

Statement of Common Ground

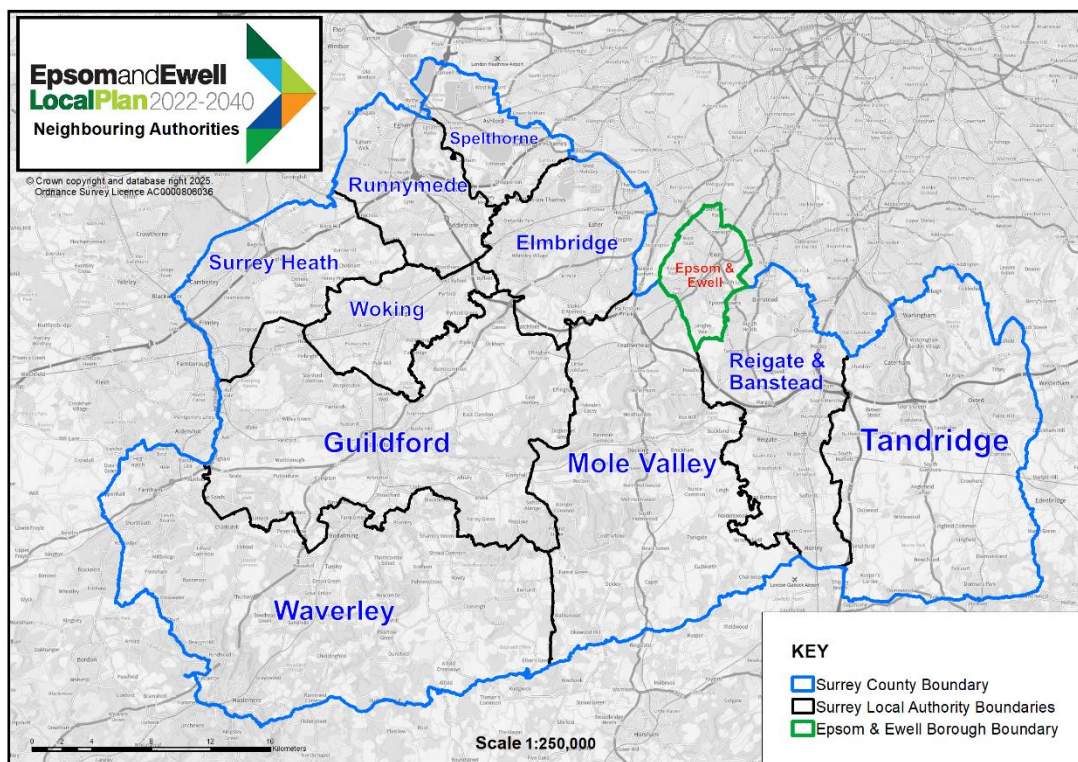
This Statement of Common Ground (SoCG) is between Epsom & Ewell Borough Council (EEBC) and Surrey County Council (SCC) in relation to the Epsom & Ewell Local Plan 2040.

1) Constituent parties to this SOCG

Epsom & Ewell Borough Council (EEBC)
Surrey County Council (SCC)

2) Geographical area covered by this SOCG

The map below shows the geographical position of EEBC and SCC.



There is a two-tier system of local government in Surrey, the county council and the 11 district and borough councils. Generally, SCC is responsible for the more strategic functions and services whereas the districts and boroughs provide more local services, with some functions shared between SCC and the boroughs and districts.

County Council responsibilities relevant to the delivery of the Local Plan are largely related to infrastructure:

- Strategic planning
- Highways and Transport (as the Local Highway Authority)
- Education
- Flooding (as the Lead Local Flood Authority)
- Libraries
- Recreation, Arts and Museums
- Waste and minerals planning
- Heritage (principally archaeology)

Other County Council roles relevant to the delivery of the Local Plan are:

- Economic Development
- Public Health Authority
- Biodiversity and nature (including responsible body for preparing the Local Nature Recovery Strategy (LNRS))
- Climate change
- Gypsy and Traveller Accommodation
- Adult Social Care

As such, EEBC has engaged on a range of matters with SCC during the preparation of the Local Plan.

