



# Report to Epsom and Ewell Borough Council

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**Section 20**

## **REPORT ON THE EXAMINATION INTO THE CORE STRATEGY DEVELOPMENT PLAN DOCUMENT**

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## **Abbreviations used in this Report**

AMR	Annual Monitoring Report
CS	Core Strategy
DOE	Department of the Environment
DSEP	Draft South East Plan (2006)
DPD	Development Plan Document
EP	English Partnerships
GTAA	Gypsy and Traveller Accommodation Assessments
HNS	Housing Needs Survey
LDF	Local Development Framework
LDS	Local Development Scheme
LTP	Local Transport Plan
NESCOT	The North East Surrey College of Technology
ODPM	Office of the Deputy Prime Minister
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy
SEERA	South East England Regional Assembly
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessments
SHMA	Strategic Housing Market Assessment
SHPS	Surrey Housing Potential Study
SOS	Strategic Open Spaces
SPS	Supplementary Planning Documents
UCCA	University College of Creative Arts
¶	Paragraph

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## **1. INTRODUCTION**

1.1 I have been appointed by the Secretary of State for Communities and Local Government to carry out an independent examination of the Core Strategy (CS) Development Plan Document (DPD) submitted to her by Epsom and Ewell Borough Council in July 2006. I conducted the examination by way of written representations and by hearings. The hearings took place on 23 and 24 January 2007. The examination is based on the test of soundness set out in Planning Policy Statement (PPS) 12 *Local Development Frameworks* (¶ 4.24).

### ***Background to the Examination***

- 1.2 In September 2006, I set out 8 main topics (a mix of policy issues and broader themes) around which I considered my examination should focus. I posed a number of questions on each of these topics, primarily for the Council to address. The Council’s responses were in the form of 9 Position Papers, produced at the beginning of November 2006. These prompted further submissions from some representors and, in turn, further responses from the Council.
- 1.3 At the beginning of December 2006, following the publication of PPS3 *Housing* and PPS25 *Development and Flood Risk*, I invited comments from the Council and relevant representors on the implications for the soundness of the CS of these documents. I also asked further questions of the Council arising from the Position Papers and other submissions made. All my questions and the responses were posted on the Council’s website and were added to the Examination Library of documents.
- 1.4 In the Position Papers and further responses, the Council requested some changes be made to the CS and suggested others which could be made if I were to find parts of the CS unsound. At my request, the Council prepared, prior to the hearings, a schedule of all these changes divided into 3 groups (EEBC/FS23): category A, minor factual and typographical corrections; category B, changes now sought by the Council; and category C, changes suggested by the Council if I should conclude that any policy was unsound. During the hearings, further changes were suggested by the Council. After the hearings, the Council provided a complete list of all the changes in a composite set of schedules (EEBC/FS28). All these changes have a reference number based on the category in which they fall (A1, B1, C1 and so on). I use this reference in the report when I refer to a change in the Council’s schedules.
- 1.5 Apart from 2 specific points - a numerical target for affordable housing and changes to the Supplementary Planning Documents (SPDs) to be included in a revised Local Development Scheme (LDS) – the requested and suggested changes have not been formally endorsed by the Council. Interested representors have seen the changes suggested in the Position Papers, but they have not been subject to the same level of publicity and consultation as the submitted CS. Following the hearings, I invited the Council to give publicity to 2 of the changes in the schedules namely B24 (which sets out considerable detail on the components of housing supply) and B20 and B22 which would enlarge the scope of policy CS16 regarding cultural facilities. I have taken into account the additional representations made in response to this publicity.
- 1.6 Where I have found any part of the CS unsound, I have considered firstly, whether there are changes which could make it sound and secondly, whether it would be appropriate to recommend any such changes bearing in mind the need for

proposals to be informed by Sustainability Appraisal and the emphasis in the new system on stakeholder and community participation in plan-making.

**Context**

- 1.7 In applying the tests of soundness and coming to my overall conclusion, I have borne in mind the following matters.
- 1.8 Firstly, the presumption that the DPD is sound unless it is shown to be otherwise as a result of evidence considered at the examination (PPS12 ¶ 4.24).
- 1.9 Secondly, that Epsom and Ewell is a compact Borough where land is either in the Green Belt or within the built-up area. While there are important planning issues to address, the range of potential options, especially locational options, is limited and many issues are relatively straightforward. The CS needs to fulfil its strategic spatial role in this particular context.
- 1.10 Thirdly, best practice regarding the form and content of core strategies has developed rapidly since the CS was prepared. In the light of experience elsewhere, the Council might now present the document somewhat differently if it had the opportunity, albeit adhering to its overall strategy. My primary task is to consider whether the CS is sound, not whether it could be made better.
- 1.11 Fourthly, as indicated above, PPS3 and PPS25 were published during the course of the examination. In applying test of soundness 4 (which includes consistency with national policy) I have sought to adopt a pragmatic approach to testing whether the plan is consistent with the overall thrust of national policy even if, on some matters, it does not fully anticipate what is now national policy. PPS3 endorses this approach by indicating (¶ 6) that local planning authorities should consider the extent to which emerging DPDs can have regard to the PPS, whilst maintaining plan-making progress.
- 1.12 Finally, I note that the Council intend to revise the LDS and prepare 3 other DPDs for Site Allocations; Development Control Policies and Epsom Town Centre (Action Area Plan). In addition, SPDs are proposed on Developer Contributions (Part 1 Affordable Housing, Part 11 Infrastructure), Design Guidance and Housing Delivery. There is thus considerable opportunity to add detail to the planning policies for the Borough set out in the CS. Some references to DPDs/SPDs in the CS need to be amended to reflect the proposed revisions to the Local Development Framework (LDF).

**Report format**

- 1.13 My report broadly follows the main topics I identified at the outset of the examination, but I have set the issue of education within a broader section on community needs. I do not have separate sections dealing with policies for the town centre and developer contributions as these are not matters which I need to address in detail and they can be adequately dealt with in the remaining sections. However, I start with an overview of the compliance of the CS with the tests of soundness drawing on my assessment in the following sections of the report. Where I refer to documents in the Examination Library, I give the reference thus (LC7). I have taken into account all the representations made, but I do not comment on them individually.

## **2. OVERVIEW OF THE TESTS OF SOUNDNESS**

### ***Test 1: Consistency with the Local Development Scheme***

- 2.1 The CS is included within the Council’s approved LDS as the first DPD to be prepared. It was submitted and is being examined in accordance with the timetable set out in the LDS. The profile of the CS in the LDS indicates that it will set out development requirements to March 2016, whereas the submitted CS covers the period to 2022. I do not consider that this extended timescale makes the CS materially inconsistent with LDS. I consider that test 1 is met.

### ***Test 2: Compliance with the Statement of Community Involvement and Regulations***

- 2.2 The Council adopted its SCI in April 2006. The Council’s self assessment of the soundness of the CS sets out the documents relating to this test (SAT2). The Council confirmed at the opening of the hearing sessions that they had complied with the SCI and some practical details are set out in the statement prepared for the opening of the hearing (FS24). I am satisfied that this test is met.

