will diminish, and the performance indicators may be regarded as unfair, and discourage staff and managers.

Responsive

A performance indicator should be responsive to change.

Allow innovation

The definition of an indicator ought not to deter organizations from developing innovative processes or coming up with alternative methods, systems or procedures to improve service delivery. KPIs should be constructed to allow such innovations take place.

Statistically valid

Indicators should be statistically valid.

Timely

The KPI should be based on data that are available within a reasonable time scale. Some data are collected on a weekly or even a daily basis, as they are needed in the operation management of the services, whereas others are available once a year for more strategic and long term purposes.'

It is critical that the indicators drive the correct behaviours. The drive to improve one indicator must be carefully balanced against the potential negative impact against one or more others.

All of the indicators should be carefully reviewed by a suitably qualified individual in order to design appropriate indicators to enable effective monitoring of performance and facilitate remedial action when required. A few brief, high-level examples are set out in the table below:

Indicators	Annual Target / Plan Period Target	Data source	Issues include
S1 Annual delivery of Gypsy pitches permitted and completed	18 pitches over the Local Plan period (as per need identified in the GTAA)	Planning decisions and appeals Monitoring data	There is no annual target for Gypsy pitches, only a target by 2040. This indicator therefore is not appropriately designed. There is no definition of 'monitoring data'. Etc.
S1 The amount of net employment floorspace permitted and completed each year	Assess trends against identified needs in the HEDNA	Planning decisions and appeals Monitoring data	'Assess trends' is not a target. The Local Plan does not set out either any total target or any annual target for employment floorspace, making this indicator meaningless. There is no definition of 'monitoring data'. Etc.
S2 Number of planning applications refused	n/a	Planning applications and appeals	This is overly simplistic; it is not stated how the data will be used. Invalid, inappropriate applications should all be refused. Without context, this indicator may drive inappropriate behaviour, for instance approving applications to reduce the refusal rate.

S3 Number of residential schemes that comply/that do not comply with the policy requirements	n/a	Planning applications and appeals	The data is not comparable; a minor infraction for a 3 dwelling scheme is insignificant compared to major non-compliance on a strategic site. The indicator is overly simplistic and not useful.
S5 Annual housing mix delivery (and cumulatively over the plan period) for market housing	Approximate proportions: 1 bed – 10% 2 bed – 35% 3 bed – 35% 4 bed – 20%	Planning decisions and appeals	A more strategic and sophisticated indicator is needed. The overall portfolio of developments should be designed to meet the targeted housing mix. Many sites will not deliver in the targeted proportion (e.g. gas works site), meaning that other sites need to compensate. The indicator must take into account actual targets by site in order to be useful.
S6 Number of affordable dwellings granted consent	Approx 1,250 over Local Plan period.		The target should be specific, not approximate. The term 'affordable dwellings' covers several types of housing and is insufficiently clear to drive policy compliance – provision must be of the types of homes, ownership structures and prices required by the policy. structures and prices required by the policy. There is no timing target set
S6 Number of planning decisions including appeals allowing a lower level of affordable provision than set out in the policy.	n/a	Planning decisions and appeals	The data is not comparable; underdelivery for a 10-dwelling scheme is insignificant compared to major non-compliance on a strategic site. It is not acceptable to undershoot the affordable housing targets. This policy gives implied acceptance to under-delivery at the outset. Just as the overall housing delivery plan (table S1a) includes a supply in excess of the requirement in order to offset any under-delivery, so should the affordable housing target.

Unless the plan is appropriately monitored and managed, it will not be effectively implemented. The effective implementation of a plan is fundamental to whether the plan is sound.

If the Local Plan cannot or will not be effectively implemented because the indicators are inappropriate, the plan itself cannot be deemed sound.

Insufficient info published with respect to amendments to the Local Development Scheme

The Planning and Compulsory Purchase Act 2004 states:

Para 15

(2) The [Local Development Scheme] must specify—

...(f) the timetable for the preparation and revision of the development plan documents;

(9A) The local planning authority must make the following available to the public—

- a) the up-to-date text of the scheme,
- b) a copy of any amendments made to the scheme, and
- c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable mentioned in subsection (2)(f).

The Local Development Scheme has been changed 11 times since July 2016.

The information required to be provided under (9A) b) and c) has not been made available to the public.

The council has not complied with the law.

Consultation issues

The Regulation 19 Local Plan Consultation does not comply with accessibility requirements. As a result, the consultation itself was not accessible and the consultation should be rerun in full compliance with accessibility standards to ensure residents can avail of their statutory right to respond.

According to [The Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018](#), the council is obliged to ensure its website meets accessibility requirements. One of these requirements is that the website is 'operable' and another is that the website is 'understandable'.

Compliance with up-to-date standards

Government guidance found in [Understanding WCAG 2.2 - Service Manual - GOV.UK](#) (the 'WCAG Service Manual') states:

'Services must achieve WCAG 2.2 level AA as part of meeting [government accessibility requirements](#).'

EEBC's accessibility statement states:

'Our website currently complies with the WCAG 2.1 AA standard.'

The first issue is that the website is not therefore compliant with government guidance on accessibility.

The EEBC accessibility statement, which was both prepared and last reviewed on 23 May 2022, can be found here:

[Accessibility | Epsom and Ewell Borough Council](#)

It states: 'We are committed to making our website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.'

'We've also made the text as simple as possible to understand.'

This has not been achieved for the Local Plan consultation. Whilst it is recognised that, by its nature much of the Local Plan and its supporting documents are detailed and technical, it is nevertheless incumbent on EEBC to make them as accessible as possible. The wording and expectations contained in the 'Proposed Submission Stage Representation Form' fail, to a significant extent, to meet accessibility obligations.

Compliance with requirement to be operable

The WCAG Service Manual states:

'To meet [WCAG 2.2 Principle 2: Operable](#), you have to make sure users can find and use your content, regardless of how they choose to access it'

'You need to... make sure users can move through content in a way that makes sense'

The second issue is therefore that the site is not logical to navigate through. See Appendix 3 for a step-by-step walkthrough of the process taken to get to a stage in which it was possible to provide representations. It takes an unreasonable level of tenacity to achieve this.

Compliance with requirement to be understandable

‘To meet [WCAG 2.2 Principle 3: Understandable](#), you have to make sure people can understand your content and how the service works.’

WCAGG 2.2 section 3.1.5 states that:

‘When text requires reading ability more advanced than the [lower secondary education level](#) after removal of proper names and titles, [supplemental content](#), or a version that does not require reading ability more advanced than the lower secondary education level, is available.’

The [third issue](#) is therefore that both the on-line ‘comments’ fields and the alternative ‘Proposed Submission Stage Representation Form’ require reading ability significantly more advanced than the lower secondary education level. As importantly, the education level necessary to respond to questions 5 and 6 on the form appears to require post-graduate level skills including detailed knowledge and understanding of planning law and planning regulations as well as advanced skills in policy assessment and drafting. This is a level of skill that virtually no residents possess, excluding almost all residents from actively and effectively participating in the consultation.

In the instances residents have highlighted this issue, they have been referred back to complex guidance and been left unsupported.

Incorrect guidance and constraints

Appendix 3 provides a step-by-step walkthrough of the process required to provide representations. It is very clear that this does not comply with WCAG 2.2 in multiple respects.

For the small minority of residents who make it as far as the page [Epsom and Ewell Local Plan - Regulation 19 - Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation - Epsom and Ewell Borough Council Consultations](#) the guidance given constrains comments by incorrectly stating that they ‘must be targeted to a specific policy or paragraph in the Draft Plan’.