3) Duty to Cooperate

EEBC has engaged SCC on an active and on-going basis throughout the preparation of its draft Local Plan. This has included engagement on the evidence base documents; through meetings; and formal consultation at the Regulation 18 & 19 Stages, up until the submission of the draft Local Plan for Examination in Public (EiP). Duty to cooperate activities up until the Regulation 19 stage are recorded in the [Duty to Cooperate Statement of Compliance](#) (November 2024), while the Duty to Cooperate Statement of Compliance Update will document any activities from November 2024 up until submission.

EEBC invited representations on the Proposed Submission Local Plan (Regulation 19) between 20 December and 5 February 2025. A copy of the representation submitted by SCC is available in Appendix 1.

The SCC Regulation 19 representation makes numerous comments and a number of suggested modifications to the plan but does not raise any significant concerns about the legal compliance or soundness of the Proposed Submission Local Plan.

4) Key strategic cross boundary matters between the constituent parties to this agreement

Gypsy and Traveller Accommodation

SCC manage the two existing traveller sites within the borough, which provide all the borough's current provision of 23 pitches. The Gypsy and Traveller Accommodation Assessment (GTAA) (June 2022) identified the need for an additional 18 pitches up to 2040. The Proposed Submission Local Plan makes provision for an additional 10 pitches through the allocation policy SA35: Land at Horton Farm, while policy S8 provides criteria for the consideration of proposals which arise through the development management process and requirement for larger windfall sites to make provision for such uses where appropriate.

SCC have confirmed (most recently in November 2024) that the existing sites are overcrowded and are unable to be intensified. The management of new Gypsy and Traveller accommodation delivered over the plan period will be determined at the time of application.

Both parties agree that:

- EEBC and SCC will continue to work in partnership to meet the future accommodation needs of the travelling communities.

Flooding

SCC is the Lead Local Flood Authority (LLFA) and has the responsibility for reducing the risk of flooding from surface water, groundwater and ordinary watercourses with the duty to investigate, mitigate and plan for flooding that does not come from statutory main rivers or reservoirs.

EEBC has engaged with SCC on this matter, including on the: commissioning and production of the [Strategic Flood Risk Assessment](#) (September 2024), drafting of Policy S16 Flood Risk and Sustainable Drainage in the Proposed Submission Local Plan, and the Infrastructure Delivery Plan (IDP).

EEBC and SCC will continue to engage on this matter through the Surrey Flood Risk Partnership Board & Working Group, and the annual updates to the IDP.

Both parties agree that:

- The flood risk evidence supporting the Local Plan and site allocations is robust and there are no significant outstanding strategic flood risk matters to be addressed.

Highways & Transport

SCC has responsibility as the local highway authority to provide advice and negotiate the delivery of highway infrastructure to support development sites.

EEBC and SCC are committed to working in partnership with the aim of ensuring the necessary highways improvements to support sustainable growth are delivered in a timely manner over the period of the Epsom & Ewell Local Plan. The authorities are already working jointly on a number of initiatives including the Local Cycling and Walking Implementation Plan (LCWIP).

SCC have carried out transport assessments to inform the development of the Local Plan, these being an assessment of the accessibility of potential sites (at the Regulation 18 stage) and a strategic highways modelling assessment to consider the potential impact of the growth outlined in the Proposed Submission Local Plan on movement within the Borough (at the Regulation 19 stage). EEBC and SCC will continue to work in partnership to identify appropriate mitigation and secure funding to deliver necessary mitigation measures.

Both parties agree that:

- EEBC and SCC will continue to work in partnership to identify appropriate mitigation to address the impact of growth and secure funding for delivery of necessary mitigation measures.
- Site specific highway impacts will be dealt with at the planning application stage.

Education

SCC has responsibility to ensure that there are sufficient school and early years places to support growth in Epsom and Ewell Borough.

EEBC has engaged with SCC on this matter to identify the likely education infrastructure needs arising from the growth outlined in the Local Plan. This includes early years provision, Special Educational Needs (SEN) and Disability (SEND) provision, primary education, secondary education, and further education infrastructure. The advice received is summarised in the most recent [IDP](#) (November 2024) and has been reflected in the policies of the Proposed Submission Local Plan.