### ***Test 3: The plans and policies have been subjected to Sustainability Appraisal***

- 2.3 The Council developed and conducted the Sustainability Appraisal methodology in collaboration with four other East Surrey authorities and the process was overseen by an independent planning consultant. A scoping report was produced and approved by the Council in May 2005 and a full sustainability appraisal was conducted at the Issues and Options and Preferred Option stages (CSD2 and CSD3). For the submission version of the CS, an appraisal was carried out of those policies that were significantly different from those objectives identified in the preferred option paper. A Sustainability Appraisal report has been produced which fully documents this process (CSD4). I am satisfied that this test has been met.

### ***Test 4: Conformity tests***

- 2.4 The first requirement is that it is a spatial plan. In its Vision, Aims and Objectives and policy principles, I consider that the CS sets out to be a spatial plan with a wider remit than simply a list of land use policies. But in section 6, I note that the plan poorly addresses wider issues of community needs and in Section 7 I highlight a number of policies where the CS fails to develop some of its stated aims and policy principles, adds little to existing national policy and does not develop at a strategic level elements of its intended locational strategy. In these respects it falls short of being a fully spatial plan. I have identified a number of changes that I can make which overcome or mitigate some of these shortcomings and taking into account the contextual points set out above I have concluded that it is not unsound, albeit that it cannot be regarded as best practice.
- 2.5 The CS is required to be consistent with national planning policy. In section 3, I have found a number of shortcomings in relation to the advice in PPS3 Housing. In part, this is because in preparing the CS the Council did not, or was not able to, anticipate what was to emerge in this recent advice. I highlight a poor evidence base for aspects of housing supply and, as a consequence, I cannot be certain that the strategy adheres to all the principles set out in PPS3. Nevertheless, I am satisfied that CS will deliver in the short to medium term the housing the Borough needs to provide and there is the opportunity for the evidence base to be improved

in time to take any necessary action to ensure housing provision is met in the long term. Aspects of the affordable housing policy in the CS are not consistent with PPS3, but I can make a number of recommendations for changes which overcome this unsoundness.

- 2.6 The Council has sought to respond to the advice in ODPM Circular 1/2006 on the provision of sites for gypsies and travellers in policy CS12, but I have found that several of the locational criteria within the policy are unacceptably restrictive and thus conflict with national advice. The CS also fails to address the needs of travelling showpeople contrary to DOE Circular 22/91 *Travelling Showpeople*. I have recommended deleting the detailed criteria and extending its scope to encompass travelling showpeople. Although the resulting policy does not fully accord with the Circular 1/2006, it maintains the important principle that identified needs of gypsies, travellers and travelling showpeople should be met. The Council’s subsequent DPDs provide the opportunity for this aim to be put into effect.
- 2.7 Section 24(1) of the 2004 Act requires that a DPD must be in general conformity with the Regional Spatial Strategy (RSS). The South East England Regional Assembly (SEERA) confirm in a letter dated 7 August 2006 that the CS is in general conformity with the adopted Regional Spatial Strategy (RPG9 and Alterations) and with the emerging RSS, the Draft South East Plan (DSEP) (*RC1*). I am satisfied that the statutory requirements have been met and that the CS meets this aspect of test 4.
- 2.8 Test 4 also requires the CS to have properly had regard to other relevant plans policies and strategies relating to its area. On 2 specific matters I have found shortcomings in this respect, but ones which can be simply remedied. Firstly, the plan gives only a brief mention to a major road scheme which is included in the Local Transport Plan. I have recommended that this be referred to in the transport policy. Secondly, there is a lack of clarity regarding the respective roles of this CS and the County Waste Plan in relation to detailed matters applicable to the Borough. This can be resolved with the addition of some additional text agreed between the Borough and the County Council.

***Test 5: Regard to the authority’s Community Strategy***

- 2.9 The Epsom and Ewell Community Strategy 2003 (LC1) and its subsequent updates (LC2) is the focus of section 2.4 of the CS and ¶ 2.5.1 states that the CS seeks to guide development in a way which reflects the key priorities envisaged in the Community Strategy. In my view, the CS’s vision, objectives and policy principles clearly draw on the focus of the Community Strategy and demonstrate that proper regard has been given to that document. In section 7, I identify shortcomings in how the CS develops its objectives and principles into policies with a meaningful local focus, but that does not undermine the fact the preparation of the CS has clearly had regard to the Community Strategy. This test is met.

***Test 6: Coherency and consistency within and between DPDs***

- 2.10 The CS is the first DPD to be produced by the Council. It is also the lead DPD for the Borough. Accordingly, consistency between DPDs cannot be tested directly. Subsequent Examinations will need to address the consistency of other DPDs with this CS and I have considered whether the CS is sufficiently clear for consistency to be readily verified. In particular, I find that the lack of detail on the components of housing supply and the status of the hospital cluster sites would make the testing of future DPDs more difficult. I can remedy these deficiencies by inserting additional explanatory material prepared by the Council. In several specific areas, I

find lack of coherence, but generally these matters can be fairly easily remedied by adding clarification mainly drawn from additional text suggested by the Council

***Test 7: Appropriateness and evidence base***

- 2.11 I have identified a poor evidence base in relation to housing land availability and aspects of affordable housing and I have identified a range of other shortcomings in the wording of policies. But I have not seen evidence to begin to persuade me that the Council should be exploring a different spatial strategy to that set out in the CS. The shortcomings mainly concern the clarity and focus with which the intended strategy is expressed and do not raise serious doubts about the principles underlying that strategy. This has influenced my assessment of the seriousness of the lack of soundness I have identified. The main alternative spatial option would be to release land from the Green Belt for housing development. I have not seen evidence to suggest that this needs to be explored further at this stage.
- 2.12 I have identified a number of policies which essentially repeat national policy and which do not provide any local dimension. There is also considerable duplication and overlap between some policies, which is potentially confusing. I can reduce or remedy these shortcomings by deletions from the CS and the combining of policies covering the same broad topic.
- 2.13 I have also identified policies where the detailed wording is not the most appropriate. In some cases this is because they do not fully achieve the Council’s intentions or would have unintended consequences. These shortcomings can be remedied by changes, mainly following those suggested by the Council. On balance, I conclude that there is an adequate core of policies to provide a meaningful and appropriate policy framework for the Borough.