One such example is that comments can be made with respect to non-compliance with specific laws or parts of the NPPF without referring to paragraphs in the Local Plan.

Placing unnecessary and inappropriate burdens and constraints on respondents to the consultation has

Taking into account the fact that most residents who responded to the Regulation 18 Local Plan felt that their views were ignored for almost 2 years, the inaccessibility of the Reg 19 consultation and the misleading guidance renders the consultation materially non-compliant. It should be re-commenced in compliance with all applicable guidelines.

Appendix 1: Epsom & Ewell Local Plan: Traveller Site Accommodation Assessment – June 2017

Extracts:

2.4 The first stage of the TAA process identified a need for 27 new additional pitches and zero Travelling Showpeople plots over the period 2017-2032. Of these 14 pitches will be needed to accommodate growth during the first five years, up to 2022. This equates to an annualised requirement of 1.8 pitches and zero plots. There is no identified need for transit accommodation over the period 2017-2032.

3.1 There are currently two Gypsy and Traveller sites located within the Borough. Both sites are located within the existing built-up area. The first of these sites is the Greenlands site, Cox Lane, which is located in the north of the Borough adjacent to the Bonesgate River. The second site is the Conifers, Kiln Lane, which is located to the north of Epsom Town Centre, adjoining the Nonsuch Trading Estate. Both are public sites managed by the County Council.

3.2 Between them **the two sites have a total of 23 pitches**. All of the pitches are currently occupied.

4.7 In conclusion, it would appear that the opportunities for new provision are extremely limited. The Borough is sharply divided, in geographic terms, between the built-up area and the Green Belt, which completely encloses it. Unlike other boroughs and districts (across the nation) that are comprised of a mix of rural and urban areas, there is no open countryside (so called white land), which readily lends itself to rural uses, such as new Traveller sites.

4.8 On that basis it would appear that sites within or immediately adjacent to the existing built-up area may be the only source of supply for new Traveller accommodation.

5.4 During Stage 1 of the process a total of fifteen candidate locations for new pitches were identified across the Borough. This Stage of the process took a “policy-off” approach to site finding; the intention being to ensure that all possible options were made available for consideration during the early stages. This equates to the often quoted “leave no stone unturned” approach proffered by Planning Inspectors during local plan examinations.

5.5 The locations identified during Stage 1 were in mainly located upon Green Belt sites either on the edge of or beyond the existing urban area. Nevertheless, this process did identify four candidate locations within the existing built-up area. All of the sites identified during this initial desk-stop stage were known to the Officers undertaking the Assessment, having come under consideration during the preparation of the original Borough-wide SHLAA (2009).

Table 1: Consideration of Possible Site Allocation Options (2015-16)

Possible Site	Size	Potential Yield	Conclusions
Site 1 Extension to the Greenlands	0.2 ha	About 3 – 4 pitches	This site option is located within the existing built-up area and offers a modest extension of existing provision. The adjoining scrubland lies within a designated Nature Reserve, which may prove to be an

site, Cox Lane (into adjoin scrubland)			obstacle to allocation. Take forward as a site allocation option.
Site 2 The Roveries, Cox Lane	0.35 ha	Up to 6 pitches	The site is located within the existing built-up area. It is in private land ownership and at the time the intentions of the landowner were unknown. The site has subsequently come forward and been given permission (at appeal) for redevelopment as new housing. Discount from the process on the basis that it is no longer available.
Site 3 Land at Hook Road Arena	About 1.5 ha	Up to 30 pitches	The site lies entirely within the Green Belt. It is currently utilised for public open space uses. Development of the site as new accommodation provision could result in significant conflict with the existing open space and neighbouring residential uses. Discount from the process on the basis that the site is not appropriate for new Traveller accommodation and is not readily available.
Site 4 Land south of the Manor, Christ Church Road	About 2.1 ha	Over 30 pitches	The site lies entirely within the Green Belt. It is sites within close proximity to Epsom Common SSSI and established residential uses. Development of the site as new accommodation provision could result in significant conflict with the adjoining protected habitats and neighbouring residential uses. Discount from the process on the basis that the site is not appropriate for new Traveller accommodation and is not readily available.

5.14 ... the Assessment identifies [site 1] as the only available and deliverable option for new additional Traveller accommodation.

[Epsom & Ewell Local Plan: Traveller Site Accommodation Assessment](#)

Appendix 2: Extracts from Gypsy and Traveller Accommodation Assessment (GTAA) – June 2022

1.11 There is a **need for 10 pitches for households that met the planning definition**. This is made up of 3 concealed or doubled-up households or single adults; 3 from teenagers who will need a pitch of their own in the next 5 years; and 4 from new household formation, using a rate of 1.60% derived from the household demographics.

1.12 There is no need from undetermined households as it was possible to complete interviews with households on all occupied pitches.

1.13 Whilst not now a requirement to include in a GTAA, there is a need for 8 pitches for households that did not meet the planning definition. This is made up of 2 concealed or doubled-up households or single adults; 4 teenagers in need of a pitch of their own in the next 5 years; and 2 from new household formation, derived from the household demographics.

Figure 7 – Need for Gypsy and Traveller households in Epsom & Ewell that met the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-18	Total
	2022-27	2027-32	2032-37	2037-40	
	6	1	2	1	10

7.32 Analysis of the household interviews indicated that there is a current need from 2 concealed or doubled-up households or single adults. The future need identified is for 4 from teenagers who will need a pitch of their own in the next 5 years; and 2 from new household formation derived from the household demographics. Therefore, the overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller is for 8 pitches over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in Appendix B.

8.9 In general terms, it is the Government's intention that the need for those households who do not fall within the PPTS planning definition should be met as part of general housing need and through other Local Plan Housing Policies.

8.14 Need from households that meet the planning definition will need to be addressed through a Gypsy, Traveller and Travelling Showpeople Local Plan Policy through a combination of allocations and through a Criteria-Based Policy. Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

[Final GTAA Report June 2022.pdf](#)

Appendix 3: Process for providing representations

The council's website(s) used for the consultation do not conform to the requirements of WACG 2.2 and are not accessible.

The steps below are a summary of the process taken to reach a point where a representation could be made. The consultation form, when eventually located, was also not accessible.

Step 1: First search for 'Epsom Local Plan' and choose the link:

[Draft Local Plan 2022-2040 | Epsom and Ewell Borough Council](#)

Step 2: The 13th link on this page is entitled:

'Statement of Representations Procedure, Availability of Documents and Statement of Fact'. Clicking on this takes readers to a four page document:

[Statement of Representations Procedure and Statement of Fact - December 2024 0.pdf](#)

[Note: In some places on the website, the link given is to the page:

[Statement of Representations Procedure and Statement of Fact - December 2024.pdf](#)

The links from this page to the 'consultation portal' take readers to the Regulation 18 consultation link below instead of the Regulation 19 consultation.

[Draft Local Plan \(Regulation 18\) 2022-2040 - Epsom and Ewell Borough Council Consultations](#)]

Step 3: On the third page of this document it states:

'Representations must be provided in writing. The preferred method is through the online consultation portal or using the Council's Regulation 19 representation form.' The link provided takes readers to the following site:

[Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation - Epsom and Ewell Borough Council Consultations](#)

Step 4: Scrolling down to the section 'How do I participate?', it states:

- a) 'Click on the Icon above "Local Plan View and Comment" to view the structured document. You can add comments to this document which will be forwarded to the Planning Inspectorate when the Plan is submitted.'
- b) 'You may also download a response form, email localplan@epsom-ewell.gov.uk or return by post to the Council.'
No link is provided to download the response form.
- c) 'For more information see our [Guidance Note on Regulation 19 representations](#).'