Both authorities agree that:

- The spatial strategy does not result in the need for new mainstream primary and secondary schools with a surplus of places currently forecast for the end of the local plan period. However, as demand is not uniform, and there may be a reduced surplus in some years, particularly for secondary provision, this situation will continue to be closely monitored.

- Whilst the demand for additional early years provision is difficult to quantify, given the government's expansion of funding entitlements for eligible families, there are mechanisms for additional provision built into the Proposed Submission Local Plan such as the requirements under policy SA35: Land at Horton Farm, which include the provision of "a community building, capable of accommodating early years education provision." EEBC and SCC will continue to liaise on this matter.
- Both authorities will continue to work together regarding the need and delivery of SEND places.

5) Matters not specifically addressed within this Statement of Common Ground

- Economic development
- Public health
- Biodiversity & nature (including the Local Nature Recovery Strategy)
- Climate Change
- Adult social care

Other types of infrastructure:

- Libraries
- Recreation, arts & museums
- Waste & minerals
- Heritage

SCC's Regulation 19 representation provides comments and suggested modifications on a number of the above matters, but there are no significant concerns in relation to the soundness of the Proposed Submission Local Plan. Both parties will continue to engage on these issues and suggest modifications as appropriate.

6) Signatories

Epsom & Ewell Borough Council – Councillor Peter O'Donovan, Chair of Licencing and Planning Policy



Date – 27th February 2025

Surrey County Council – Caroline Smith, Planning Group Manager



Date – 25th February 2025

Appendix 1: SCC Regulation 19 Representation

Email: planning.consultations@surreycc.gov.uk



Planning Policy,
The Old Town Hall,
The Parade,
Epsom,
KT18 5BY

Spatial Planning,
Quadrant Court,
35 Guildford Road,
Woking
GU22 7QQ

Sent by email to: localplan@epsom-ewell.gov.uk

5th February 2025

Dear Sir or Madam,

Pre-submission Epsom and Ewell Local Plan (Regulation 19) Consultation

Thank you for consulting Surrey County Council (SCC) on the Pre-submission Epsom and Ewell Local Plan 2022 – 2040. This is an officer response that has been agreed with the Cabinet Member for Highways, Transport and Economic Growth.

Key issues for SCC are the implications of the Local Plan's policies and proposals for infrastructure for which the council is the provider and the council's statutory responsibilities in relation to minerals and waste planning, highways and transport, education, as responsible body for the Local Nature Recovery Strategy and as the lead local flood authority for Surrey.

The Pre-submission Plan has been shared with relevant SCC teams who have reviewed the policies of relevance to their service area. We welcome revisions made in response to comments provided at the Regulation 18 Consultation. There are a number of further comments, many of which suggest points of clarification for policy wording and supporting text or highlight additional site requirements.

Specialist housing – Policy S7

At 5.33 we would suggest the following addition in bold for clarity "specialist homes or **care home** bed spaces for older people".

We recognise that the statistics on the ageing population at 5.32 are provided for context, rather than as an example of identified needs. At 5.34 the statistics are now out of date. To appropriately reflect SCC's calculations of need in Planning guidance for accommodation with care for older people - Epsom and Ewell, and to reference residential care home as well as nursing care home provision, we would suggest the following updates in bold.

*SCC predicts an oversupply of market extra care units and a **minimum** need for 146 75 affordable extra care units up to 2035. **With respect to care home provision, SCC predicts an undersupply of 185 residential care home beds and an undersupply of 149 nursing home beds, based upon operational care home provision as at January 2024.***

As a result, the final sentence of paragraph 5.34 would need rewording to explain the differences between the methodological approaches and the timing of the analyses before the HEDNA figures are set out. We note that there are several allocated and consented sites in the Local Plan for care home provision. Once operational, the new care homes will contribute towards the future undersupply identified by both SCC and Epsom & Ewell Borough Council.

At paragraph 5.35 we suggest that it may be more effective for the first sentence to state that specialist housing developments falling within Class C2, and with the features of self-contained accommodation, will be subject to the affordable housing requirement set out in policy S6. The viability aspect can then be included as already referenced, alongside the detail on SCC's existing planning guidance.