***Test 8: Implementation and Monitoring***

- 2.14 I conclude in section 8 that the CS is unsound in relation to monitoring. There are a number of indicators which do not properly relate to the policies concerned and a lack of specific targets for those indicators. In response to my preliminary concerns, the Council has put forward a revision to the monitoring information which is more focussed on the objectives of the policies concerned, include targets or indicate that targets will need to be specified in later DPDs. This would provide a sound foundation for future monitoring

***Test 9: Flexibility***

- 2.15 Pending the finalisation of the South East Plan there remains uncertainty over the housing provision that the Borough should meet. The CS does not indicate what flexibility its strategy has to accommodate any changed requirements, nor does it indicate what alternatives might be considered if more housing had to be accommodated. The poor evidence on housing supply means that further work would be required to address these questions in the future. This is a serious weakness, but the CS acknowledges that it may need to be reviewed when the SEP is approved. Although the CS might therefore be short lived, I have decided that at this stage this weakness is not sufficient to make this CS unsound.

### **3. HOUSING PROVISION**

#### ***Overall scale of provision***

- 3.1 PPS3 indicates that the level of housing provision should be determined taking a strategic, evidence based approach through a Strategic Housing Market Assessment (SHMA). The Council has not undertaken such work, but it was not a requirement when the CS was being prepared. Given this timing, the absence of a SHMA, in isolation, does not make this CS unsound, but such work would need to inform subsequent parts of the LDF and any review of the CS.
- 3.2 CS9 states that the intention is to meet the housing requirements of the submitted DSEP in the period 2007-2022 by providing for at least 2,715 dwellings based on an annual average of 181 a year. This is a reduction from the annualised requirement of the Surrey County Structure Plan for the Borough which is 200 dwellings a year. The DSEP is as yet in draft and the subject of its own examination. The housing figure for the Borough may change. Whilst I consider that it is sensible to look forward to the draft RSS, the CS should also acknowledge that until the DSEP is approved, the provisions required by the Structure Plan will continue to be met. The Council’s Annual Monitoring Report (AMR) for 2005/2006 (*LD8*) published in December 2006 demonstrates that for the years 2006/7 to 2009/10 the current requirement for 200 dwellings per annum will be comfortably exceeded. In the absence of a SMHA there is no cogent evidence to indicate that the planned scale of provision within the Borough over the next 15 years should be materially different from that set out.
- 3.3 Policy CS9 states the Council’s intention to monitor the rate of housing provision and to manage the supply of land. These are important mechanisms to ensure that the housing provision is met and are given particular emphasis in PPS3. The CS acknowledges (¶s 3.12.1 and 3.12.5) that a flexible approach is required to enable the Council to respond to the final decision on the housing requirement for the Borough when the South East Plan is approved. The CS indicates that any revised target can be tracked through the housing trajectory in the AMR. This is a necessary acknowledgment of reality, but the CS does not indicate what flexibility its strategy has to accommodate any changed requirements, nor does it indicate what alternatives might be considered if more housing had to be accommodated. The CS lacks flexibility and a material change in the housing requirement might well require a review of the CS. Test 9 requires a DPD to be reasonably flexible to enable it to deal with changing circumstances. The inflexibility of the CS is a shortcoming and does not represent best practice, but given the acknowledgment of a possible need to review, it does not make this CS unsound, even though it might be a short lived document. However to avoid a potential contradiction, paragraph 1.1.4 which states that it is not anticipated that the CS will need to be frequently revised, should be deleted.

#### ***Meeting provision***

- 3.4 Policy CS10 states that new housing will be located within the defined built-up area of Epsom and Ewell and within the three remaining hospital cluster sites (West Park, St Ebba’s and the remaining part of Horton B). The policy goes on to express some general principles for such development and to indicate that higher densities will be directed towards Epsom town centre and other centres. Given that, for the most part, the built up area boundary coincides with the Green Belt boundary the corollary to CS10 is CS2, which states that the general extent of the Green Belt will

be maintained. If the strategy set out in CS10 is not capable of ensuring adequate provision it would require a review of CS2.

- 3.5 The CS does not give any indication of the expected components of housing supply over the plan period to 2022 and there was no background document at submission which did so. There is nothing to indicate the key elements that must be delivered by the policies and allocations in subsequent DPDs and by development control decisions to achieve adequate provision over the plan period.
- 3.6 Paragraph 3.12.4 refers to the AMR 2004/2005 (*LD7*) which provides a housing trajectory for part of the plan period. But this gives an inadequate picture in support of the plan. The trajectory is based on the requirements of the Structure Plan which extends only to 2015/2016 and is based on the annualised requirement of 200 dwellings required by that plan. Thus it cannot meaningfully underpin the CS and, indeed, that was not the purpose of that document.
- 3.7 The Council’s Position Paper on Housing Provision (*EEBC/Topic 1*) produced in response to my initial questions provides considerable detail as to the components of housing supply and the Council’s expectations of how overall housing provision will be achieved. The Paper anticipates housing completions for the rest of 2006/7 and sets out housing supply from 1 April 2007. It includes a housing trajectory for the whole plan period based on the annualised rate of development set out in the CS. This information is similar to that set out in the most recent AMR for 2005/2006 (*LD8*).
- 3.8 In my view, it is essential for the CS to provide the type of information included within the above documents (albeit not necessarily at the same level of detail). These housing supply figures indicate that the Council expects to allocate land for about 260 dwellings and that the Council is not intending to rely on large site windfalls. This intention should be made explicit in the CS so as to provide clear policy guidance for subsequent DPDs and to inform all those who are participating in the emerging Site Allocations DPD. In the absence of clear direction in the CS, the preparation and examination of subsequent DPDs would be made more complicated. This lack of information and direction on housing supply/provision undermines the effectiveness of the CS. It is an important gap in its content. As a result, it fails test of soundness 6.
- 3.9 The Council recognises (in the light of experience elsewhere) that such information should be in the CS and has suggested the addition of 2 paragraphs and a table in the CS with a more detailed breakdown of the numbers in an Appendix (Change B24). In principle, these changes, together with another suggested additional paragraph referring to allocations (C6), would provide the necessary information on housing supply and the consequences for other DPDs. I turn now to consider whether the components of housing supply on which the Council rely are appropriate and founded on credible evidence.

***Evidence base for housing supply***

- 3.10 PPS3 requires Strategic Housing Land Availability Assessments (SHLAA) to be undertaken to inform planning for housing. The Council has not undertaken such an assessment, as it was not a requirement when the CS was being prepared. Nevertheless, the components of a SLAA are made up largely of elements of existing best practice in assessing housing supply. PPS3 states that local development documents should set out policies and strategies that will enable continuous delivery of housing for at least 15 years from the date of adoption; identify sufficient specific deliverable sites in the first 5 years; specific developable

sites for years 6-10; and, where possible, for years 11-15. I would expect that the Council could adopt the CS in July 2007. Its housing figures are based on a start date of 1 April 2007. While the CS has the lead role in the housing strategy for the Borough it is not normally the place to identify specific housing sites.