Clicking on this link takes readers to a 7 page document:

[Guidance Note to Accompany Representation Form for Development Plan Documents](#)

Step 5:

The document provided is complex and detailed and does not comply with the accessibility requirements. Notwithstanding this, point 4 states:

'We strongly recommend that representations are either made on-line through our consultation portal'. Clicking on the link provided take readers to the website:

[Homepage - Epsom and Ewell Borough Council Consultations](#)

Step 6: The first of the 'Current Consultations' listed on this page is:

[Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation](#)

Clicking on this link takes readers back to Step 3, above.

Returning to Step 5:

Point 16 (page 4) of the 'Guidance Note to Accompany Representation Form for Development Plan Documents' repeats the link in point 4. Both points 4 and 16 also refer to the option (which would mean ignoring the 'strong recommendation' above) to use a 'representation form'. No link to this form is provided.

Appendix 1, on page 6 of the 'Guidance Note to Accompany Representation Form for Development Plan Documents', provides 'Guidance on making a representation to the Proposed Submission Local Plan'.

It provides guidance first on the use of 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.'

See step 6a

The 'Guidance Note to Accompany Representation Form for Development Plan Documents' then provides guidance on '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.'

Clicking on the link to download the representation form, entitled 'here', takes the reader back to the link found in Step 1, above.

Further guidance is then provided

'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.’

[Draft Local Plan 2022-2040 | Epsom and Ewell Borough Council](#)

Step 7:

Returning to the link in Step 3, there is a blue box in the top right corner which states ‘Local Plan view and comment’. Clicking on this takes readers to the following link:

[Epsom and Ewell Local Plan - Regulation 19 - Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation - Epsom and Ewell Borough Council Consultations](#)

This is a ‘forward’ from Cllr O’Donovan.

There is no link available to provide a representation.

At the bottom of the page is a ‘next’ button. This takes readers to a section entitled ‘1. Details of the Regulation 19 Representation’

[Epsom and Ewell Local Plan - Regulation 19 - Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation - Epsom and Ewell Borough Council Consultations](#)

Step 8: Half way through the narrative on the page reached by clicking ‘next’ in step 7, it states:

‘Only representations on the soundness and legal compliance of the Plan can be made and it **must be targeted to a specific policy or paragraph in the Draft Plan.**’

This is incorrect. There is nothing in either ‘The Town and Country Planning (Local Planning) (England) Regulations 2012’ or the ‘Planning and Compulsory Purchase Act 2004’ that mandates that representations must be targeted to a specific policy or paragraph in the Draft Plan.

This is both misleading and off-putting for those wanting to make representations. Indeed in para 1.6 of the same page it states ‘representations can also be made on changes to the Policies Map, the Sustainability Appraisal and the Equalities Impact Assessment’, which contradicts the statement made above.

Following the guidance given, it would not be possible to make this representation that the consultation itself was non-compliant.

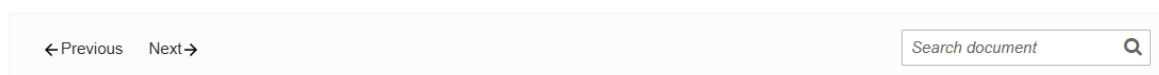
Step 9: In para 1.7 of the link in step 6a, it states:

‘1.7. The consultation period starts on the Friday 20 December 2024 and closes at 23:59 on the 5 February 2025. Should you wish to make representations on the legal compliance or soundness of this document you must do so within the consultation period. **Please submit your representations**

using the online forms which can be found on the Local Plan pages at <https://epsom-ewell.inconsult.uk/Reg19LocalPlanConsultation>

Following this link takes readers back to Step 3.

Going back to the link at the bottom of step 7, and scrolling to the bottom of the page, there is an innocuous section with a button 'add comment' and 'previous' and 'next' buttons.



Actions

- [Printer-friendly version](#)

If readers click on 'previous' or 'next', they move from page to page through the body of the Local Plan.

If readers have persevered this far, clicking on 'comment' finally takes readers to a page on which they can make a representation.

[Add Comment - Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation - Epsom and Ewell Borough Council Consultations](#)

Unfortunately this page does not comply with the accessibility requirements. The issues include, but are not limited to:

- The wording of the questions is not 'understandable'. The education level necessary to respond to the 5th and 6th questions on the form require post-graduate level skills including detailed knowledge and understanding of planning law and planning regulations as well as advanced skills in policy assessment and drafting. This is a level of skill that virtually no residents possess, excluding almost all residents from actively participating in the consultation.
- There is no guidance as to whether comments can be edited, accessed or deleted once they have been started.
- Given the complexity of the required responses, there is no option stated to save a partially completed comment and return to it later.

In addition, the comments pages state that they have timed out after a period of inactivity.

In Step 4b, above it refers to a statement that 'You may also download a response form, email localplan@epsom-ewell.gov.uk or return by post to the Council.'

No link is provided to download the response form.

After an hour of searching and going round in circles, returning to Step 1 [Draft Local Plan 2022-2040](#) | [Epsom and Ewell Borough Council](#) there is a section further down the page entitled: 'How to provide representations on the proposed submission Epsom and Ewell Local plan.' Representations can be made during the consultation period in the following ways:

- Online: on the consultation platform: [https://epsom-ewell.inconsult.uk/Reg19LocalPlanConsultation\(link is external\)](https://epsom-ewell.inconsult.uk/Reg19LocalPlanConsultation(link%20is%20external))
- By email: complete the [response form](#) and submit it via email to: [localplan@epsom-ewell.gov.uk\(link sends e-mail\)](mailto:localplan@epsom-ewell.gov.uk(link%20sends%20e-mail))
- By post: send your printed form to: Planning Policy, The Old Town Hall, The Parade, Epsom, KT18 5BY

The first link in this section takes readers to step 3, skipping step 2.

The second link in this section is to the 'response form'.

[Standard representation form AB.docx](#)

As can be seen from the analysis above, the consultation was not accessible and was therefore not compliant with government requirements.

Appendix 4: Examples of surface water flooding in areas of Horton Country Park and Clarendon Park not in SFRA 2024



Jan 2023



Feb 2023



March 2023



April 2023



January 2024

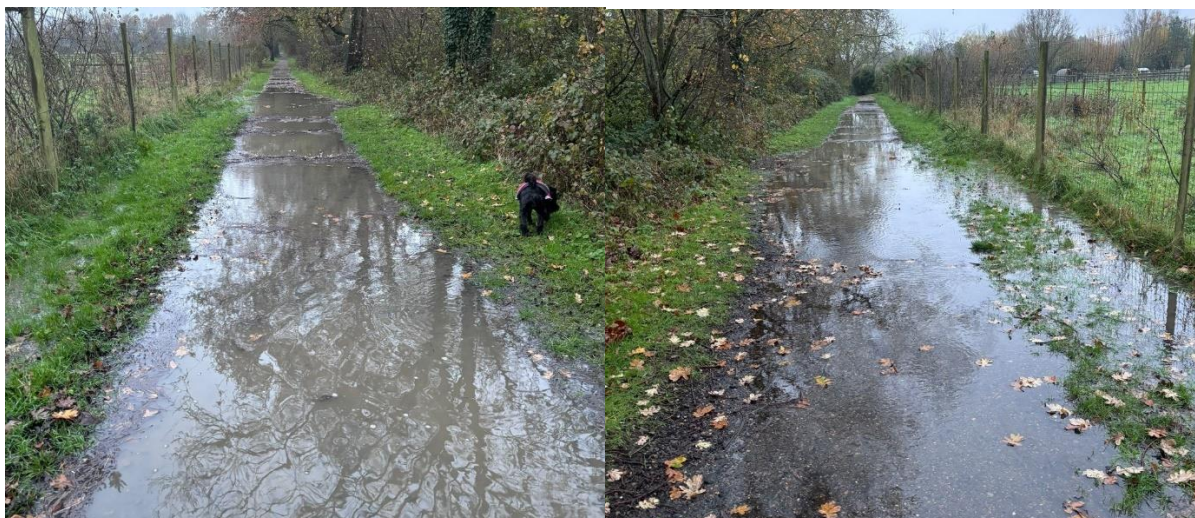


Feb 2024



(Garden in South View)

