

Full response from the Epsom & Ewell Liberal Democrats to the Epsom & Ewell Borough Council's Regulation 18 draft Local Plan

(Note – a summary of this full response is also available on our website and Facebook page)

Q1 - Do you support the Vision?

No:

The Future40 vision for the borough, which is referred to as the source of the "new division" begun with workshops in 2018. This is pre pandemic. Much has changed since we have learned to live with Covid-19 and its variants. In particular, the value placed on open space, biodiversity and the wider issues of climate change and its effects on the future of our planet and species have come more to the foreground. There is insufficient reference to this in your Vision (with the limited wording in the third last section on page 41). We think protection and indeed enhancement of the environment and biodiversity should be given far greater emphasis within the various component paragraphs of the Vision.

The first paragraph on page 41 mentions UCA and Laine's, but does not reference the needs of the graduate and young adult population and their needs for housing and starter homes. At present, Epsom town and its immediate surrounds do not provide starter homes which are affordable to young people. By affordable we mean, "within their budget", rather than the legalistic definition of the word "affordable" set out in the current NPPF. We think the second paragraph on page 40 needs to be far more ambitious in addressing the chronic shortage of new/existing homes for key workers, social rent, etc. While we recognise that too much detail can be inappropriate in an overarching Vision, we consider that setting out a Vision for achieving an overall change in the current housing mix within the Borough, is appropriate. Generally speaking this will not be achieved by simply building "a range of new homes of varying sizes" which is what this section states: that description may be appealing to developers and bland enough to appeal to the masses, but it does not actually reflect what this Borough needs.

The paragraph on growth is bland. It needs to be much stronger about what will be acceptable in terms of the borough's journey toward carbon neutral. We realise the Vision is a broad statement of intent or retrospective achievement, but without any specifics much of it could apply to any borough anywhere, so does not actually reflect any strengthening in the borough's identity, which is the stated objective.

It is important to also bring the various strands together, with an explicit recognition of how the provision of health services, cultural activities, employment opportunities and thriving wildlife all add to the quality of life.

Q2: Do you support the Strategic Objectives?

Yes with comments

The intentions within the 9 draft objectives are reasonable but we have two concerns. First, as drafted, the Objectives are not "SMART" – that is Specific, Measurable, Achievable, Relevant, and Timebound. For example, "a sustainable level of economic growth" is extremely vague. As such the 9 paragraphs are better considered as part of a Vision or Mission than actual objectives to which residents can hold the Council accountable in the future. Second, there is no consideration of the overall prioritisation of the different components of either the Vision or the Objectives. Given the conflicts that can arise within planning applications we consider greater thought should go into this aspect of the plan.

Q3 - Do you agree with the order in which we have prioritised our search for development locations?

Yes

This is a strange question, given that it applies to the information in Figures 2.1 on page 53. What other "order" would have been appropriate or could EEBC have chosen? Greenfield sites first would hardly have been appropriate? However, it may be helpful to consider that Epsom & Ewell is already the most densely populated borough in Surrey, the smallest borough bar 1 and unique in its location and proximity to some very densely populated London boroughs. This fact is not mentioned in this section. Whilst the borough council references government policy and formulae to establish housing need, the methodology has been challenged by other local authorities. Is it outdated and, it could be argued, been rightly superseded and even discredited. There are ONS projections of housing need which are far more recent than those still being used by central government. We return to this later.

Q4 - Do you understand from this diagram what the Local Plan is broadly seeking to achieve by 2040?

Yes.

Again, this is a strange question. You are asking if a diagram is understandable. Not about the composition of the diagram or if we agree with what the LP is broadly seeking to achieve. It is a question about the reader's intellectual skills in interpreting a diagram.

Q5 - Do you support Policy S1 "Spatial Strategy"

No.

We have two major concerns; (1) the starting point of using the results of the HEDNA to set the Local Plan housing requirement at 5,500 dwellings over the plan period, and (2) the approach to using the Green Belt. While we recognise the *current* strict legal requirements on the Council, it is highly likely that by the time this draft Plan moves to its next stage of Regulation 19 consultation, that regulatory framework will have changed. Unfortunately, by setting out these housing targets and approach to Green Belt in this Regulation 18 version of the draft, it may be very difficult to make future changes.