- 3.11 The components of housing supply relied on by the Council include the stock of all planning permissions for small, medium and large sites, as well as the commitments at the redundant hospital sites. The Council has not undertaken a specific assessment of the deliverability of all these permissions and there must be uncertainty over the deliverability of at least some of these sites. I accept that there is a good record of planning permissions for housing becoming a reality within the Borough, but the lack of thorough testing of the deliverability of all of the stock of small and medium sites with permission means that there is a conflict with the advice in PPS3.
- 3.12 There is no evidence to cast doubt on the deliverability of the large sites which are clearly identified in the AMRs and the Council’s Position Paper. The 3 remaining redundant hospital sites - Horton B, St Ebba’s and West Park - are an important element in creating a phased land supply over the middle part of the plan period. English Partnerships (EP) owns these sites. At the hearing, the Council indicated that EP was about to choose a preferred developer. These three sites all have approved development briefs. Horton B and St Ebba’s are included within an overall outline planning permission covering adjoining hospital sites (now largely developed). West Park is the subject of an outline application which the Council have resolved to approve, subject to a section 106 obligation and on which planning permission is likely to be issued soon. There can be a high degree of confidence that these sites will deliver housing within the timescales indicated in the Council’s housing trajectories.
- 3.13 The components of supply include 2 elements of windfalls: small sites (less than 10 dwellings) and medium sites (10 or more dwellings on sites of less than 0.4 ha). There is no assumption about large windfalls as the Council expects to allocate sufficient sites over 0.4 ha to make up the identified shortfall in supply of about 260 dwellings. PPS3 (¶ 59) states that allowances for windfalls should not be included in the first 10 years of land supply unless there is robust evidence of genuine local circumstances that prevent specific sites being released. At the hearing, the Council highlighted the compact nature of the Borough, the alignment of the built-up edge with the Green Belt (and thus the lack of any “reserve” land) and the sizeable contribution from small windfalls that is reasonably expected.
- 3.14 I note that small and medium sized windfalls have made up an important element of housing supply for the Borough over many years and that the Borough has been more than meeting its annualised housing requirement in recent years. Thus past reliance on windfalls has not been misplaced. The expectation of further housing from windfalls appears a reasonable and robust expectation based on past trends for such permissions becoming a reality. It is not realistic to identify and then allocate such numerous small sites. Unless land was to be released from the Green Belt, the exclusion of these windfalls from housing supply would require the identification of sites for about 750 dwellings in the urban area in addition to the 260 or so that the Council anticipate allocating. I explore below the evidence for either possibility.
- 3.15 The Council does not have an urban capacity/potential study which identifies specific sites. It relies on the Surrey Housing Potential Study (SHPS) 2005 (CC8) as evidence of capacity. This is one of the supporting documents provided with the submitted CS. This study was prepared jointly by County and District/Borough

Councils to inform the DSEP. It does not identify any specific sites. Its estimates of the potential from large windfalls are based on assumptions about the proportion of different types of land uses which are likely to be redeveloped for housing. I have seen no evidence which undermines the adequacy of the SHPS for its original purpose, but its contribution to the evidence base for the CS is limited. Indeed, the SHPS expected individual site-specific local capacity studies to be undertaken for each Borough/District (SHPS ¶ 1.1). The absence of any identified sites in the SHPS means that it is impossible for the Council, or any other party, to explore the likelihood of development occurring or the potential capacity of large windfall sites and, in the future, to monitor whether past assumptions remain valid. The new LDF process should be based on transparent evidence which can be tested. The absence of a detailed, site specific capacity study is a serious weakness in the evidence base.

- 3.16 The SHPS identifies sources of housing supply for 2 periods: 2006-2016 and 2016-2026. These figures equate to a capacity of about 380 dwellings on large windfall sites for the 15 year period of the CS. It thus supports the Council’s expectation of allocating sites for about 260 dwellings, but suggests that it would be impossible to replace the reliance on small and medium windfalls with allocated urban sites. The Council’s officers expressed a high degree of confidence as to the availability of sufficient sites over the plan period to accommodate 260 dwellings on urban allocations based on their knowledge of a compact Borough, Council and Housing Association land holdings, and possible reorganisation of various institutional uses which might release land. I take seriously such confidence, but it is not a good substitute for tangible evidence.
- 3.17 As previously highlighted, the Council may need to respond to changes in the DSEP when it is approved. The absence of a detailed and site specific urban capacity/potential study means that there is no proper basis for judging whether any increased housing requirement could be accommodated within the existing strategy or whether a review of the strategy would be needed. The absence of good evidence on land supply does not assist the Council in giving the CS any focus in relation to where most housing development should take place within the built up area or in setting a realistic target for the proportion of housing to be built on previously developed land.
- 3.18 In the light of the above, I do not have the evidence to be certain that it would be *impossible* for the Council to allocate sites in the urban areas to provide a 10 year supply without reliance on windfalls, but that would seem very unlikely in such a compact and generally densely developed Borough and the SHPS supports this view. I cannot therefore conclude that the CS is consistent with this aspect of national advice in PPS3. Nor can I be certain that the Council’s expectation of allocating urban sites for about 260 dwellings is achievable, although I accept that it is plausible. But this uncertainty only has significance for the last 5 years of the plan period as these sites are not required for the first 10 years.
- 3.19 The absence of a site specific urban capacity study and of rigorous testing of the deliverability of all the sites with planning permissions (which would come from a SHLAA) means that there are considerable shortcomings in the evidence base supporting the CS. There is conflict with advice in PPS3 on housing delivery. But in practice these shortcomings are very unlikely to adversely affect the delivery of the required housing in the short to medium term. Even if a proportion of permissions on small and medium sized sites were to be discounted, the Borough would still be able to meet the housing requirements in the DSEP for the first few years of the CS. The uncertainty about urban capacity does not affect housing supply in the short term and there would be the opportunity for a review of the CS if future

urban capacity work revealed insufficient sites. There is the opportunity for the overall evidence base to be strengthened to inform the Site Allocations DPD and of the possibility of additional sites being allocated in that DPD if required to ensure compliance with the approach to housing supply set out in PPS3. There are clear local circumstances which give support to reliance on windfalls. The justification for this reliance will need to be tested again in the future when more evidence is available. Taking into account the potential consequences of the shortcomings I have identified, the recent nature of the advice in PPS3 and the need to avoid setting back plan-making, I consider that, on balance, these shortcomings do not make this CS unsound.