March 2024



November 2024



Jan 2025

The photos above are all examples of surface water flooding in areas of Horton Ward not shown as being at risk of surface water flooding. As can be seen from the dates of the photos,

18 April 2024

Dear Sirs

Re: Formal Complaint

'We are writing to complain about the performance of the Licensing and Planning Policy Committee ('LPPC') with respect to the draft Local Plan.

The Council's FAQs page opens with the statement 'The Local Plan is a critical document in shaping the future of the borough.' This is indeed the case as, according to the Regulation 18 Local Plan consultation document, it 'guide[s] the location, scale, and type of development in the borough up to 2040'. The impacts will be felt well beyond that timeframe, particularly where they involve building in new areas.

Given its importance, residents expect the Local Plan to be the focus of significant attention, strategic direction, control, challenge and scrutiny throughout its preparation. According to its Terms of Reference, these tasks are delegated to the LPPC. They include being:

'Responsible for **influencing and controlling** development and use of land as Local Planning Authority including:

- a) Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.
- b) Preparation, adoption and review of Supplementary Planning Documents.'

For a plan that is so critical to the future of the Borough, it is imperative that the elected members provide strategic input to plan development, and scrutiny, challenge and direction to major policies and decisions, both early in the process and throughout the plan's development. Not only is this fundamental to successful project management, it is also required under para 33A of the Planning and Compulsory Purchase Act 2004 which mandates that the authority 'engage **constructively, actively and on an ongoing basis** in... the preparation of development plan documents and the preparation of other local development documents'.

All critical Local Plan decisions, such as whether or not to argue there are exceptional circumstances for redrawing Green Belt boundaries, should be reviewed and officially approved by the LPPC.

The Regulation 18 Local Plan was issued for consultation between Feb and March 2023. The period leading up to that consultation should have involved significant input from the LPPC in order to fulfil its mandate. It has been thirteen months since the consultation concluded and there are only 7 months remaining until the Regulation 19 Local Plan is due to be submitted to the LPPC for final approval before sign-off by full council. As the Interim Director of Environment, Housing and Regeneration stated in the LPPC meeting on 22 Nov 2023, 'no substantial changes can be made to the Regulation 19 Local Plan

once it has been agreed to go out to consultation'. The last 13 months must therefore have required extensive challenge, debate and decision making by the LPPC to comply with its Terms of Reference and ensure that the highest quality plan is developed for the Regulation 19 consultation. Not a plan that simply meets officers' ambitions, but one that reflects the relevant views of residents, those views being championed by their elected councillors.

Given this context, the following analysis is deeply concerning:

Of the 21 scheduled LPPC meetings since Jan 2022, only 13 have been held.

1. None of these involved debate of the overall Local Plan strategy or content.
2. None have involved the debate or challenge of the Spatial Strategy.
3. None have involved the debate or challenge of the Plan policies.
4. None have involved the debate or challenge of critical decisions.
5. None have addressed the results of the analysis of the 1,736 responses to the public consultation completed on 19 March 2023, despite the ongoing analysis being permitted to continue during the Local Plan pause. No discussion has been held around the expected impact on the Reg 19 Local Plan despite a statement to the Jan 2023 LPPC that this would be produced. This appears critical given the large level of disagreement from the public.

None of the LPPC meetings held in 2021 addressed these matters either.

In order to direct the Local Plan, the LPPC cannot wait until 'We... publish a Consultation Statement alongside the next version of the Local Plan that will provide a summary of the main issues that have been raised and our response.' as stated on the consultation website, as this will be too late to provide input to decisions taken.

In addition:

6. When members of the LPPC requested information (as set out in the minutes of the meetings) there is no evidence it was provided.
7. When members asked to discuss Local Plan related matters at later meetings, the matters were not included in the agendas of later meetings.

The published Local Plan timetable does not provide for any debate, challenge, steer or decision with respect to options to be taken on the Local Plan prior to a recommendation to the LPPC, expected in November 2024.

The EEBC risk register lists several major risks relating to the Local Plan timetable and failure to obtain approval from councillors for the Regulation 19 Draft Local Plan. Ensuring that key decisions are discussed, debated and agreed well in advance of the approval deadline, to enable appropriate analysis and drafting to take place, resulting from these decisions, is one of the most significant factors to addressing timetable risks.

Despite the lack of scrutiny, challenge or direction from the LPPC noted above, the Local Plan budget has increased by £1.37m since March 2021 and a 17 month timetable slip has occurred since April 2022 (a 42 month timetable slip since August 2020). These significant levels of overrun appear not to have resulted from scrutiny, policy changes, etc but from further project management failures. The minutes of the meetings approving the slippages do not indicate that officers were held to account, or that more frequent or detailed timetable and budget scrutiny has been introduced. To the contrary, three of the last 5 LPPC meetings have been cancelled, one didn't include discussion of the Local Plan at all, and one simply approved a further timetable extension.

There is no single right answer to the Local Plan. In the 26 Sept 2023 LPPC meeting, the Planning Policy Manager stated that 'the inclusion of some green belt release alongside urban sites is the appropriate strategy to take and one that potentially poses the least risk at examination stage.' It is not the Planning Policy Manager's role to make this decision and it is concerning that this was left unchallenged. Whilst there are risks as to what a Planning Inspector might approve, different Planning Inspectors will take different approaches. The 'least risk' is frequently not the best option to take. The LPPC should be presented with options in order to determine the preferred balance between risk and benefit.

Please can you urgently confirm:

1. The detailed timetable for the scrutiny, challenge and direction of each significant element of the Local Plan by the LPPC
2. The date on which the analysis of the consultation results, and proposed amendments arising from it, will be presented to the LPPC for adjustment and/or approval
3. That the LPPC will be given the freedom, opportunity, time and resources sufficient for it to fulfil its mandate, as set out in its Terms of Reference, without undue constraints or interference from officers
4. That review, challenge and direction of the Local Plan will be included in the agenda of every meeting of the LPPC to be held until publication of the Regulation 19 consultation
5. That there is sufficient time and budget to accommodate any and all changes the LPPC may recommend
6. That a contingency plan is in place should the currently proposed Local Plan timetable slip for any reason, including matters arising from the review and challenge set out above.'

Many thanks

Epsom Greenbelt group

Mr Justin Turvey
Epsom & Ewell Borough Council,
Town Hall,
The Parade,
Epsom,
Surrey
KT18 5BY

The Epsom Green Belt Group



23 July 2024

Dear Mr Turvey,

Thank you for your letter of 5 July 2024 in response to our complaint of 18 April 2024 regarding the performance of the Licensing and Planning Policy Committee ('LPPC') with respect to the draft Local Plan. There was a very considerable 40 day delay in receiving this response, beyond the council's standard 15 working day timeline for response to complaints. Given the importance of the issues and the very limited time remaining to remedy them, this delay is of concern.