Building Emission Standards – Policy DM10

We welcome the revisions since the Regulation 18 stage which have produced strong policies, combining leading approaches to improving building energy efficiency and net zero carbon requirements to address the climate emergency. We welcome the fact that the policy includes measurable metrics setting out requirements for Space Heating Demand and Energy Use Intensity as well as a fabric first approach. Policy S3 further addresses energy use and generation including incentivising development to support/deliver low carbon energy and heating schemes.

To better reflect the content of the policy we would suggest it is titled Building Emissions and Energy Standards. For part 2 of the policy there is potential to include reference to sustainable building technologies which contribute towards a new development's heating and energy supply including air or ground source heat pumps.

There is potential to add the UK Net Zero Carbon Building Standard and Passivhaus principles as a reference or within policy wording/supporting text, given crossovers with existing policy wording and requirements (i.e points 1 and 3).

[Home | UK Net Zero Carbon Buildings Standard](#)
[Passivhaus & Local Plans](#)

The borough council has been actively engaged with the SCC countywide net zero planning programme and has made use of study findings in development of the policy. We welcome the fact that the Space Heating Demand and Energy Use Intensity targets within the policy correspond with scenario 4 in the findings. Both scenario 4 and 5 are consistent with reaching Net Zero targets, with scenario 5 being the metrics leading policy area, best future proofed in response to the pressures of the climate emergency and achieving sustainable development outcomes.

Health Impact Assessments – Policy DM12

We welcome that the plan includes a requirement for a Health Impact Assessment (HIA) for certain developments and Public Health look forward to working with the borough to implement.

We note that no key supporting documents are listed under the policy. There are a number that we would suggest referencing:

- The Surrey Health and Well-Being Strategy. This includes details of the geographic areas experiencing the poorest health outcomes in the county. [Surrey Health and Well-Being Strategy - update 2022 | Healthy Surrey](#)
- Surrey Health Impact Assessment Guidance Statement [Health Impact Assessment Guidance Statement July 2024 - Surrey County Council \(surreycc.gov.uk\)](#)
- Joint Strategic Needs Assessment (JSNA) contains a wealth of health data [Joint Strategic Needs Assessment | Surrey-i \(surreyi.gov.uk\)](#)

Heritage

We welcome the requirement for archaeological investigations in a number of site allocations. A number of sites mistakenly reference Policy DM15 to highlight this requirement, rather than the correct Policy DM13. Sites SA16, SA30, SA33, SA34 and SA35 should also have the archaeological requirement added as they are over 0.4ha in size. This requirement would be in line with the provisions set out in Appendix 6.

Preserving identity of place with heritage - Policy S13

At present there is a gap in coverage as undesignated heritage assets are excluded. The NPPF does not specifically refer to "designated" heritage assets as this policy does. Many heritage assets, including most archaeological sites and the borough's own Locally Listed Heritage Assets, will not benefit from a statutory designation. We would suggest changing the word "designated" to "known" or remove the word "designated".

Development impacting heritage Assets - Policy DM13

It would be helpful for applicants if the supporting documents set out after the policy were referenced throughout the text – for example paragraph 7.31 could reference the importance of referring to Conservation Area Appraisals. Paragraph 7.32 doesn't mention the requirement for separate Listed Building Consent, which seems an omission. It could also helpfully differentiate between Listed Buildings and Locally Listed Buildings somewhere, to avoid confusion.

Some clarification on the wording of paragraph 7.34 would also be useful, to inform applicants of the circumstances upon which a field evaluation might be necessary. A reference here to the further detail in Appendix 6 would be helpful.

Paragraph 7.35 suggests that the level of detail required to demonstrate the impact on any heritage asset shall be "*at the discretion of the council*", but this is contrary to the national guidance which suggests evidence should be "*...proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*" (NPPF, paragraph 207.) We would recommend returning to the wording of the national policy. The reference to Appendix 5 should read Appendix 6.

As already referenced, additional guidance for applicants on how to proceed is within Appendix 6. For user friendliness it would be helpful if a pointer to this information was also included in DM13 itself. Section 2) of the policy could conclude with a statement that applicants are advised to consult Appendix 6 for further, more detailed instruction.