### ***Spatial strategy for housing development***

- 3.20 The spatial strategy for housing development set out in CS10 consists of the following locational guidance: that development will be within the built up area and within the remaining hospital sites; that the use of previously developed land is a priority; that proposals should be “suitably accessible” and that higher densities should be in central locations such as Epsom town centre and other centres.
- 3.21 The 3 hospital sites are clearly an important component of housing supply, but there is no indication in the CS as to what the planning strategy should be for these sites - no direction is given as to how the Site Allocations DPD or Development Control DPDs should address them. All the hospital sites are in the Green Belt. In the adopted local plan, all the hospitals were identified as Major Developed Sites. Long Grove, Horton, St Ebba’s and the Manor Hospitals were also identified on a large scale inset map, containing detailed land use notations and were the subject of a range of detailed policies. These 4 hospitals formed the defined “hospital cluster”. West Park Hospital is not within this defined cluster. There is a factual inaccuracy in the existing text of the CS (¶ 3.13.1) which infers that West Park Hospital is part of the previously defined hospital cluster. In the Council’s view, the planning status of the hospital sites is of such longstanding and is sufficiently formalised through briefs and permissions as to preclude any genuine uncertainty about their future. Nonetheless, a change has been proposed (B7) confirming that they would be defined in the Site Allocations DPD as Major Developed Sites in the Green Belt.
- 3.22 Given the importance of these sites for the Borough, I consider the CS should not leave this matter ambiguous and unaddressed. The CS fails test 7 because of this lack of clarity. It should make clear what approach is to be taken in the subsequent DPDs, otherwise it would be difficult to judge later whether those documents were consistent with the CS. The Council’s suggested change is the minimum necessary to achieve this clarity, but given that the 3 hospital sites are strategic sources of housing supply (identified in the key diagram) I consider that their policy status should be signalled within policy CS10 not just in the text. Given the particular planning history and status of these hospital sites, this change is one that I could recommend without prejudice to any party.
- 3.23 The general approach of encouraging development in accessible locations (reiterated in policy CS19) and higher densities in the town and other centres is entirely consistent with national policy, but given the compact size of the built-up area and my impression of the relatively good accessibility of many parts of the Borough, such expressions provide little meaningful guidance. As I highlight in chapter 7, there is considerable overlap between policies on certain criteria such as accessibility. Such repetition is unnecessary, potentially confusing (as different phrases are used in different policies) and makes the CS less easy to read. Policy CS10 lists in bullet points matters which are covered in other policies and this duplication should be deleted. The last part of the policy refers to densities and

makes reference to PPS3. This reference is not clear and does not add anything to the meaning of the policy especially as PPS3 specifically encourages local planning authorities to develop their own density policies. It should thus be deleted. The guidance on density in CS10 is very broad, but there is the opportunity to develop it further in subsequent DPDs. I consider that this should be highlighted to provide a clearer cascade of policy on this matter.

- 3.24 PPS3 indicates that DPDs should include a local previously developed land target and trajectory. The Council does not yet know what that target could or should be. Its Best Value Indicator target is 100%, which has been met in recent years. The generalised emphasis in CS10 on the use of previously developed land does not therefore give much of a policy/locational steer for subsequent DPDs in the context of this Borough. Again, in isolation, I do not consider that this makes the policy unsound, but it is a weakness. If the CS had been informed by a full urban housing capacity study the CS could have been much clearer about the contribution of previously developed land to future housing provision.

***Conclusion on soundness in relation to housing provision.***

- 3.25 I have found the CS unsound because of a lack of any detail as to the components of housing land supply and the resulting lack of clarity in the implications for future development plan documents. In addition, I consider that the assessment of housing capacity within the urban area is not founded on a robust and transparent evidence base. The additional text put forward by the Council would remedy the lack of detail in the CS. It elaborates on, but does not change, the strategy of the CS and would assist with ensuring that subsequent DPDs are consistent with the strategy. I can reasonably recommend the inclusion of this detail.
- 3.26 I have found that the evidence base to support the housing strategy is weak and I cannot be certain that it fully accords with national policy in PPS3, but I have concluded that, on balance, the consequences of these shortcomings are not so immediate as to justify a finding of fundamental unsoundness. Although I have highlighted uncertainties and shortcomings, there is not the evidence to suggest that a different spatial strategy, such as reviewing the Green Belt, is required at this time. The lack of any comment on the future planning status of the hospital sites makes the CS unsound, but this can be remedied by the suggested changes.
- 3.27 In summary, the following changes are required for this part of the document to be sound (see schedules for specific changes in wording required):
- refer to the Structure Plan housing provision being met before the SEP is approved;
  - insert additional text and figures setting out the components of housing supply and the need to allocate some urban sites;
  - confirm the continuing status of the hospital sites as Major Developed Sites in the Green Belt in the text and in policy CS10;
  - delete from CS10 unnecessary duplication and clarify references to density.

## **4. AFFORDABLE HOUSING**

- 4.1 The CS deals in some detail with affordable housing and would be the main DPD covering this topic to be supplemented by the proposed Developer Contributions SPD (Part 1). PPS3 (¶ 29) sets out what DPDs should address in relation to affordable housing. I have thus applied this advice to the CS, whilst bearing in mind that the CS was prepared under the previous guidance in Circular 6/98.
- 4.2 The CS's approach to affordable housing is supported by a Housing Needs Survey (HNS) 2004 (*LC11*). This was undertaken by experienced consultants in this field. The Survey concludes that there is an annual affordable housing shortfall of 395 units. This greatly exceeds the annual housing requirement for the Borough in the DSEP and so, clearly, only a part of the identified affordable housing need can be met. The Council has identified the provision of affordable housing as one of its priorities and, in my view, the need and the limited opportunities for securing affordable housing means that the Council is justified in seeking to maximise the provision of affordable housing through the CS, subject to no overriding conflict with other planning objectives and policies.
- 4.3 PPS3 requires a plan-wide target for the amount of affordable housing to be provided. It does not specify whether this should be an overall number or percentage figure, but in my view the former is preferable for clarity. Paragraph 3.14.8 of the CS refers to a target of 35% of all new housing completions being affordable. This target has already been adopted by the Council. The Council indicate that this would equate to 950 dwellings over the plan period, based on the total housing provision which the CS seeks to accommodate. The Council has approved a suggested change (C7) which would refer specifically to this number in policy CS11. This number would need to be reviewed, however, if the overall housing requirement for the Borough in the DSEP were to be increased.
- 4.4 Other than the HNS, there was no coherent evidence at submission stage to support the translation of the evidence on need into the detail of policy CS11 and supporting justification. PPS3 makes clear that the overall target should reflect an assessment of the likely economic viability of land for housing, taking account of risks to, and drawing on informed assessments of, the likely levels of finance available for affordable housing. Although this advice follows the submission of the CS, Circular 06/98 required consideration of the economics of provision, among other matters. Further evidence of the Council's understanding and approach to the matters highlighted in PPS3 has emerged in response to my questions, but the evidence base at submission was poor.
- 4.5 Position Paper 2 (EEBC/Topic 2) explores the possible outcome of the application of policy CS11. Allowing for the large number of commitments on which affordable housing has already been negotiated (at a lower rate than now required in the CS); applying the different proportions of affordable housing sought by CS11 to the expected mix of sizes of sites coming forward; and assuming that some of the proposed allocations in the Site Allocations DPD would be for 100% affordable housing, the Council calculate that 885 affordable dwellings might be secured. Thus the 950 dwellings/35% overall provision would not easily be reached.
- 4.6 The HNS recommended a target of 40% from all suitable sites (¶ 10.9.5). The Council has not commissioned any work specifically to consider the viability of housing development in Epsom and Ewell, but has had regard to viability work previously done for the County Council and the general range of affordable housing being sought in neighbouring districts. Policy DN11 of the Structure Plan states

that LDFs will include a target for affordable housing having regard to the objective that at least 40% of new housing provision in the County should be affordable. Given the high house prices within the Borough (similar to the average for Surrey, but higher than the average for the South East); the lack of any specific evidence before me indicating that 40% provision would make residential development unviable; the need to maximise provision, and the expectation of the Structure Plan, I consider that the 40% figure is justified, provided the policy makes clear that the viability of housing developments should not be undermined. Despite the need, there is not the evidence to support a higher percentage.