In our complaint we highlighted that:

- a) The Local Plan is a critical document in shaping the future of the borough.
- b) Given its importance, residents expect the Local Plan to be the focus of significant attention, strategic direction, control, challenge and scrutiny throughout its preparation.
- c) According to the LPPC's Terms of Reference, tasks delegated to the LPPC include being: Responsible for **influencing and controlling** development and use of land as Local Planning Authority including:
 - i) Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.
 - ii) Preparation, adoption and review of Supplementary Planning Documents.
- d) For a plan that is so critical to the future of the Borough, it is imperative that the elected members provide strategic input to plan development, and scrutiny, challenge and direction to major policies and decisions, both early in the process and throughout the plan's development.
- e) Para 33A of the Planning and Compulsory Purchase Act 2004 mandates that the authority 'engage **constructively, actively and on an ongoing basis** in... the preparation of development plan documents and the preparation of other local development documents'.
- f) All critical Local Plan decisions, such as whether or not to argue there are exceptional circumstances for redrawing Green Belt boundaries, should be reviewed and officially approved by the LPPC.
- g) (With three further months having passed since our complaint letter was submitted) it has now been sixteen months since the consultation concluded and there are only 4 months remaining until the Regulation 19 Local Plan is due to be submitted to the LPPC for final approval before sign-off by full council. As the Interim Director of Environment, Housing and Regeneration stated in the LPPC meeting on 22 Nov 2023, 'no substantial changes can be made to the Regulation 19 Local Plan once it has been agreed to go out to consultation'. The time remaining to undertake the tasks necessary is very brief.
- h) The last 16 months must have required extensive challenge, debate and decision making by the LPPC to comply with its Terms of Reference and ensure that the highest quality plan is developed for the Regulation 19 consultation. Not a plan that simply meets officers'

personal ambitions or preferences, but one that reflects the needs of the borough and the relevant views of residents, those views being championed by their elected councillors.

- i) The EEBC risk register lists several major risks relating to the Local Plan timetable and failure to obtain approval from councillors for the Regulation 19 Draft Local Plan. Ensuring that key decisions are discussed, debated and agreed well in advance of the approval deadline, to enable appropriate analysis and drafting to take place, resulting from these decisions, is one of the most significant factors to addressing timetable risks.

With this context, our complaint comprised the following:

- 1. We are complaining because, of the 21 scheduled LPPC meetings since Jan 2022, only 13 have been held. [As at the date of this letter, this record has now extended to 23 scheduled meetings of which only 14 have been held]**

You replied that 'it is possible to... cancel a meeting if the Chair is satisfied that there is good reason for doing so e.g. insufficient business to justify the meeting being held. Where there have been no items which require a decision from LPPC, it has been decided to cancel those meetings.'

This does not address our complaint. The Local Plan is a large, complex document comprising a significant number of material decisions which the LPPC is required, under the constitution and the law, to influence, control and to 'engage **constructively, actively and on an ongoing basis**'. It is unarguable that engagement limited almost exclusively to signing off a draft Reg 18 Local Plan for approval by the full council for consultation (without prior engagement) in Jan 2023, and then doing the same in Nov 2024 for Reg 19, meets these obligations.

It would be a shocking dereliction of duty not to include in the LPPC's agendas the discussion and debate of the material decisions involved in the strategic direction, and the review and challenge of the Local Plan components over the course of the plan's preparation even if the LPPC agendas for timetabled meetings were already full. To fail to fulfil the constitutional and legal obligations when there was nothing else to discuss, instead cancelling the meetings, is unconscionable.

Minutes of previous meetings of the LPPC show that various councillors have specifically requested information with respect to the Local Plan and the Local Plan process, that they have not received, and officers have made commitments they have not fulfilled, for instance:

- i. 'Following the Consultation period, all comments received [will] be incorporated into a Statement of Consultation. This Statement [will] also document how the comments have been addressed. The Statement will also be brought back to the Committee.'
[Statement from Officers – 30 Jan 2023. Providing this information in Nov 2024 would not appear to fulfil this commitment]
- ii. '[We should] get a list of criteria and priorities of the coming work on the local plan over the next few months'
[Member request – 26 Sept 2023. 10 months have passed since this request and this has not been provided or discussed.]
- iii. 'Once the Local Plan [is] unpaused it should come back to the Committee where an outline strategy for the development of the Local plan in the coming months should be agreed and set'
[Member request – 26 Sept 2023. The Local Plan process was unpaused in Oct 2023; the outline strategy has not returned to the LPPC and has not been agreed and set.]

- iv. 'Further discussions about the development of greenbelt land are able to progress in the near future'
[Statement from Senior Solicitor – 26 Sept 2023. No discussions have been held on this topic in LPPC meetings.]
- v. 'A commitment could be made at the next LPPC meeting, to remove all greenbelt from the Local Plan if Full Council unpause.'
[Member – 26 Sept 2023 – this would require, at a minimum, the Local Plan to be discussed at an LPPC meeting. The Dec 2023 meeting was cancelled, despite this topic providing sufficient business to justify the meeting being held. There was no discussion on this topic in the Jan 2024 or subsequent meetings either.]
- vi. The above comments were made in the context of the statement by the Interim Director of Environment, Housing and Regeneration that:
'no substantial changes can be made to the Regulation 19 Local Plan once it has been agreed to go out to consultation'
[26 Sept 2023]

Despite all of these matters, and numerous other requests, LPPC meetings have continued to be cancelled because there was 'insufficient business to justify the meeting(s) being held'.

Given the above, questions must be asked as to the ability of the council to perform its duties.

You should uphold our complaint on this matter.

2. We are complaining because none of the LPPC meetings since Jan 2021 involved debate of the overall Local Plan strategy or content

You replied that 'The Licensing and Planning Policy Committee on the 30 January 2023 were presented with the draft Local Plan (i.e. the strategy and content) where the committee was asked to approve the publication of the Draft Local Plan (2022- 2040) for public consultation to commence 1 February 2023 at noon and conclude on 15 March 2023 at midnight. The committee considered the reports and supporting material and resolved that consultation on the draft Local Plan could commence.'

The Local Plan and supporting documents runs to thousands of pages, the committee members did not have time to read and consider these documents in advance of the Jan 2023 LPPC meeting, and nor did they have time to debate and challenge them in the short time allowed. That is exactly why the plan strategy and detail should have been discussed and debated across multiple meetings.

Based on your response, the LPPC clearly failed to fulfil its constitutional and legal obligations, as set out in 1 above. Approving the publication of a draft Reg 18 Local Plan, without prior review or debate of strategy or content, in a single meeting (out of 23 scheduled meetings), cannot reasonably be viewed as meeting the obligation to 'engage **constructively, actively and on an ongoing basis**'.

You should uphold our complaint on this matter.

- 3. We are complaining because the published Local Plan timetable does not provide for any debate, challenge, steer or decision, prior to a recommendation to the LPPC expected in November 2024, with respect to:**
- a. the Spatial Strategy
 - b. the Plan policies
 - c. critical decisions
 - d. the results of the analysis of the 1,736 responses to the public consultation completed on 19 March 2023, despite the ongoing analysis being permitted to continue during the Local Plan pause. No discussion has been held around the expected impact on the Reg 19 Local Plan despite a statement to the Jan 2023 LPPC that this would be produced. This appears critical given the large level of disagreement from the public

You replied stating 'The Local Development Scheme sets out key dates for the development of the Local Plan.'