The Government has stressed that the current standard assessment, while still required to use the out-of-date 2014-based ONS projections should not be treated as an explicit target (<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>). We consider it is more relevant to start the assessment of actual future need on the most recent ONS projections of future households and individuals, which are based on 2018 information and were published in 2020. This would only require an additional c2,600 households for the Borough between 2023 and 2043 (source: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/localauthoritiesinenglandtable2>). The figures included in the table in paragraph 3.27 would then suggest that there is no need to include any Green Belt sites in the Spatial Strategy. As the government has said "It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints". We do not think the draft Local Plan recognises this.

There were already statements about the use of Green Belt land to achieve the housing need set by government within the existing NPPF. There is now a new NPPF consultation which is designed to make it clearer about the necessity of building on Green Belt land in order to achieve government's formulae for calculating housing need. Some local authorities have challenged the government's existing standard method for calculating that need. Other councils have adopted other approaches toward their Local Plan. Some have been successful in challenging the standard methodology. Others have paused the progress of their Plan. Others have found a way to accommodate need outside of the borough boundary. Others are looking to update their Plan at the earliest opportunity and once the results of the current NPPF consultation are known, which is likely to be in May 2023 we understand.

By using some Green Belt land, with other Green Belt parcels in reserve it seems, EEBC have arrived at an apparently arbitrary figure of what can be achieved. With brownfield and urban areas of the borough able to provide approximately 36% of the apparently identified need for housing, the judgement that government would require EEBC to almost double that percentage for a Local Plan to find favour is fundamentally flawed. There is sufficient evidence, given the facts above and other ancillary supporting documents, and more recent (and therefore robust and credible) estimates of housing demand, that it is NOT necessary or desirable to deliver an additional 2175 dwellings over the Plan period from previously undeveloped Green Belt sites. The value of these sites in terms of their ability to buffer the urban sprawl and to contribute toward biodiversity and fast-eroding wildlife habitats and green corridors in the south-east of England, far outweighs an unproven need for housing in the borough of Epsom & Ewell.

The Policy reference to employment, retail (except the Ewell East Station site) and pitches for gypsies and travellers are broadly supported.

We consider that more detail would have been appropriate when referencing light industrial employment, given the current shortage of sites able to deliver this kind of employment and its increasing value in today's society.

Q6 - Do you support Policy S2 Sustainable and viable development
Yes with some suggested changes

This is quite a bland and broad statement which appears to merely reference the NPPF and use model wording as indeed is stated. We would have preferred to see a more robust approach to the maintenance of standards and policies. There is a risk that developers overplay their financial "difficulties" to avoid meeting targets around, for example, housing mix, climate emergency and biodiversity. The ability for the Council to deploy their own consultants to refute this may help, but we would prefer a more robust prioritisation of the various targets and standards so that developers and residents know what is expected.

Q7 - Do you support Policy S3 "Making efficient use of land".
NO

We do not support all of the site allocations. We do not necessarily support minimum densities within the "remaining urban area". We do not support part (s) of the Policy that says "Proposals for major development that do not meet density standards will only be permitted where etc". If developments do not meet density standards a developer should not be given any opportunity to demonstrate that what has been set is inappropriate. As we stated in the answer to Q6, a policy in this regard needs to be tight and absolutely clear.

Q8 - Do you support policy S4 Development in the Green Belt
No.

As we have explained in our earlier answers, very special, or exceptional circumstances, have not been demonstrated. Conversely, there is a clear case that there are very special circumstances for NOT developing the sites which have been selected which currently lie within the Green Belt. Your third policy point uses the words "not inappropriate" and we would question why you do not use "appropriate" instead?

We also note the comparatively high scores assigned by Atkins to three of the four proposed Green Belt sites in their 2017 study.

Q9 - Do you support Policy S5 "Climate Change and Mitigation"
Yes with some suggestions

Has this policy come from model wording perhaps? It appears broad and not specific to Epsom & Ewell? While we recognise that further detail is contained in some of the proposed Design Management Policies, we consider it useful to include overarching specifics in the Strategic Policies as well, for example about minimum standards for the use of renewable energy sources in new build projects.