- 4.7 Policy CS11 also seeks 20% provision on sites of between 5 and 14 units and a financial contribution on sites below 5 dwellings. In principle, I consider that local circumstances - the high level of need and the significant contribution to housing expected from sites of less than 15 dwellings – justify seeking contributions to affordable housing from sites below the national threshold of 15 dwellings in PPS3. There is no specific local evidence to demonstrate the economic viability of these thresholds, but neither is there any detailed evidence (other than some assertions) that the thresholds and contributions sought would generally make small housing sites unviable. Given that the 20% proportion sought is relatively modest, I consider that the policy would be sound provided, again, that it is clear that such provision is to be sought by negotiation and that the viability of developments will be an important consideration so as not to prejudice the flow of small new housing sites. This is the Council’s intention, but it needs to be made clear in the policy.
- 4.8 In my view, requiring a financial contribution from all sites of less than 5 dwellings has not been justified. It goes against the general principle of normally providing affordable housing on the same site as the development proposed and the effect on viability would depend on the level at which any tariff was set. In the absence of any guidance on the tariff level, I consider that this is too significant to be determined solely in SPD which is not subject to independent examination. In the evidence estimating the delivery of affordable housing, the Council place no specific reliance on funds from small sites and I am satisfied that deleting this requirement would not significantly affect the Council’s ability to deliver a step change in the provision of affordable housing.
- 4.9 PPS3 states that there should be separate targets for social rented and intermediate affordable housing. The CS indicates that of overall housing provision, 25% should be social rented and 10% should be other forms of affordable housing. The available evidence suggests that these proportions are about right. They are similar to the split recommended in the HNS (¶ 10.13.1); different proportions might weaken the overall social cohesion of new developments; and there are a limited number of households in need who would be able to afford intermediate housing even if more were to be available. My only concern is that as the split is expressed as percentages of the *overall* housing provision, it is not clear what proportions should be achieved on individual sites when negotiations seek 40% or 20% provision. This lack of clarity can be overcome by expressing the split as proportions of affordable housing provision. The Council seek a change to ¶ 3.14.8 indicating a mix of 70% social rented and 30% intermediate affordable housing (B8). This would make the CS clearer without altering its intended effect.
- 4.10 The CS defines affordable housing as housing *provided with subsidy both for rent and low cost market housing*. In my view, there is a contradiction or ambiguity in the definition since if housing is provided with subsidy it would not be (low cost) market housing. Low cost market housing was regarded as an element of affordable housing in Circular 6/98, but PPS3 excludes it. The CS’s definition is thus out of step with this most recent national policy as well as being ambiguous.

The Council seeks to change the definition in the CS to housing *provided with subsidy either as social rented or intermediate affordable housing (A16)*. This would be clearer, but not add any local dimension to the national definition. From the evidence before me, it would not materially change how the Council intended to implement the affordable housing policy.

- 4.11 Further detail of what the Council regards as suitable forms of affordable housing could be set out in subsequent SPD and does not need to be included in the CS. If any deviation from the national definition of key worker is justified this could also be set out in the SPD. I note that student housing needs are not addressed in the CS or explicitly in the HNS. Given the location of one further and one higher education institution in the Borough (with little dedicated accommodation) I consider that this is an important omission, although it does not undermine the overall thrust of the affordable housing policy. Students resident in the Borough must affect the local housing market and should be a consideration in the SHMA that PPS3 now requires.
- 4.12 Notwithstanding the above shortcoming, I am not persuaded that purpose-built student accommodation should be included in the definition of affordable housing in the CS. Firstly, this type of detail is best covered in the subsequent SPD. Secondly, student housing needs were not included in the HNS in determining the level of affordable housing required in the Borough. If purpose built student housing were to be regarded as the same as other types of affordable housing, it would count towards the overall plan target without, in fact, meeting any of the identified need. I recognise that there may be justification for excluding permanent, purpose-built student accommodation from a requirement to *contribute* to general affordable housing needs, but the circumstances where such exceptions might occur would best be addressed in the more detailed guidance the Council intends to prepare.
- 4.13 It is clear that achieving the scale and mix of affordable housing sought by the CS would normally require some additional external subsidy over and above that from the developer, whose contribution is often the provision of free land. The Council believes that there are good grounds for expecting such additional funding to be available from a mix of public funds and commuted developer contributions. There is no contrary evidence. There is only a brief reference to the *availability of subsidy* in paragraph 3.14.13. Although policy CS11 is expressed in a way common to many affordable housing policies, I consider that there is a lack of clarity in the CS about the financial assumptions underlying the policy and what the developer is actually expected to provide. The Council expects “open book” negotiations with developers when considering site viability, the corollary to such openness should be that the Council, in the CS, is clear as to what is expected from developers. The lack of external subsidies could justify a different mix between social rented and intermediate housing or lower overall provision.
- 4.14 The Council seeks a change (B9) to policy CS11 to substitute the word *include* for *provide* throughout policy CS11 to indicate flexibility as to what the developer actually has to do and suggests an addition to ¶ 3.14.8 to indicate that the affordable housing target will be kept under review if there is a significant change in the availability of the additional funding (C5). In my view, these changes, whilst sensible, do not go far enough in making clear the financial assumptions underlying the policy, especially in the absence of any published background paper setting out the evidence on which the Council has developed the policy. At my request, the Council has provided some additional explanatory text as to the financial assumptions which underlie the Council’s affordable housing strategy and I consider

that this degree of explanation is necessary to make all parties properly aware of how the policy is expected to work and to ensure a fair basis for negotiations.

