

Examination of the Epsom & Ewell Local Plan 2022-2024

Inspector - C Masters MA (Hons) FRTPI

Programme Officer - Charlotte Glancy

Inspector Note 1

Introduction

1. By way of introduction, I am the Inspector appointed by the Secretary of State to carry out an independent examination of the Epsom and Ewell Local Plan. I am appointed under Section 20 of the Planning and Compulsory Purchase Act 2004. The Plan I am examining is the Epsom & Ewell Local Plan, 2022-2040.
2. I am in the process of undertaking the initial preparation work in relation to the Examination and I look forward to working with the Council to progress the Examination. At this stage, I have a number of questions and areas of clarification which I set out below and I would be grateful for a response from the Council.

Missing documents

3. The submission makes reference to a Statement of Common Ground (SoCG) being prepared with National Highways and states '*to follow*' in March 2025. I note that the Regulation 19 consultation response to the Plan from National Highways states that they are currently liaising with the Council regarding the Strategic Highways Modelling Report and are working towards agreeing the scope of any additional work necessary to assess the impact of the Local Plan on the Strategic Road Network.
4. Firstly, could the Council please provide an update regarding the current position in relation to this document including confirmation of the timetable for the submission of this document?
5. Secondly, in order to ensure the examination can proceed as swiftly as possible, and to allow me to prepare the Matters, Issues and Questions (MIQ) in relation to Legal Compliance and the DtC, please could the Council confirm if there are any other SoCG which are missing?

Duty to Cooperate (DtC)

6. As far as I can see, the DtC evidence from the Council consists of DTC Statement of Compliance, November 2024 (DTC2), Statement of Compliance Update, March 2025 (DTC1) and Duty to Cooperate Framework, January 2023 (DTC3).
7. Paragraphs 24 to 28 of the Framework set out the requirements for maintaining effective cooperation. In particular, paragraph 28 identifies that in order to demonstrate effective and ongoing joint working, strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground. The Framework goes on to reference how these documents should be approached through the Planning Practice Guidance.

8. The submission is supported by SoCG with the following: Surrey County Council (SCC), Reigate & Banstead Borough Council (RBBC), the London Borough of Sutton (LBS), the Royal Borough of Kingston Upon Thames (RBK), Elmbridge Borough Council (EBC) and Natural England. DTC3 outlines a number of DtC Bodies at paragraphs 2.1 and 2.2. Is the Council intending to prepare SoCG with these remained bodies identified and if not why not?

The following questions relate to document DTC3, January 2023

9. In relation to housing matters, the Council state that they wrote to the relevant DtC partners in November 2022 when work on the Land Availability Assessment was largely complete. A copy of this letter has been provided which states that the Borough could accommodate 3849 dwellings, and a request was made to meeting some of all of the 6500 shortfall. 11 responses were received stating they could not assist in meeting Epsom & Ewells unmet needs. Please could the Council provide copies of these 11 responses received?
10. In terms of Gypsy and Traveller Provision, paragraph 4.2 of DTC3 advises that the Council wrote to DtC Partners and refers again to appendix 2 of the report. The letter attached at appendix 2 refers to a need for 10 Gypsy and Traveller pitches by 2040. Are the responses to this matter the same as the letters referred to above? If they are not, please could the Council provide copies of the 11 responses received?

The following questions relate to document DTC2, November 2024

11. An additional strategic cross border matter identified in this document is addressing the impact of the potential redevelopment of industrial land (item 3.8). The report states at page 43 that *'the potential impacts of this option has been explored with partners'*. Who is this referring to? How and when was the matter discussed and what were the outcomes? Are there any notes or minutes of meetings to support this position? Can the Council evidence this engagement?
12. In relation to housing matters, the housing requirement now identified by the Council was 4700 dwellings with an unmet needs of 5500 against the standard method, although the text refers to this position worsening following the Regulation 18 draft Local Plan Consultation. The text at page 11 refers to *'further meetings with neighbouring authorities'*. When did these take place and who was in attendance? As currently drafted, the only specific reference I can see to individual meetings taking place are in relation to the following:
- May 2024 – EEBC and MVDC
 - May 2024 – EEBC and RBBC
 - May 2024 – EEBC and RBK
 - 27 September 2023, October 2024 – EEBC and LBS
 - October 2024 – EEBC and EBC
13. Is the above record correct or are there additional meetings that I should be aware of? As matters stand, there is insufficient information provided in relation to these meetings. The Council is requested to provide a timeline of the meetings which have

been held since November 2022 and the submission of the Plan, setting out clearly the relevant strategic matters discussed and the outcomes. In order to provide a full response on this matter, the Council is requested to provide the following in relation to meetings which have been held:

- i. Date of meeting
- ii. Who was in attendance
- iii. Outline of the strategic matters discussed
- iv. Identification of any areas of disagreement and outline attempt to resolve them
- v. Identify how that process has influenced the development of the evidence base and the overall plans policies
- vi. A note of the meeting or minutes

14. Could the Council also provide copies of the responses received in relation to the July 2024 letter attached at appendix 3 of the report.
15. Similarly, in relation to Gypsy and Traveller Provision, the report refers at page 17 to '*further meetings*' although I have not been provided with any detail concerning these meetings. Please could the Council follow the steps outlined above at i-vi in relation to this strategic matter, providing the details concerning the meetings held.
16. Section 3.5 of the report identified improving sustainable transport choices, particularly in association with new development as a strategic matter. Reference is made to meetings being held in November 2023 and June 2024 with SCC. Again, there is insufficient information provided in relation to these meetings and the Council is requested to follow the steps outlined at i-vi above to provide the details concerning these two meetings. If there are other meetings which have been held, particularly where Highways England may have been in attendance, then the Council should also provide the full details in relation to these.
17. Paragraph 1.3.3 refers to the Surrey Planning Working Group providing a forum through which strategic and cross boundary issues can be raised. Paragraph 1.3.5 refers to '*Regular Meetings*' which have taken place between the Joint Place Team, SCC and the Council to discuss a variety of planning related issues. Paragraph 1.3.10 refers to quarterly meetings with the Surrey Health and Planning Task Group. The report also indicates the issue of flood risk has been discussed at DtC meetings although no detail is provided.
18. As currently drafted, there is insufficient information provided in relation to these meetings which have been held, the relevant strategic matters discussed and the outcomes. In order to provide a full response on this matter, the Council is requested to provide the following:
 - Dates of the meetings held
 - Who was in attendance
 - A note of the meeting or minutes
 - Outline of the strategic matters discussed
 - Identification of any areas of disagreement and outline attempt to resolve them.

- Identify how that process has influenced the development of the evidence base and the overall plans policies

The following questions relate to document DTC1, March 2025

19. This document refers to individual meetings taking place as follows:

- January 2025 – EEBC and MVDC
- January 2025 – EEBC and RBBC
- January 2025 – EEBC and RBK
- January 2025 – EEBC and LBS
- January 2025 – EEBC and EBC

20. There is insufficient information provided in relation to these meetings. The Council is requested to provide details setting out clearly the relevant strategic matters discussed and the outcomes. In order to provide a full response on this matter, the Council is requested to provide in relation to meetings

- i. Date of meeting
- ii. Who was in attendance
- iii. Outline of the strategic matters discussed
- iv. Identification of any areas of disagreement and outline attempt to resolve them
- v. Identify how that process has influenced the development of the evidence base and the overall plans policies
- vi. A note of the meeting or minutes

21. Have any other meetings taken place since November 2024? When were these and who was in attendance? The Council is requested to follow the steps outlined at paragraph 20 i-vi above to explain effective and ongoing joint working between strategic policy making authorities and the relevant bodies.

Gypsy and Traveller Assessment

22. As I understand it, this plan is being examined under the transitional arrangements set out at paragraph 234 of the National Planning Policy Framework (the Framework) December 2024. The evidence base in this regard consists of a Gypsy Roma and Traveller Accommodation Assessment 2022 (HB04) as well as the Meeting Gypsy and Traveller Needs Topic Paper 2024 (TP05). These reports conclude that there is a net need for 18 pitches (although HB04 still refers to 8 pitches who do not met the planning definition) and the Plan proposes to allocate sites for 10 pitches, which would result in a shortfall of 8 pitches over the Plan period.