The document you linked is the Local Plan timetable we referred to in our complaint. It does not provide a timetable for any debate, challenge, steer or decision with respect to options to be taken on the Local Plan prior to a recommendation to the LPPC, expected in November 2024.

As this is the only published timetable, and it is wholly inadequate and does not address the concerns raised, you should uphold our complaint on this matter.

- 4. We are complaining because, when members of the LPPC requested information (as set out in the minutes of the meetings) there is no evidence it was provided**

You did not respond to this complaint. In the absence of a valid response you should uphold our complaint on this matter.

- 5. We are complaining because, when members asked to discuss Local Plan related matters at later meetings, the matters were not included in the agendas of later meetings.**

You did not respond to this complaint. In the absence of a valid response you should uphold our complaint on this matter.

- 6. We are complaining because, despite the lack of scrutiny, challenge or direction from the LPPC noted above, the Local Plan budget has increased by £1.37m since March 2021 and a 17 month timetable slip has occurred since April 2022 (a 42 month timetable slip since August 2020).**

You replied: 'The latest version of the Local Development Scheme (agreed November 2023, link provided above) reflected that on the 22 March 2023 at an extraordinary Council meeting a decision was made to pause the Local Plan and to allow specified tasks to be undertaken. On the 24 October 2023, at an extraordinary Council meeting, the decision was made to un-pause the Local Plan. This 7 month pause resulted in delays to the commissioning evidence required to support the next iteration of the Local Plan, notably the Transport Assessment produced by Surrey County Council (SCC). In January 2022 following staffing changes the Local Plan programme was reviewed. Following this review, it was determined that additional budget would be required to produce the evidence base required to support a Local Plan and reflect the staffing resource required to prepare the Local Plan and fulfil other statutory functions required of the Planning Policy Team.'

Your reply, explaining some staffing changes in Jan 2022 and a 7-month hiatus in mid-2023, is wholly inadequate to explain a 42 month timetable slip and a £1.37m budget increase.

In the absence of an explanation justifying the very significant delays and overruns highlighted, you should uphold our complaint on this matter.

7. We are complaining because these significant levels of overrun appear not to have resulted from scrutiny, policy changes, etc but from further project management failures.

You replied 'amendments to the Local Development Scheme are approved by the Licensing and Planning Policy Committee. The decision to pause the Local Plan for 7 months was made at an extraordinary Council Meeting.'

The amendments to the very high-level Local Development Scheme may have been approved by the LPPC, but this in no way excuses the obvious failures to manage the project adequately, and nor does it answer the complaint raised.

Your comment related to the decision to pause the Local Plan does not appear relevant.

In the absence of any robust rebuttal of the issues raised, you should uphold our complaint on this matter.

8. We are complaining because the minutes of the meetings approving the slippages do not indicate that officers were held to account, or that more frequent or detailed timetable and budget scrutiny has been introduced. To the contrary, [four] of the last [seven] LPPC meetings have been cancelled, [two] didn't include discussion of the Local Plan at all, and one simply approved a further timetable extension.

You replied 'The committee reports set out the reasoning for the amendments to the Local Development Scheme and members of the Licensing and Planning Policy Committee had the opportunity to ask questions of officers at the committee if they required clarification in respect of those reasons.'

Your response does not address the issue raised, which is that officers were not held to account, by the LPPC, for the issues arising, and that more frequent or detailed timetable and budget scrutiny has not been introduced despite it being desperately needed to avoid further failings.

You have not provided any evidence to rebut our complaint and you should therefore uphold our complaint on this matter.

9. In the 26 Sept 2023 LPPC meeting, the Planning Policy Manager stated that 'the inclusion of some green belt release alongside urban sites is the appropriate strategy to take and one that potentially poses the least risk at examination stage.' We are complaining because it is not the Planning Policy Manager's role to make this decision and it is concerning that this was left unchallenged.

You replied 'The Officer provided their professional opinion in an advisory capacity. The purpose of the committee was for the committee to debate and make a decision on whether to make a recommendation to Full Council that work on the Local Plan is un-paused rather than a decision on plan content.'

The Planning Policy Manager provided a statement presented as fact. Whilst it is appropriate for officers to provide balanced views and advice, unsupported statements should be avoided, and must be challenged where given. This did not occur in the meeting. You should therefore uphold our complaint on this matter.

10. Please can you urgently confirm the detailed timetable for the scrutiny, challenge and direction of each significant element of the Local Plan by the LPPC

You have not provided this. No detailed timetable has been provided.

11. Please can you urgently confirm the date on which the analysis of the consultation results, and proposed amendments arising from it, will be presented to the LPPC for adjustment and/or approval

You replied: 'This will be published alongside the Pre-Submission Local Plan that is due to be considered by committee on the 20 November 2024.'

All responses received during the public consultation have been published on the Councils consultation platform since June 2023, enabling all interested parties to view the comments received. The Consultation statement that will be published alongside the next iteration of the Local Plan will set out a summary of the main issues raised and how they have been taken into account.'

The results of the analysis of the Reg 18 consultation results were requested by a member of the LPPC back in 2023. As this analysis was explicitly permitted to continue during the pause period in 2023, there is no excuse for delaying its release further until Nov 2024. The analysis should be published immediately.

12. Please can you urgently confirm that the LPPC will be given the freedom, opportunity, time and resources sufficient for it to fulfil its mandate, as set out in its Terms of Reference, without undue constraints or interference from officers

You replied 'The constitution makes clear that LPPC is responsible for influencing and controlling development and use of land as Local Planning Authority including... the Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.

LPPC are involved in the preparation of the Local Plan as it is the committee that approves the draft Local Plan for consultation (Regulation 18 Stage). This decision was made by LPPC in 2022.

In terms of the next iteration of the Local Plan, a recommendation will come to the Licensing and Planning Policy Committee (LPPC) on a Proposed Submission Local Plan. LPPC will then make a recommendation to Full Council who will then decide how it wishes to proceed with the Local Plan. It is only at this stage that a Full Council decision on the Local Plan will be made, and if it is agreed, it will go forward to another six-week public consultation.'

This reply does not address the matter raised. You have not set out how, or when, the LPPC will fulfil its mandate. Approving (or declining) a recommendation for the Regulation 19 Local Plan is entirely insufficient to fulfil its constitutional and legal roles.

13. Please can you urgently confirm that review, challenge and direction of the Local Plan will be included in the agenda of every meeting of the LPPC to be held until publication of the Regulation 19 consultation

You replied quoting part of the Terms of Reference of the LPPC and stating your view that 'Items relating to the Local Plan are therefore taken to LPPC when they require a decision from Members. Member briefing sessions have taken place, but these are for information and are not for decision-making purposes.'

You have not responded to the issue raised. To fulfil its constitutional and legal obligations, the review, challenge and direction of Local Plan should be included in the agenda of every meeting of the LPPC to be held until publication of the Regulation 19 consultation.

Since we raised this complaint, the 18 June LPPC meeting has been cancelled and the 11 July meeting did not contain discussion of the Local Plan. The governance and constitutional failings have continued unabated.

Private member briefing sessions are not a substitute for public discussion around strategic direction, or open debate and challenge of plan options and decisions. As they are not LPPC meetings, they also do not fulfil the LPPC's obligations.

With three more months wasted, the need for review, challenge and direction of the Local Plan to be included in the agenda of every meeting of the LPPC has become even more urgent.