Other aspects to consider include specifics about the use of recycled materials and the disposal of waste materials via established recycling channels. The section on biodiversity net gain could have applied % net gain requirements. Planting trees "and other vegetation" is woolly (see our response to DM11). Other vegetation as a statement is far too broad. Any other vegetation or landscaping or tree planting should be agreed with professionally qualified arboriculturalists or horticulturalists so that it contributes to biodiversity net gain to the maximum possible. Planting any old tree does not necessarily contribute to biodiversity or carbon capture. The loss of healthy trees should be absolutely resisted at every opportunity and this section could be strengthened to make it clear that there will be a presumption in favour of the retention of established trees, TPO'd or not.

An important omission is the lack of any mention of allotment sites. When the "Hospital Site" was redeveloped the Liberal Democrats were successful in proposing that the Noble Park development had an allotment site attached to it. This should have happened with Manor Park/Livingstone Park/Clarendon Park, all of which could have benefitted from one allotment site nearby. Within this document there is no mention whatsoever of new allotment sites, in accordance with legislation on such facilities, to say nothing of their recognised contribution toward health and wellbeing. We recommend that any new major development site should include provision for allotments.

Q10 - Do you support Site Allocation (SA) 1, Hook Road Car Park and SGN Site?

Yes with some changes

It is not clear that here what kind of parking provision will be re-provided. With car parking income so fundamentally important to a small borough such as EEBC and with its town centre location it would be an omission not to maximise public car parking capacity at this location, although residential development would require only limited private parking capacity given its central location.

Q11 - Do you support Site Allocation (SA) 2, Town Hall, Hope Lodge & Epsom Clinic?

Yes. Comments attached to Q10 Hook Road re public car parking capacity also apply to this location.

Q12 - Do you support Site Allocation (SA) 3, Depot Road and Upper High Street?

Yes. Comments attached to Q10 Hook Road re public car parking capacity also apply to this location.

Q13 - Do you support Site Allocation (SA) 4, Ashley Centre & Global House?

Yes. Comments attached to Q10 Hook Road re public car parking capacity also apply to this location.

Q14 - Do you support Site Allocation (SA) 5, Land at West Park Hospital?

Yes with changes.

There is a real opportunity attached to this site which is being missed. The site forms part of what is now known as Noble Park. Noble Park was largely built on the footprint of the former West Park Hospital. The development was sympathetically carried out with some features and buildings of the former Hospital being retained. It has a good road network, parking capacity, is within medium walking distance from the town centre and a shopping parade (the Horton centre). It has an allotment site nearby. The density suggested does not maximise the possibilities for this site. Custom-built homes are not appropriate. Maximum use should be made of the existing footprint to allow studios or starter homes or dwellings for social rent. There are already some buildings within the Noble Park site which offer relatively high-density occupancy. There are scraps of land which are adjacent to the existing buildings footprint, which could be incorporated into any development possibilities without potentially any loss of biodiversity, although we would recommend a thorough review of any such scraps of land before committing to such development possibilities.

We support this allocation on the assumption that it has the backing of the NHS and that the relocation of the current services on the site will not lead to any deterioration in patient experience.

Q15 - Do you support Site Allocation (SA) 6, Horton Farm?

No.

It is unnecessary and inappropriate to build on this Green Belt site. See earlier answers, including the comparatively high score in Atkins' study for this site.

Q16 - Do you support Site Allocation (SA) 7, Land at Chantilly Way?

Other.

As explained previously, we do not consider it necessary to build on any of the Green Belt. However, if it becomes necessary to do so then the suggestion for 25 net zero carbon homes is a good one. We would certainly support that objective and the loss of this area is potentially the least damaging of all the suggested sites within the Green Belt. There could be other sites for 25 zero carbon homes but as a leading and exemplar development of what the borough should aspire to for the future, perhaps this site is worthy of consideration.

Q17 - Do you support Site Allocation (SA) 8, Land adjoining Ewell East Station?

No.