Implementation and Monitoring

The indicators under S13 do not seem to follow on from the policy itself, noting that the "Buildings at Risk" register will only record a small proportion of the borough's listed buildings. The national version of this "Register" is called "Heritage at Risk" now, so reference to a "buildings" register is misleading, whilst a "net gain/loss" of Listed Buildings is not a reliable indicator of the success or otherwise of a policy. An alternative may be to monitor enforcement cases involving listed buildings and conservation areas or to monitor the implementation and satisfactory discharge of planning conditions.

Appendix 6

Appendix 6 is extremely useful and we welcome the revisions to address concerns raised at the Regulation 18 stage. In particular, the clear distinction between locally and nationally listed buildings, and the reinstatement of the references to Scheduled Monuments and Registered Parks and Gardens should ensure that the provisions meet the required national standards. The reinstatement of the Surrey-specific 0.4ha policy for triggering archaeological assessment is also welcomed and will assist in addressing the

NPPF requirement (paragraph 203) for having a “positive” strategy for the conservation and enjoyment of the historic environment, through being proactive in the pursuit of identifying potentially threatened remains about which we lack existing knowledge.

We recommend a minor alteration (in bold) to the provisions of paragraph A6.2.1 to add provision for inconclusive results of desk-based assessment (e.g. *Where desk-based assessment **is inconclusive, or suggests the likelihood of archaeological remains, the Council will require the results of an archaeological evaluation in order to inform the determination of the application.***) This is a common result where the Historic Environment Record does not contain sufficient information.

The paragraph might also usefully specify that Scheduled Monument Consents are determined by Historic England and not local authorities.

We also recommend additions to paragraphs A6.2.4 and A6.2.5 (Listed Buildings and Locally Listed Buildings), to specify the requirement in the NPPF for applications affecting heritage assets to be accompanied by heritage statements, as set out in the NPPF paragraphs 207 – 208. Although these provisions are articulated later, it would be helpful to have reference or pointers in the relevant asset section, as there is for archaeological remains and desk-based assessments.

The final paragraph A6.3 should also contain a reference to a requirement to consult the Historic Environment Record held by Surrey County Council for applications impacting heritage assets, as this is the minimum requirement for assessment stipulated in the NPPF (paragraph 207).

Biodiversity Net Gain (BNG) – Policy S15

The policy increase to 20% BNG for some applications is welcomed, however it is unclear why greenfield site allocations have been selected as the sites where 20% BNG will be required under policy. Greenfield designation is not an ecological designation and does not imply that a site is of higher ecological importance than another site outside of the green belt. We encourage the consideration of a different threshold which would capture more applications and therefore provide greater benefits for biodiversity across the borough. For example, the threshold could be set based on size of site and number of dwellings / floorspace. The existing threshold for small sites could be used whereby all sites which qualify as ‘small sites’ require 10% BNG, and all other sites require 20% BNG.

We recommend expanding paragraph 7.55 to state that Epsom & Ewell Borough Council will require some high-level information on post development habitats / how the site will achieve BNG (onsite, offsite, mixture of both or purchase of statutory credits). At present, the minimum information specified in the regulations states that only baseline information is required. This provides no information on how BNG will be achieved and therefore there is a risk that LPAs may approve an application where delivery of BNG is not achievable. Statutory guidance on BNG is clear that LPAs can ask for more information at application stage. We recommend that wording is amended to reflect that Epsom and Ewell will ask for more and we also recommend updating your planning validation checklist accordingly.

Part 1 of Policy S15 has a small typo and should read ..at least 10% biodiversity net gain can **be** achieved..

In relation to part 2 of Policy S15, the statutory metric penalises BNG offsets via a spatial risk multiplier the further away from the development site the offset is delivered. The hierarchy includes:

- Within the same borough or national character area (NCA) (no penalisation)
- Adjacent borough or NCA (25% penalisation / lowering of unit score)

- Outside of borough / NCA and outside of neighbouring borough / NCA (50% penalisation / lowering of unit score)

Consideration should be given as to whether the wording in the policy is updated to reflect the legal position. A hierarchy could be given for example. In addition, reference to the purchase of BNG units from private habitat banks could be mentioned in the policy as this is another way to deliver off-site BNG and an alternative option to the purchase of statutory BNG credits. The BNG off-site market is still young in Surrey, however privately owned habitat banks are starting to emerge across the county.