14. Please can you urgently confirm that there is sufficient time and budget to accommodate any and all changes the LPPC may recommend

You replied 'If the Regulation 19 (proposed submission) version plan is not approved for publication and subsequent submission, officers will recommend how best to proceed with the Local Plan. This will be influenced by the national policy and legislation in place at the time.'

If the LPPC's role were respected, and in the absence of extensive debate and challenge before November, the timetable would need to incorporate a significant period of time to address any matters raised by members. Implicit in your response is that there is no time or budget currently available to accommodate any substantial changes the LPPC may recommend. This implies that officers see the scheduled LPPC meeting in Nov 2024 to be a purely rubber-stamping exercise of the officers' conclusions.

Your response further illustrates the apparent failure of the council properly to project manage this critical process for determining the future development of the Borough.

15. That a contingency plan is in place should the currently proposed Local Plan timetable slip for any reason, including matters arising from the review and challenge set out above.

You replied referring to the answer to 14, above.

The committee responsible for the Local Plan appears to have been relegated to a role of rubber-stamping officers' proposals, circumventing their roles in setting strategy and scrutinising plans and decisions.

Only if the committee dares not to approve officers' proposals, in the face of stark warnings by officers of delays, cost overruns and 'speculative development', will contingency plans be developed to compensate for abject and entirely avoidable project management failures.

There is still a little time, albeit not much, to present options and decisions to the LPPC for discussion and debate, to enable proper oversight and steer of the Local Plan prior to the November 2024 meeting.

A detailed project plan is urgently needed setting out the steps required to address the material inadequacies currently experienced in the strategy, review and decision making on the Local Plan prior to November 2024.

In addition, a contingency plan should be put in place, for review by the LPPC, setting out planned steps should there be timetable slips or a failure to obtain approval to the draft Local Plan. This should be presented to the LPPC on 24 Sept 2024 at the very latest. Whilst this contingency plan may need to be adjusted based on any changes to national policy and legislation, this does not alter the necessity of preparing it now, before it becomes the critical path and results in further project delays.

Conclusion

Despite failing to address several of the issues raised, and in the remaining cases, failing to provide any compelling evidence to support your position, you concluded by stating your decision not to uphold the complaint.

As interim Head of Place Development, we assume you have a key role in the management of the Local Plan process, so it is perhaps unsurprising that you have chosen to justify your position rather than reflect on the severity and significance of the issues raised and prepare a plan quickly and effectively to mitigate them.

Failure to prepare a plan to address and mitigate the issues runs the significant risk of failure to obtain approval for the draft Local plan in November 2024 and all the problematic consequences this could entail.

Instead of denying the problems highlighted, this complaint should be upheld and urgent remedial action undertaken to address the significant risks of project failure.

Yours sincerely

Epsom Green Belt Group

5th July 2024



Epsom Green Belt Group
By email [REDACTED]

Town Hall
The Parade
Epsom
Surrey
KT18 5BY
Main Number (01372)
732000
www.epsom-ewell.gov.uk
DX 30713 Epsom

Contact: Justin Turvey

Email [REDACTED]

Dear Epsom Green Belt Group,

RE: STAGE 1 COMPLAINT RELATING TO 'THE PERFORMANCE OF THE LICENSING AND PLANNING POLICY COMMITTEE ('LPPC') WITH RESPECT TO THE DRAFT LOCAL PLAN' REF: CAS 761972

I write in response to your Stage 1 complaint received 18 April 2024 relating to the draft Local Plan. Please accept my apologies for the delay whilst I investigated the complaint.

For completeness, I have bullet pointed your comments with my response below each point.

- **We are complaining because, of the 21 scheduled LPPC meetings since Jan 2022, only 13 have been held.**

In accordance with the Council's Constitution, a timetable of meetings of all committees, including LPPC, is approved at Full Council annually. Meetings are organised in accordance with the approved timetable; however, it is possible to re-arrange the date, add a further date, or cancel a meeting if the Chair is satisfied that there is good reason for doing so e.g. insufficient business to justify the meeting being held. Where there have been no items which require a decision from LPPC, it has been decided to cancel those meetings.

- **We are complaining because, none of these involved debate of the overall Local Plan strategy or content**

The Licensing and Planning Policy Committee on the 30 January 2023 were presented with the draft Local Plan (i.e. the strategy and content) where the committee was asked to approve the publication of the Draft Local Plan (2022-2040) for public consultation to commence 1 February 2023 at noon and conclude on 15 March 2023 at midnight.

The committee considered the reports and supporting material and resolved that consultation on the draft Local Plan could commence.

- **We are complaining because the published Local Plan timetable does not provide for any debate, challenge, steer or decision with respect to options to be taken on the Local Plan prior to a recommendation to the LPPC, expected in November 2024.**

The Local Development Scheme sets out key dates for the development of the Local Plan. Link provided below for your use:

<https://www.epsom-ewell.gov.uk/residents/planning/planning-policy/epsom-and-ewell-local-plan/draft-local-plan-2022-2040/local>

- **We are complaining because, despite the lack of scrutiny, challenge or direction from the LPPC noted above, the Local Plan budget has increased by £1.37m since March 2021 and a 17 month timetable slip has occurred since April 2022 (a 42 month timetable slip since August 2020).**

The Local Plan timetable (i.e. The Local Development Scheme) can be revised to reflect a change in circumstances. Any amendments to the Epsom and Ewell Local Development Scheme require approval by the Licensing and Planning Policy Committee). The latest version of the Local Development Scheme (agreed November 2023, link provided above) reflected that on the 22 March 2023 at an extraordinary Council meeting a decision was made to pause the Local Plan and to allow specified tasks to be undertaken. On the 24 October 2023, at an extraordinary Council meeting, the decision was made to un-pause the Local Plan. This 7 month pause resulted in delays to the commissioning evidence required to support the next iteration of the Local Plan, notably the Transport Assessment produced by Surrey County Council (SCC).

In January 2022 following staffing changes the Local Plan programme was reviewed. Following this review, it was determined that additional budget would be required to produce the evidence base required to support a Local Plan and reflect the staffing resource required to prepare the Local Plan and fulfil other statutory functions required of the Planning Policy Team.

- **We are complaining because, these significant levels of overrun appear not to have resulted from scrutiny, policy changes, etc but from further project management failures.**

As noted above, amendments to the Local Development Scheme are approved by the Licensing and Planning Policy Committee. The decision to pause the Local Plan for 7 months was made at an extraordinary Council Meeting.

- **We are complaining because, the minutes of the meetings approving the slippages do not indicate that officers were held to account, or that more frequent or detailed timetable and budget scrutiny has been introduced.**

The committee reports set out the reasoning for the amendments to the Local Development Scheme and members of the Licensing and Planning Policy Committee had the opportunity to ask questions of officers at the committee if they required clarification in respect of those reasons.

- **In the 26 Sept 2023 LPPC meeting, the Planning Policy Manager stated that ‘the inclusion of some green belt release alongside urban sites is the appropriate strategy to take and one that potentially poses the least risk at examination stage.’ We are complaining because it is not the Planning Policy Manager’s role to make this decision and it is concerning that this was left unchallenged.**

The published meeting minutes state that:

A Member of the Committee raised that paragraph 11 of the current NPPF document states that Local Authorities do not need to build on greenbelt land. The Member raised that there is ample evidence to not build on greenbelt land and asked whether the Council would commit to removing greenbelt land from the Local Plan. The Planning Policy Manager responded to explain that it comes down to balancing needs and it is necessary to read the NPPF as a whole, of which paragraph 11 is only one component. The Planning Policy Manager confirmed that paragraph 11 does give us an opportunity to justify not meeting our development needs, but the flip side is that the government still expects us to try, therefore, it is about finding that balance. The Planning Policy Manager informed the Committee that a Government Inspector will be testing the soundness of our Local Plan and it is Officer’s professional view based on current legislation, national policy and guidance, that the approach set out in the draft local plan, with the inclusion of some green belt release alongside urban sites is the appropriate strategy to take and one that potentially poses the least risk at examination stage.