It is unnecessary and inappropriate to build on this Green Belt site. See earlier answers, including the comparatively high score in Atkins' study for this site. In addition, the damage to the Nature Reserve on the rest of Priests Hill would be extreme. We understand specialists have submitted responses on this point and urge the Council to take those informed opinions into account.

It may be possible, subject to overarching need, to have a very limited development on the current hard surface and derelict buildings adjacent to the railway line, but not to develop on the existing playing fields.

Q18 - Do you support Site Allocation (SA) 9, Hook Road Arena?

Other.

It is difficult to see how increased sports provision can be provided to accommodate even the level of development and increased homes on brownfield sites without some use of Hook Road Arena. Despite its complex geology and drainage problems, it does seem to offer huge potential in terms of a leisure facility and pitches, but whether or not this needs to be enabled by housing development is a separate issue.

The under provision of sports and leisure facilities in the borough of Epsom & Ewell has long been a problem and local policies within a Local Plan could offer a way to address these issues in the future. There may also be possibilities for Hook Road Arena to provide an alternative site for the pitches required for gypsies and travellers.

Q19 - Do you support Policy S6 "Housing Mix and Type"?

No

Elsewhere in our answers we have stressed the need for social, not "affordable" housing. Other Councils are successfully building and managing social housing and we do not see why Epsom & Ewell should be any different. Paragraph 1.38 of the HEDNA states that there will be a need for both social and affordable housing, and this is illustrated with the Council having c2,000 applicants on the housing waiting list. We therefore recommend that a specific target for social housing is included within the targets set out in Table 5.1

In addition, our knowledge and experience, coupled with the wider economic changes impacting the UK and London as a financial centre, would suggest that the 20% requirement for 4+ bedrooms for the Market sector is probably excessive. Moreover, it is undesirable in terms of the need for smaller property.

Q20 - Do you support Policy S7 "Affordable Housing"?

No

We do not agree with the use of greenfield sites and see no reason why the objective should not be to provide 40% affordable housing on brownfield sites of 10 or more. Further, as explained in other answers, we consider it important to include social housing in the targets and within this Policy, rather than to rely on the misleading definition of "affordable" as set out in the NPPF.

The remainder of the criteria are by and large acceptable, with the caveat mentioned previously that rigour should be applied in applying the standards so that they are not diluted by developers pleading financial inability to meet the requirements.

Q21 - Do you support Policy DM1 "Residential standards"?

Yes with changes

We would argue that 20 sq.m of garden for a house is very small indeed and could offer little in the way of biodiversity net gain for any development, on brownfield or greenfield sites. There would be no opportunity for tree planting or any planting in the way of carbon capture.

We suggest that it may be better for the environment, and for residents, to design developments with a large, high quality shared green space (which could be subject to on-going requirements) rather than enable small pocket-gardens in which owners could install artificial lawns with no constraints.

We also suggest that flats need to be designed with care over orientation to reduce the danger or overheating through excessive south-facing windows.

Q22 - Do you support Policy S8 "Specialist Housing"?

Yes

Q23 - Do you support Policy DM2 "Loss of Housing"?

Yes with changes

There should be a very strong presumption that any loss of affordable housing should be re provided on the same site. Failing that we would accept the reprovisioning within a defined and realistic alternative location within the borough. Unless the Council is prevented from this by legislation, this policy needs to state that a contribution in lieu of affordable housing not being provided, is not acceptable.

Q24 - Do you support Policy S9 "Gypsies, Travellers and Travelling Showpeople"?

Yes

Q25 - Do you support Policy S10 "Retail Hierarchy and Network"?

Yes

Q26 - Do you support Policy DM3 "Primary Shopping Areas and Retail Frontages"?

Yes with changes.

It is a very subjective judgement as to whether or not an active ground floor frontage "generates footfall", which could lead to lengthy, and expensive, debates between applicants and the Council. We would rather it said "... for Class E uses would be given positive consideration if the following criteria" rather than "... for Class E uses will be permitted if the following criteria"

Q27 - Do you support Policy DM4 Edge of Centre or Out of Centre Proposals?