- 4.15 The provision of affordable housing is clearly a Council priority and much needed in the Borough. I am satisfied that policy CS11 (subject to the amendments highlighted) goes as far as it reasonably can in seeking the provision of affordable housing. There would be no benefit in setting the overall target higher than 950 dwellings/35% since it would be very unlikely to be achieved. The CS is justified in having an *overall* target below the 40% required in LF3 of the DSEP for the London fringe as a result of local circumstances, namely commitments negotiated at a lower rate and the small size of many sites.
- 4.16 Despite the need, I am not persuaded that sites in the Green Belt should be specifically allocated for affordable housing. Whilst allocations solely for affordable housing are highlighted in PPS3 for small rural communities, there is no suggestion that they are appropriate on the edge of a major conurbation. The protection of the Green Belt in this area must be given a high priority.
- 4.17 As already indicated, the Council is contemplating (in Position Paper 2) that some sites within the urban area will be developed for 100% affordable housing. This would be essential if the Council’s target has any chance of being achieved. Such developments could be made specific allocations in the Site Allocations DPD only with the agreement of the landowner (such as the Council or Housing Association). *If* this is the Council’s intention, then I consider that it should have been highlighted in CS11, since it would be an important aspect of the spatial strategy for affordable housing which subsequent DPDs should deliver. But on the evidence before me it does not appear to be the explicit policy of the Council. The only change that I can make on this issue is that requested by the Council (B11) which acknowledges, as a matter of fact, that delivery of the target of 950 affordable dwellings would depend on some sites being developed for 100% affordable housing.
- 4.18 In the light of the all the above, I come to the view that, despite the poor evidence base at submission, the overall thrust of the CS in relation to affordable housing is sound, subject to changes to ensure consistency with PPS3 (test 4) and to aid clarity and transparency in how the policy would be applied in practice (test 6). All the requested and suggested changes of the Council would need to be made, together with the further additions I have highlighted. These changes are considerable, but they are primarily intended to make the application of the policy fairer and more transparent. The only change to policy is the exclusion of any contribution from development of 4 dwellings or fewer which, on the evidence, is not fundamental to the effectiveness of the strategy. I therefore consider that I can reasonably recommend the changes without prejudice to any party.
- 4.19 In summary, the following changes are required for this part of the document to be sound (see schedules for specific changes in wording required):
- a numerical target in the text and policy;
  - expressing the mix of social rented and intermediate housing more clearly;
  - amending the definition of affordable housing;
  - explaining the financial assumptions underlying the policy;
  - making clear that the provision of affordable housing will be negotiated, so as to ensure the viability of housing sites;
  - consequent deletions and amendments to other parts of the text for clarity.

## **5. GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE**

- 5.1 ODPM Circular 1/2006 *Planning for Gypsy and Traveller Sites* sets out a process for the provision of sufficient sites to meet the needs of Gypsies and Travellers through the new LDF system. Based on Gypsy and Traveller Accommodation Assessments (GTAA's), the RSS will, in due course, set out the number of pitches which individual Boroughs and Districts should provide. Where additional pitches are required, the Circular expects that these will be provided by specific site allocations made in site allocation DPDs. The Circular requires core strategies to set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in subsequent DPDs and in assessing applications arising from unexpected demand. These criteria must be fair, reasonable, realistic and effective in delivering sites.
- 5.2 DOE Circular 22/91 *Travelling Showpeople* sets out planning considerations relating to travelling showpeople. Local Planning Authorities should consider the needs of travelling showpeople when preparing local plans, should identify existing sites which have permission and make a realistic assessment of the amount of accommodation required. During the examination, the Government published a consultation on revised planning guidance in relation to travelling showpeople. I have not taken into account this draft in assessing the soundness of the CS.
- 5.3 The main issue of soundness in relation to this part of the CS is consistency with national policy as set out in Circulars 1/2006 and 22/91. The Borough contains 2 permanent public gypsy sites (within the urban area) with a capacity of about 30 pitches and one private site for travelling showpeople. A GTAA is currently being carried out on behalf of the Council and 3 neighbouring districts. There is, as yet, no evidence of any significant unmet need - there are no illegal encampments in the Borough and there have been no applications for private gypsy sites over the last 15 years.
- 5.4 So far as the provision of gypsy and traveller sites are concerned, policy CS12 is clearly *intended* to meet the requirements of national advice. It affirms that provision will be made if more sites are required. I accept that, at present, it cannot be assumed that more sites will be needed in this Borough. But I am concerned that the criteria in part 3 of the policy are unreasonable. In short, until the scale of any additional provision is known and until some initial consideration has been given to potential locations/sites, it is impossible to know whether any need can be accommodated without any harm to other planning objectives/policies. Some compromises might have to be made. Thus I consider that criteria which stipulate that any site should have *no adverse impact on the visual amenity of the Green Belt* and should *meet other environmental protection policies in the development plan* might effectively rule out sites in the Green Belt. Other than in unusual circumstances, a gypsy site is likely to have some visual impact and result in a loss of openness. Another criterion requires *no detriment to the character and appearance of the wider landscape*, which might also be a widespread constraint.
- 5.5 The first part of section 3 requires sites to have reasonable and sustainable access to services and facilities. Accessibility is a legitimate consideration, but I consider that this wording is too ambiguous (the lack of any definition of good accessibility is a wider criticism I make in section 7). In contrast to these criteria which impose considerable constraints, there are no criteria requiring that the site/location provide acceptable living conditions for the intended occupiers and no recognition of

the potential difficulties of any allocated sites actually becoming available to the gypsy community.

- 5.6 Neither the text nor the policy makes any mention of travelling showpeople. Given the existence of one site within the Borough and that the GTAA will include the needs of travelling showpeople, I consider that this is a serious omission. In response to my questions, the Council request that *travelling showpeople* be added to the heading of section 3.15 (B13) and that *travelling showpeople* be added to the policy (B14 and B15). In addition, the Council suggest that a paragraph concerning travelling showpeople is added to the text (C8). The suggested paragraph refers to the one site for travelling showpeople in the Borough as not being fully occupied. There is no evidence that this statement is agreed by the site occupiers or that there is a practical opportunity to accommodate additional showmen’s families on this site. In my view it is essential that the needs of travelling showpeople and the existence of a site in the Borough are acknowledged.
- 5.7 I therefore find that the CS is unsound because of conflict with national policy (test 4) - the unreasonableness of the criteria in policy CS12 and the absence of any consideration to the needs of travelling showpeople. I cannot seek to make the detailed criteria of the policy sound since that would involve considerable change by which I would be substituting a new policy approach. Provision for the needs of gypsies, travellers and travelling showpeople is clearly important and an overarching policy should be in the CS. As an expedient, I consider that I should amend the policy by retaining the objective set out in its first paragraph, but delete the detailed criteria. I intend to refer in the policy to the identification of any allocated sites taking into account the other policy objectives in the CS, the needs of future occupiers and the prospects of any allocated site becoming available to those who need of it. The policy would also need to indicate that policy criteria for the consideration of other applications would be set out in the Development Control DPD. Although such a policy would provide only limited guidance for the allocation of sites and thus does not fully meet the intention of Circular 1/2006, it would ensure that subsequent DPDs do not overlook any need that emerges and would avoid the unacceptable criteria I have highlighted. This amended policy should also apply to travelling showpeople.
- 5.8 In summary, the following changes are required for this part of the document to be sound (see schedules for specific changes in wording required):
- recognition of the needs of travelling showpeople;
  - deletion of the detailed criteria in policy CS12 and the addition of broad principles for site selection.

