

Statement of Common Ground

This Statement of Common Ground (SoCG) is Between Epsom and Ewell Borough Council (EEBC) and The Environment Agency in relation to the Epsom and Ewell Local Plan 2022-2040

1) Constituent parties to this SOCG

Epsom & Ewell Borough Council (EEBC)
The Environment Agency

2) Background

This Statement of Common Ground (SOCG) sets out the agreed position as of May 2025 in relation to EEBC's Submission Local Plan. The Environment Agency (EA) is a non-departmental public body as established under the Environment Act 1995, whose purpose is to protect or enhance the environment, taken as a whole, in the interest of contributing to sustainable development. This encompasses a broad and interconnected range of responsibilities, including the regulation and oversight of environmental quality, the conservation and management of natural resources, and the protection of people and property from environmental hazards such as flooding and pollution.

The Agency's statutory remit covers the regulation of water resources, waste management, and pollution control across air, land, and water. It is empowered to issue permits, set environmental standards, monitor compliance, and enforce the law where necessary to prevent harm to the environment or human health. The Agency also plays a vital role in flood risk management, providing strategic planning and operational response to both fluvial and coastal flooding.

Moreover, the Environment Agency has a duty to contribute to the achievement of sustainable development, meaning it must balance environmental, social, and economic considerations in its decision-making processes. This includes promoting resource efficiency, enhancing biodiversity, and ensuring that environmental considerations are integrated into broader planning and infrastructure decisions. Its statutory functions also involve working collaboratively with local authorities, businesses, other governmental bodies, and the public to promote environmental stewardship and resilience in the face of challenges such as climate change.

The EA has been engaged at key stages throughout Epsom and Ewell Borough Council's (EEBC) Local Plan process, the details of which are provided below.

Regulation 18 Consultation

EA responded to the Regulation 18 Draft Local Plan consultation (February to March 2023), which was supported by an Interim Sustainability Appraisal. The organisation made suggestions about terminology and how some of the policies and strategic objectives should be worded regarding flood risk and biodiversity. In some cases, it required specific policy requirements to be added (such as requiring developments to be set back a minimum of 8 metres from riverbanks and existing flood defence infrastructure). It also drew an important link between the dual purposes of some policy requirements in ensuring compliance under other statutory requirements (e.g. as well as mitigating flood risk, set-backs are a measure in BNG Metrics).

Post Regulation 18 Consultation

Following the receipt of the comments on the Regulation 18 Local Plan EEBC and the EA have worked together demonstrated by the timeline below:

- September 2023: the EA met with EEBC to discuss updating the Strategic Flood Risk Assessment (SFRA) and the EA agreed to share data and input on the specification EEBC would write for the project.
- September 2023: the specification of the SFRA was shared with the EA and the EA provided comments.
- February 2024 – the EA attended an SFRA inception meeting with other stakeholders.
- June 2024 - the EA provided comments on the draft Level 1 SFRA, suggesting some minor amendments, which model should be used for flood zone 3b as well and some deeper definitions.
- August 2024 - EEBC provided a draft revised flood policy for the EA review.
- September 2024 - The EA responded stating that they were broadly satisfied with the policy, and the updated SFRA.
- September – November 2024 – EA responded to EEBC questions relating to amendments flood zones and what was meant by defended and undefended extent.

Regulation 19 Consultation

The EA were consulted on the Regulation 19 Local Plan on 20 December 2024 and a response was received on the 4 February 2025 stating that the EA consider the Local Plan to have been informed by sound environmental evidence base and produced in line with the Duty to co-operate and that they do not consider the policies within the plan to be unsound.

The EA have made recommendations and provided advice regarding the proposed policies, which could strengthen them and maximise their effectiveness but these are not intended to correct issues of legal compliance or soundness.

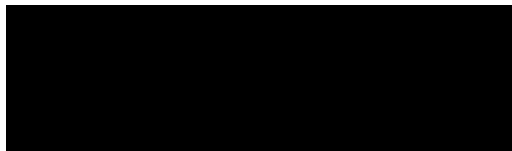
A copy of EA's Regulation 19 response is provided in Appendix 1

3) Positions of the parties

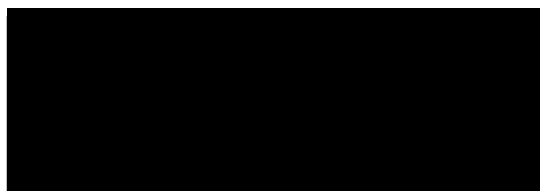
Both parties agree

- They have worked constructively to address the issue of flood risk, biodiversity and pollution in the Local Plan.
- The Local Plan process has fully considered matters of the environment, informed by comprehensive and up to date evidence base, including SFRA (Level 1 and 2), Sequential Tests, Sustainability Appraisal and Site Selection Methodology.
- The development of policies in collaboration with the Environment Agency and Surrey County Council.
- EA have no outstanding concerns in relation to the soundness or legal compliance of the Proposed Submission Local Plan.