No

The sequential test does not work. It needs rethinking. It is available for use and abuse by astute developers. The way to keep an edge of centre or out of centre area vital and viable is to offer a mix of retail, leisure and commerce. Whilst competition is good, it is that variety which ensures vitality. The way the sequential test works at the moment is that the same kind of retail can theoretically just stack up next to each other as available sites become further and further away from a designated or identified centre.

The sentence referring to "significant adverse impacts" is not strong enough and examples are needed of what those impacts might be.

Q28 - Do you support Policy DM5 "Neighbourhood Parades and Isolated Shops"?

Yes

Q29 - Do you support Policy S11 "Economic Development"?

Yes with some suggestions

It is unclear, based on the information set out in the HEDNA, why the Kiln Lane site is singled out in paragraph 3 of the draft Policy. It would seem more appropriate to include both Strategic Employment Sites in that paragraph. We consider that previous reports and evidence concerning the light industrial/commercial sites off Kiln Lane and in the Longmead area lacks detail. A staggered approach toward the possibilities that these sites, particularly Kiln Lane, offer in terms of multi-use development could have contributed toward housing needs, though it is accepted that contribution is limited within the lifecycle of this Local Plan. A broad brush and negative approach appears to have been taken, rather than a positive "let's see what COULD be done" attitude.

Q30 - Do you support Policy DM6 "Equestrian and Horse Racing Facilities"?

Yes

Q31 - Do you support Policy DM7 "Visitor Accommodation"?

No.

This seems very prescriptive. Whilst the intention is to preserve residential areas and that intention is admirable, surely it would be better to be able to take a view at the time. Our suggestion is to insert "normally" in the first paragraph of the Policy so it reads "Planning permission will normally only be given consideration for the development of visitor accommodation "

Q32 - Do you support Policy S12 "Design"?

Yes with changes

The last part of this policy statement offers a get out. It should say This standard should be achieved through increasing the energy efficiency of the proposed buildings AND the provision of on-site etc.". Remove the and/or option!

We also recommend that new residential development should meet the specified BREEM standard, rather than only require this for non-residential development.

This Policy could also include our earlier suggestion around orientation and reducing the risks of overheating of buildings.

Q33 - Do you support Policy S13, Protecting the Historic Environment?

Yes

Q34 - Do you support Policy DM8 "Heritage Assets?"

Yes

Q35 - Do you support Policy DM9 "Shopfronts and Signage"?

Yes

Mainly because in the past 25 years it has proved impossible to get any consistency with regard to shopfronts and signage and even prior to that, with a dedicated Conservation Officer who, in effect, policed the situation on an almost daily basis, it was impossible to enforce standards of design and size and to effect any change in signage which did not comply with local policy or local policies. It is a pointless policy to have because it cannot be enforced without considerable resources available. So it is not worth trying to improve on what has been said here.

Q36 - Do you support Policy DM10, "Landscape Character"?

Yes with changes

Whilst this section talks about natural landscapes, they will play an increasing role in the climate emergency in future years. It is important to define "environmental quality" so that this policy can be applied rigorously. As drafted, we are concerned that too much emphasis is placed on the "visual" aspect of the landscape. We recommend that specific additional paragraphs are drafted and included that cover biodiversity, climate emergency and green corridors for wildlife. The three words "impact on biodiversity" at the end of paragraph 2b) is insufficient, This will help support draft Policy S14.

Q37 - Do you support Policy S14: "Biodiversity"?

Yes with changes

Most development proposals will have an adverse impact on biodiversity in some way or other. 10% net gain in biodiversity units is not sufficient. Is there a requirement for a "biodiversity" report, or an EIA, via a council approved specialist? If not, why not? The last point 6(c) should be removed. There is no case for a net gain to be secured within the borough. If it isn't adjacent it is relatively worthless.

Q38 - Do you support Policy DM11, "Trees, Woodlands and Hedgerows"?

Yes with changes

There is no mention of tree species. Certain tree species offer far more potential for carbon loss/carbon capture. Certain heights of trees will provide benefits far earlier than others. Some smaller species offer good carbon capture whilst they grow. It is complex when it comes to trees and carbon. Please refer to an arboriculturalist as to how to beef up this section so it can benefit the council's climate change action plan. Without specific requirements there is a risk that developers will ride roughshod over any policies concerning trees and replanting and retention.