23. HB04 does not reference the National Planning Policy Framework against which this Plan is being examined, as it refers to the Framework from 2021 and the updated definition from December 2023, although I note that the Topic Paper looks to address this point.

24. Firstly, could the Council please confirm if the evidence base is up to date in terms of the relevant definitions and are there any implications for the identified needs arising for Gypsy and Traveller accommodation in light of the PPTS 2023?

25. Secondly, I note that the survey of Travelling Communities contained within the 2022 report was completed at a time of the Covid-19 restrictions some 4/5 years ago. Once the Council have responded to the question raised in paragraph 24, I will need to give some consideration to whether this evidence base should be updated.

Other Matters

26. The SoCG with Surrey County Council (SCC) advises that in relation to Highways and Transport, SCC will continue to work in partnership with EEBC to identify appropriate mitigation and secure funding to deliver necessary mitigation measures. With reference to the Infrastructure Delivery Plan as currently drafted, precisely what mitigation measures is this statement referring to?
27. In terms of the Habitats Regulations Assessment, the Plan is supported by the Final Habitats Regulations Assessment Report (SD04a) dated February 2025. This report refers to an interim report which was available when the Regulation 19 Consultation was undertaken in December 2024. Is this interim report available and should it form part of the evidence base? Please could the Council explain what the additional air modelling work referred to within the SoCG with Natural England relates to?
28. I note that policy S15 deals with Biodiversity Net Gain. The supporting text states that 20% BNG will be sought from Greenfield site allocations, the higher requirement being detailed within the site allocation policy. The requirement for a 10% biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Planning Practice Guidance (PPG) advises that Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy. In due course, I will need to understand how the policy as drafted takes account of the exempt categories of development.
29. However, in the first instance, the PPG states that Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Where is the evidence base to support the approach and in particular the need for a higher percentage?

Housing Trajectory

30. Appendix 2 of the Plan sets out the housing trajectory for the period 2022-2040. For those sites identified as contributing to the delivery during years 1-5 years (2025-2030), it will be necessary for the Council to evidence engagement with site promoters in

relation to site delivery. I will have regard to the definition of deliverable as set out within the Framework, namely, that sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. For the sites for the remainder of the plan period, the sites will be considered in the context of the developable definition contained within the Framework.

31. In addition, the Council should note that in advance of the hearing sessions taking place, the Infrastructure Delivery Plan (IDP) (IS01) will need to be updated to reflect the housing and employment growth planned, so that the timeframe for delivery in relation to the various aspects of infrastructure delivery is clear across the plan period. As currently drafted, the document is limited in this regard.

Procedural Matters

32. I note that paragraph 1.18 of the Plan makes a reference to strategic policies within the Plan as well as the site allocations and paragraph 1.19 refers to the development management policies being non-strategic policies. In accordance with paragraph 21 and footnote 13 of the Framework, it would be useful if the Council could set out at this stage which are the strategic and non-strategic policies within the Plan. In doing so, the Council should have regard to paragraph 29 of the Framework which sets out that non strategic policies should be used to set out more detailed policies for specific areas and types of development, and can include allocating sites.

Next Steps

33. I would be grateful if the Council could respond on the above points no later than 16 May 2025 to enable me to prepare the MIQ for stage 1 of the hearings. If there are any aspects of the letter on which you require clarification, please do raise the matter via the Programme Officer.
34. Subject to the Council's response, I envisage that the hearings would proceed on the basis of a 2 stage process. The first stage would deal with legal compliance and the DtC. I would anticipate that this stage would require in the order of 1 day sitting time. Subject to the outcome of this stage, I would anticipate moving forward to stage 2 hearings which would cover the remainder of the Plan including the spatial strategy, housing need and delivery (including the consideration of reasonable alternatives), the site allocations and other relevant topic areas such as the environment, infrastructure and transport. I will be in a better position to advise on a likely time estimates for this stage once I have had an opportunity to review the representations made in full detail.

C Masters

INSPECTOR