4) Signatories



Name: **James Togher**
Sustainable Places Team Leader – South London
Environment Agency
Date 15 May 2025



Name: **Councillor Peter O'Donovan**
Chair of Licencing and Planning Policy Committee
Date 16 May 2025

Appendix 1: EA Regulation 19 Representation

creating a better place
for people and wildlife



Epsom & Ewell Borough Council
Planning Policy

Our ref:

Your ref: Regulation 19 draft Local Plan

Sent via email

Date: 4 February 2025

Epsom & Ewell Regulation 19 draft Local Plan consultation

Thank you for consulting us on your draft local plan (Regulation 19 stage). We received the consultation from you on 20 December 2024.

We welcome the new Epsom and Ewell Local Plan which we believe has been informed by a sound environmental evidence base and produced in line with the Duty to co-operate. We do not consider the policies within the plan to be unsound. However, we have provided recommendations and advice regarding the proposed policies, which could strengthen them and maximise their effectiveness in achieving your sustainable development goals.

We welcome the fact the new site allocations are directed away from the high and medium risk flood zones which is in line with the sequential approach to manage flood risk by steering development to the lowest risk flood areas. We support the new local plan policies to deliver environmental protection and enhancements and adapt to a changing climate.

Please see our comments, advice and further recommendations below.

- Section 1 – Environmental issues and opportunities
- Section 2 – Site allocations
- Section 3 – Sustainability appraisal and Sequential Report

We look forward to working in partnership with you on the preparation of your Local Plan. We hope you find our response helpful. Please do not hesitate to be in touch if you have any queries or questions.

Yours sincerely

Shea Bunyan
South London Sustainable Places
Email [REDACTED]

Section 1 – Key environmental issues and opportunities

This section will cover the following environmental issues and opportunities:

- Flood Risk
- Biodiversity

Flood risk management

We are generally encouraged by the inclusion, and subsequent strengthening, of Epsom and Ewell's policies compared to the Regulation 18 draft Local Plan in protecting the Borough and its residents from the risk of flooding, which, as highlighted within the draft local plan, is likely going to increase due to climate change.

We would like to take this opportunity to comment on and advise adjustments which could be made to strengthen these policies to help further mitigate and adapt development in Epsom and Ewell to the risk of flooding and a changing climate.

The Functional Floodplain (Flood Zone 3b)

Whilst we are pleased to see the update to include mention to Flood Zone 3b (FZ3b) within Policy 16: Flood Risk and Sustainable Drainage, the definition provided within Paragraph 7.66 is contrary to the definition of the functional floodplain provided within Epsom and Ewell's recently published Strategic Flood Risk Assessment (SFRA).

Epsom and Ewell's Level 1 SFRA (2024) defines FZ3b as:

"...land that has an annual probability of flooding from rivers or seas of 1 in 30 years or greater ($\geq 3.3\%$ AEP)"

We strongly recommend that Paragraph 7.66 is updated to reflect the evidence base adopted by Epsom and Ewell's SFRA to echo the national Planning Practice Guidance's recommendation to use the 1 in 30 years or greater ($> 3.3\%$ AEP) extents to define FZ3b. We support the use of this definition. Without this update, the draft local plan will be contrary to the provided evidence base.

Setback from main rivers

We welcome the inclusion of a minimum of the eight metres of setback of development from both riverbanks and/or flood defence infrastructure within Policy S16: Flood Risk and Sustainable Drainage. We also agree in principle with the provided definition for how to measure setback from a riverbank in Policy S16(d).

Finished floor levels

We welcome the requirement of Policy S16(e) to require all finished floor levels of development to be set 300mm above the climate change flood level. This is in line

with Epsom and Ewell's Strategic Flood Risk Assessment and further helps to ensure all new developments are maximising their flood resistance and resilience measures against the increase of flood risk posed by climate change.

Floodplain storage compensation

We welcome the update to include the requirements for developments proposing an increase in built footprint in fluvial Flood Zone 3a (FZ3a), plus the climate change extents, must compensate on a level for level, volume for volume basis in Policy S16(g).

Mitigation measures

We would strongly recommend that Policy S16(f) is updated to reflect the following wording to ensure that the approach is appropriate and in line with relevant national policy and guidance:

"It would not increase the risk of flooding to the site or elsewhere. Mitigation measures to address such risks should be in line with guidance from both the LLFA and EA depending on the source of flood risk."

Culverted main rivers

We are pleased to see Epsom and Ewell's policy reflects planning guidance to prevent further river culverting, and also to maximise opportunities to deculvert main rivers where applicable, provided there is a demonstration that flood risk will not be increased elsewhere as a result.

Culverts present a detriment to the connectivity of river corridor habitats that are important for biodiversity and should therefore not be permitted, but instead, opened at every opportunity.