Q39 - Do you support Policy S15 "Flood Risk and Sustainable Drainage"?

Yes

Q40 - Do you support Policy DM12 "Pollution and Contamination"

Yes

Q41 - Do you support Policy S16: Infrastructure Delivery?

Yes with changes

Although we agree with the thrust of the draft we question if it is strong enough, given past experience. Much the same policy was in place at the time of the "hospital sites" development, yet it took 6 years to get a shop at the Horton centre, and there were also problems in getting bus routes operational. The sentence "Larger developments may need to be *phased* to ensure that this requirement can be met" could be strengthened to say "Larger developments *can be paused* to ensure that this requirement can be met". That would suggest the council/developer had a far more vested interest in acquiring essential new infrastructure prior to development/occupation.

Q42 - Do you support Policy S17 - Green Infrastructure?

Yes with changes

We are concerned with paragraph 2 of the draft Policy. Once green infrastructure is lost, it's lost forever. It is difficult, nigh on impossible, to find appropriate replacements which would be of equivalent or better value. Location is really key when considering green infrastructures which is why it's difficult to find replacements. Our suggestion is to remove this last paragraph entirely. Developers should have no wriggle room.

Q43 - Do you support Policy DM13, "Community and Cultural Facilities"?

Yes

Q44 - Do you support Policy DM14, "Education Infrastructure"?

Yes with changes

The word intensification was perhaps not a good word to use here as it brings to mind educational buildings/facilities which are less than ideal. Is this policy giving carte blanche to SCC to do whatever it wishes with regard to intensification? Is this policy empowering the borough council to be able to offer an opinion or be a consultee on new educational facilities, particularly schools? Please make sure this policy says what the council wants it to say.

Q45 - Do you support Policy DM15: "Open Space, Sport and Recreation"?

No

As per our earlier response to S5 (question 9) we recommend that the value of allotments and their contribution to society should be included in this Policy. It may be appropriate to include requirements for allotments in large development proposals? Their value in terms of social prescription and

wellbeing should be recognised. This is an example of the need for an overarching “quality of life” requirement in the overall Vision and Strategy.
Further comments are contained in our answer to Q9.

Q46 - Do you support Policy S18 "Transport"?

Yes

It is appropriate to mention here that any policy which considers Transport or Public Transport is not within the control of EEBC. Travel plans are generally destined to fail and are unenforceable when attached to a planning permission. Without a comprehensive, cheap and regular public transport system in our borough, residents will always seek to own a car. There was an opportunity with the proximity of the ULEZ extension zone that should have triggered greater investment in public transport in our area, but it is apparently not to be.

Q47 - Do you support Policy DM16: "Digital Infrastructure and Communications"?

Yes

Q48 - Are there any other comments you wish to make about this draft Local Plan or the Sustainability Appraisal?

The council officers, past and present, who have produced this document are to be commended for their hard work. The absence of a Local Plan has been a problem for many years and once finally agreed and adopted, a revised and improved version of this document would provide shape and form for the future of Epsom and Ewell. It is regrettable that some of the draft policies appear to lack ambition and aspiration. Appealing to the lowest common denominator, or opting for easy solutions, is not showing leadership and vision for the future.

We also suggest that an assessment of how the (eventual) Policies will be enforced is carried out. What are the implications for the Council's officers – both at the initial planning application stage and also for the ongoing monitoring of adherence to Conditions. A Policy that reads well on paper will not help the environment and our residents if it is not enforced.

Thank you for the opportunity to contribute.

Q49 - Do you support the content of the marketing requirements for Change of Use Applications detailed in Appendix 4?

Yes

Q50 - Appendix 5 – Do you support the Parking Standards detailed in Appendix 5

No with comments

We support the overall thrust of the draft but suggest that the maximum for “Transport Corridors and hubs beyond Epsom Town...” is set to be the same as for Epsom Town Centre. Further, we think that the maximum for any dwelling should be 2 spaces, not 3.

On behalf of the Epsom & Ewell Liberal Democrats

11 March 2023