As set out above the Officer provided their professional opinion in an advisory capacity. The purpose of the committee was for the committee to debate and make a decision on whether to make a recommendation to Full Council that work on the Local Plan is un-paused rather than a decision on plan content. This is reflected by the decision of the committee:

resolved (6 for, 2 against) to:

- (1) To recommend to Full Council that work on the Local Plan is un-paused.

Unanimously resolved to:

- (2) Note the work that has been undertaken since and in line with the decision by full Council to pause the Local Plan.
- (3) Note that a decision to progress (un-pause) work on the Local Heritage List update will be considered at a future meeting of this Committee

- **Please can you urgently confirm:
The detailed timetable for the scrutiny, challenge and direction of each significant element of the Local Plan by the LPPC**

The date on which the analysis of the consultation results, and proposed amendments arising from it, will be presented to the LPPC for adjustment and/or approval

This will be published alongside the Pre-Submission Local Plan that is due to be considered by committee on the 20 November 2024.

All responses received during the public consultation have been published on the Councils consultation platform since June 2023, enabling all interested parties to view the comments received. The Consultation statement that will be published alongside the next iteration of the Local Plan will set out a summary of the main issues raised and how they have been taken into account.

- **That the LPPC will be given the freedom, opportunity, time and resources sufficient for it to fulfil its mandate, as set out in its Terms of Reference, without undue constraints or interference from officers**

The constitution makes clear that LPPC is responsible for influencing and controlling development and use of land as Local Planning Authority including... the Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.

LPPC are involved in the preparation of the Local Plan as it is the committee that approves the draft Local Plan for consultation (Regulation 18 Stage). This decision was made by LPPC in 2022.

In terms of the next iteration of the Local Plan, a recommendation will come to the Licensing and Planning Policy Committee (LPPC) on a Proposed Submission Local Plan. LPPC will then make a recommendation to Full Council who will then decide how it wishes to proceed with the Local Plan. It is only at this stage that a Full Council decision on the Local Plan will be made, and if it is agreed, it will go forward to another six-week public consultation.

- **That review, challenge and direction of the Local Plan will be included in the agenda of every meeting of the LPPC to be held until publication of the Regulation 19 consultation**

The Councils constitution sets out the Committees areas of responsibility: which in relation to Plan making are:

To consider and approve:

- a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage).
- b) Final versions of Supplementary Planning Guidance (including Masterplans and Design Codes) Planning Guidance Documents, land use policy statements, masterplans and briefs for specific areas and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document.
- c) Other informal policy guidance for adoption.
- d) The council's Local Development Scheme and Annual Monitoring Report.

Items relating to the Local Plan are therefore taken to LPPC when they require a decision from Members. Member briefing sessions have taken place, but these are for information and are not for decision-making purposes.

- **That there is sufficient time and budget to accommodate any and all changes the LPPC may recommend**

If the Regulation 19 (proposed submission) version plan is not approved for publication and subsequent submission, officers will recommend how best to proceed with the Local Plan. This will be influenced by the national policy and legislation in place at the time.

- **That a contingency plan is in place should the currently proposed Local Plan timetable slip for any reason, including matters arising from the review and challenge set out above.'**

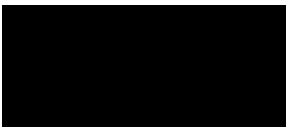
See previous answer.

Conclusion

After review of your submissions, and for the reasons expressed in this letter, I have decided to not uphold the complaint. I do, however, apologise for the delay in responding to you.

If you feel dissatisfied with the response you have received set out above or that you feel that your questions have not been answered, Epsom and Ewell's complaints procedure does allow for an escalation to a Stage 2 complaint. After such time, if you are still not satisfied with the way we have responded to your complaint you can contact the Local Government Ombudsman where your complaint will be independently reviewed. Information on how to make a complaint can be found at <http://www.lgo.org.uk/making-a-complaint/>

Yours sincerely



Justin Turvey
Head of Place Development
Epsom and Ewell Borough Council

Dear Epsom Greenbelt Group

Please see below for a response to your six questions:-

1. The detailed timetable for the scrutiny, challenge and direction of each significant element of the Local Plan by the LPPC

The Proposed Submission Local Plan with a recommendation will come to Licensing and Planning Policy Committee (LPPC) in November 2024. Councillors can discuss, debate and if needed change the recommendation at this meeting. If supported, the recommendation would then go to full council in December 2024 for all Councillors to discuss and debate. If supported, this would then be put to public consultation in January 2025.

2. The date on which the analysis of the consultation results, and proposed amendments arising from it, will be presented to the LPPC for adjustment and/or approval

A Consultation Statement will be published as part of the agenda pack for the LPPC in November 2024 where the Proposed Submission Local Plan will be considered. The exact date of this meeting is to be confirmed.

The Consultation Statement will summarise the responses received on the Draft Local Plan (Regulation 18) and how they have been considered in producing the Proposed-Submission (Regulation 19) version of the Local Plan.

3. That the LPPC will be given the freedom, opportunity, time and resources sufficient for it to fulfil its mandate, as set out in its Terms of Reference, without undue constraints or interference from officers

Correct. In line with the Council's constitution, officers advise Councillors in their professional capacity, and Councillors are responsible for decision making in respect of the Local Plan and its content.

The Council's constitution can be accessed from the following link: <https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?Cid=205&Mid=1619&Ver=4&Info=1>

4. That review, challenge and direction of the Local Plan will be included in the agenda of every meeting of the LPPC to be held until publication of the Regulation 19 consultation

The Council's Constitution provides the terms of reference for the LPPC, these are set out in Appendix 3 (p16-18). Agenda items coming to Council Committees are typically brought to arrive at a decision.

The LPPC responsibilities include making decisions at key stages in the production of Local Plan documents as set out below:

- *Considering and approving Draft (Regulation 18) Local Plans*
- *LPPC considered and approved the Draft Local Plan (Regulation 18) for consultation on 30 January 2023.*
- *Considering and recommending for approval to Full Council, submission versions of Development Plan documents*
- *LPPC will consider the pre-submission Local Plan in November 2024*

The next decision related to the Local Plan regards the Proposed Submission Local Plan (Regulation 19) at the November LPPC meeting.

5. That there is sufficient time and budget to accommodate any and all changes the LPPC may recommend

As has been reported to LPPC, the Local Plan timetable has a limited degree of flexibility to ensure that the Local Plan is submitted to the government for examination by the 30 June 2025 deadline, which is the deadline set by government for submission under the current Local Plan system. The scale of changes made will influence whether there is a delay to the programme- for example, minor typographical errors or clarification of wording will not impact the programme. However, changes that require amendments to the evidence base could lead to delays that result in the transitional arrangements deadline being missed.

6. That a contingency plan is in place should the currently proposed Local Plan timetable slip for any reason, including matters arising from the review and challenge set out above

There are elements of contingency in the plan, but if the Local Plan timetable slips and as a result it will not be possible to submit the Local Plan to the government by the 30 June 2025, we will prepare a Local Plan under the reforms set out in the Levelling Up and Regeneration Act. The government are due to publish further legislation in relation to plan making reforms that will need to be considered.

With all good wishes

Jackie King
Chief Executive