Biodiversity

The importance of ecological networks of linked habitat corridors (both within the Epsom & Ewell and the linked adjacent Boroughs) to allow the movement of species between suitable habitats, and to promote the expansion of biodiversity, is defined in the NPPF and the Local Nature Recovery Strategy commitment of the government's 25-year Environment Plan and enacted by the Environment Act 2021.

We are greatly encouraged by your adoption of the term 'green and blue infrastructure' throughout to reflect the importance of the Borough's wetlands and waterways and the multiple benefits they provide for habitat connectivity, ecosystems and people.

This also reflects the equal importance of measuring and delivering Biodiversity Net Gain (BNG) in both the terrestrial *and* aquatic environment which could be highlighted more within the plan.

River restoration and enhancements

Paragraph 7.50 highlights Epsom and Ewell's recognition of the opportunities to encourage the deliverance of biodiversity enhancements through the development of sites. This is particularly true for sites adjacent or in close proximity to watercourses.

Where possible, developers should be encouraged to explore options to deliver river re-naturalisation or enhancements to watercourses. This will also assist in developers being able to satisfy both the terrestrial *and* aquatic arms of the BNG metric.

As such, we recommend that the following wording is included in the preamble for Policy S14 – Biodiversity and Geodiversity to reflect the benefits of river restoration:

“Development in proximity to watercourses should explore and maximise opportunities for river restoration and enhancements through the implementation of Water Framework Directive mitigation measures.”

River Buffer zone

We welcome the reference to the BNG metric and its penalisation of development in close proximity to watercourses and how it should be considered in parallel to Policy 16.

We would suggest the paragraph should be strengthened to make direct reference to the 10-metre distance at which penalisation occurs within the metric to encourage developers to consider this from the beginning of their plan-making process.

Monitoring BNG in developments

We recommend that more specific indicators are used, to demonstrate improvements made to rivers through Biodiversity Net Gain, for example, by including an indicator for “number of BNG units in the rivers metric delivered”.

Section 2 – Site allocations

We have reviewed the proposed site allocations in Chapter 4 – Planning for Places. We are pleased to see that none of the proposed allocated sites for development are to be sited outside Flood Zones 2 & 3.

We note that within the Level 2 SFRA, two sites are located within Flood Zones 2 & 3, namely ‘Gibraltar Crescent’ and ‘Blenheim House, 1 Blenheim Road’. We welcome that these two proposed sites have not been brought forward within the Local Plan. We advise should there be any additional proposed sites allocated through the Local Plan process that would be within Flood Zones 2 and 3 that we would welcome the opportunity to engage and comment on their suitability and offer advice on the best ways to address any potential risk from flooding from the proposal(s)

We would also like to take this opportunity to highlight that the former site allocation, named ‘Blenheim House, 1 Blenheim Road’, is identified to be located within Flood

Zone 3b, defined as the 'Functional Floodplain' by Table 1 of the PPG. In accordance with Table 2 of the PPG, residential development (which is considered as 'more vulnerable' in terms of flood risk) would be considered incompatible with this flood zone and we strongly recommend it to not be considered for any potential future site allocations.

Section 3 - Sustainability Appraisal & Sequential Report

We are satisfied that the submitted Sustainability Appraisal (Aecom, December 2024) identifies appropriate issues and objectives, and flood risk is considered as an appropriate constraint when assessing alternative growth scenarios.

Flood risk has been identified as a key component of climate change adaptation, which we welcome given the increased risk of flooding brought by climate change. (Section 6.5). We agree that it is difficult to differentiate between the proposed growth scenarios due to the variable site options not being at significant risk of flooding.

The Sequential Report tests all allocated sites in the Regulation 19 Plan in a sequential manner, in line with the "Flood Risk and Coastal Change" section of the Planning Practice Guidance (PPG). All sites are located within Flood Zone 1 for fluvial flooding. It should be noted that the "Exception Test" should only be applied following the application on the "Sequential Test" - the sequential test can either be applied for site allocations, or for specific sites where they are unallocated and meet the requirements for sequential testing outlined in [Paragraph 27](#) of the PPG.

Section 4 - Local Plan monitoring and evidence base

To ensure the new Local Plan policies are delivering environmental protection and enhancement requires ongoing monitoring and evidence base reviews to ensure the policies and land use designations are based on the most up to date evidence and data such as the latest flood mapping, climate changes allowances and environmental infrastructure requirements.

The environmental evidence base and environmental capacity should be regularly assessed to ensure the right environmental infrastructure is in place to support the ongoing delivery of your housing targets. For the latest environmental data sets such as groundwater source protection zones, flood risk zones, main river maps <http://environment.data.gov.uk/ds/partners/index.jsp#/partners/login>

The new Local plan should also be regularly reviewed and informed by the latest catchment planning data and River basin management plans [England | Catchment Data Explorer](#)