Flood Risk and Sustainable Drainage – Policy S16

At paragraph 7.65 the word Lead should be capitalised (Lead Local Flood Authority). Paragraph 7.70 appears to have some words missing so would benefit from review.

In Policy S16 please note that at part C the December 2024 NPPF amendments have changed the threshold for when an FRA is required. We have attached a briefing note on NPPF changes.

At part D we query whether the 8m set back is for all watercourses or just Environment Agency defined Main Rivers? If it is just main rivers, what are the requirements for ordinary watercourses?

At part H ordinary watercourse should only be culverted for access purposes. At part I ordinary watercourses should be included in this section too.

In the December 2024 NPPF the government has removed the limitation for SuDS to only be considered on 'Major Development' and SuDS should now be considered by all development proportionate to the scale and nature of the scheme (NPPF Para 182). This recognises the cumulative impact multiple smaller developments can have on surface water flood risk. We recognise that the submitted plan will be examined under a previous framework, however there are a number of smaller draft site allocations where SuDs could now be considered in the site-specific requirements.

We note that in the earlier Regulation 18 consultation policy there was a requirement that arrangements should be put in place for the whole life management and maintenance of SuDS. This was a helpful clarification, but it does not appear in the current policy.

At paragraph 3.48 when Sustainable Drainage Systems are first referenced, we would suggest ensuring that the importance of their multi-functional role is also highlighted. Development may offer the opportunity to utilise a range of sustainable surface water management techniques which not only contribute to a reduction in discharge rates from the site, but provide amenity, biodiversity and water quality improvements and contribute to mitigating climate change by considering both drought and flood conditions.

We note that Policy SA35 Land at Horton Farm contains Ordinary Watercourses within the site and sites Policy SA31 and SA32 Land at West Park Hospital (north and south) and Policy SA30 Epsom General Hospital have Ordinary Watercourses in proximity to the site. Watercourses within a site should be incorporated as part of the proposals. Policy SA35 in particular, would benefit from this clarification within the list of site requirements and also confirmation that if proposed site works affect an Ordinary Watercourse prior written consent must be obtained from Surrey County Council as Lead Local Flood Authority.

More generally, SA35 should be developed with a landscape-led approach and in line with a design code and masterplan.

Infrastructure

The Horton Farm allocation SA35 has the potential to provide for early years need. We would request the following clarification in bold:

Provide a community building, capable of accommodating early years education provision, **(in consultation with Surrey County Council)**, and other community uses responding to the needs of the locality.

Space requirements for early years settings would need to be in line with the early years statutory framework.

Policy S19 Transport

The Surrey Healthy Streets design code must be referenced here, both as a key supporting document and within the policy. This information sets out mandatory requirements and recommendations for street design in Surrey.

At appendix 4 Parking Standards please include requirements for electric vehicle car parking.

In response to the findings of the Regulation 19 Transport Assessment we wish to request additions to the policy requirements for Policy SA35 – Land at Horton Farm as site specific mitigation. Suggested revisions are shown in bold below.

Policy SA35 – Land at Horton Farm

In addition to complying with the policies in the plan, any developer of this site will be required to:

- a. Provide appropriate vehicle, pedestrian and cycle access to the site and ~~enable the site to be served by public transport~~ **to include the provision of appropriate bus priority, and other passenger transport facilities.**
- b. Provide permeability through the site for pedestrians and cyclists into and from the development to provide connectivity between adjoining residential areas and associated facilities and Horton County Park.
- c. **Establish the permanent operation of an improved bus network to link the site into Epsom town centre, hospital, rail station and local schools, and towards Kingston. The developer will be expected to set up a method of funding which delivers the improved network in perpetuity**

At paragraph 1.9 reference is made to minerals and waste development plan documents but they are not fully referenced.

I hope these comments are helpful. If you require further information, please contact [REDACTED].

Yours sincerely,

Judith Jenkins
Principal Planning Officer
Surrey County Council