## **6. MEETING COMMUNITY NEEDS**

### ***Overview***

- 6.1 I recognise that in assessing community needs, the Council is reliant on information from a range of public sector and other service providers. I am satisfied that throughout the preparation of this CS, the Council has sought to engage with a range of stakeholders, including those providing public services. My impression is that there has been very limited response, perhaps reflecting a lack of understanding of the intended wider role of spatial planning in the new LDF process. I have not been made aware of any specific proposals by public services or institutions which would have land use implications and should be incorporated into the CS. But in my view, this section of the plan responds only partially to those objectives and policy principles set out at the beginning of the CS concerning community needs. I do not regard it as representing best practice on this topic but that does not make it unsound. In section 7 I recommend deleting CS15 and combining it with CS4 and so I do not discuss that part of this section here.

### ***Developer Contributions***

- 6.2 Policy CS14 broadly restates national advice on this issue and does not add any local dimension. I understand the Council's intention is to apply national policy as set out in Circular 05/2005 *Planning Obligations*, rather than depart from it. As this is the case, I see no need for the policy in the CS to repeat national policy in full. Clarification of the Council's position would be achieved by a brief reference in the supporting text to adherence to the principles set out in Circular 05/2005.
- 6.3 I see no justification for any derogation from the scope of this policy to be indicated in the CS, such as for developments by particular institutions or bodies. Contributions would only be sought and justified where the proposed development had an adverse effect which needed to be remedied by additional infrastructure. Whatever the benefits of any particular development, it should not be excluded from the need to contribute to the infrastructure necessary to make the development acceptable.

### ***Community facilities***

- 6.4 Section 3.20 and policy CS16 are intended by the Council to encompass all types of community, cultural and built sport facilities. Community facilities are defined in the CS as uses falling within Class D1 of the Use Classes Order. Class D1 includes educational establishments, but does not include assembly and leisure uses such as cinemas, concert and dance halls, or indoor sport uses. Theatres fall outside any use class. The text and the policy refer to built sport facilities, so they are clearly included within the scope of this section of the plan, but other D2 uses and theatres are not. The Council accepted that the exclusion of other D2 uses and theatres was an error and put forward changes to remedy this omission. In summary, these would add the word "cultural" to the description of facilities in policy CS16 (B19 and B20) and expand the definition in 3.20.7 to refer to D2 uses and theatres (B22).
- 6.5 This part of the CS is clearly unsound as it does not achieve what the Council intend and thus cannot be the most appropriate policy (test 7). The Council's proposed changes would overcome this unsoundness. These changes have been given publicity following the hearing and I have taken into account the representations made. In my view, they are entirely logical and I recommend their incorporation to give effect to the Council's intentions.

***Community needs beyond the Borough***

- 6.6 The focus of the text and of the policy is meeting the community needs of the Borough. But the Borough of Epsom and Ewell is the location of at least 3 institutions coming within the existing definition of community facilities which serve a much wider area. These are Epsom General Hospital; The North East Surrey College of Technology (NESCOT) which provides primarily further education courses; and the Epsom campus of the University College of Creative Arts (UCCA), one of 5 sites occupied by this institution across Kent and Surrey, which provides mainly higher education courses. The General Hospital provides hospital services to parts of surrounding Boroughs and Districts; NESCOT has a sub regional role and UCCA has a regional/national role. In all cases they also meet the needs of the Borough’s residents.
- 6.7 As presently drafted, the CS ignores these important institutions and the services they provide to the wider area. The Council accept that this narrow focus is unintended. The existence of these 3 major institutions within the Borough highlights the area’s important role in providing health services and in accommodating major institutions of higher and further education. In my view, the CS is unsound as the wording of CS16 is not the most appropriate given the existence of these particular institutions in the Borough (test 7).
- 6.8 The Council put forward changes to remedy this deficiency involving additional text referring specifically to these 3 institutions (B18) and an amendment to policy CS16 (B21) to make clear that in assessing any proposals for new facilities, the contribution to meeting community needs beyond the Borough would be taken into account. These changes would cover this particular area of unsoundness. To provide a better context for the proposed references to these institutions in section 3.20, the Council also request (B2) a reference to high quality health and education facilities be added to the policy principle at ¶ 3.1.4 to which policy CS16 is linked. I accept the logic of this request.

***The role of higher and further education in the Borough***

- 6.9 As indicated above, the CS generally makes little reference to health or education and no specific reference to higher and further education. On the evidence before me, I am satisfied that institutions of higher and further education have a positive role to play in the economic life of the Borough, as well as being providers of education. The DSEP explicitly acknowledges the contribution of the higher and further education sectors and policy SE6 requires the sector’s needs to be addressed in LDFs. I have not been made aware of any specific proposals by the higher and further education sector which should be addressed in the CS, but there would appear to be scope for exploring further the role that NESCOT and UCCA could play in delivering objectives set out in the CS. In my view this relates more to the implementation of the CS rather than the soundness of the document.
- 6.10 I recognise that students have a distinct role and needs and may not readily be seen to come within the scope of those who *live, work and visit* the Borough, which is the phrase used frequently in the CS to explain whose interests the CS is seeking to accommodate. Some acknowledgement of the existence of those who are *studying* in the Borough would be appropriate for clarity, such as that suggested by the Council in C1, but there is no need for this to be repeated throughout the document.
- 6.11 In summary, the following changes are required for this part of the document to be sound (see schedules for specific changes in wording required):

- insert a reference to Circular 05/2005 in paragraph 3.18.3;
- add “cultural” to CS16 and expand the definition of uses encompassed by the policy to include Use Class D2;
- refer to Epsom General Hospital, NESCOT and UCCA and in policy CS16 to community needs beyond the Borough;
- insert a reference to high quality health and education facilities in the policy principle relating to community facilities and needs.
- add a reference to *studying* at the first use of *live, work and visit*.

## **7. LOCAL DISTINCTIVENESS AND LOCAL FOCUS**

- 7.1 When adopted, the Core Strategy would be but one component of the development plan, (which includes the RSS, County Waste and Minerals Plans, and other DPDs subsequently adopted by the Borough Council). It would be only one component of the suite of documents which will make up the Borough’s LDF, which will also include SPDs. The CS has an essential role in setting out the Council’s vision and overall spatial strategy for the Borough; showing how national and regional policy is to be applied, without unnecessarily repeating that policy. In addition, it should provide a clear framework for the preparation of subsequent DPDs and SPDs, without including the detail which can more properly be set out in those other documents.
- 7.2 Assessment of whether the CS has sufficient local distinctiveness and focus involves aspects of tests of soundness 6 (whether there would be coherence and consistency within the CS and between the CS and subsequent DPDs) and test 7 (whether the strategies and policies are the most appropriate in all the circumstances). This issue is a key consideration of whether the document is fit for purpose. If it is not, it is likely to make the delivery of subsequent DPDs more difficult, more time consuming and controversial. Unlike most of the major issues in this report, this issue cuts across policy areas. I recognise that what is now regarded as best practice has developed rapidly in the light of the conclusions of the first few examinations, but the question of local distinctiveness and focus go to the heart of whether the CS properly fulfils its intended role.
- 7.3 In my view, the soundness of the CS in relation to local distinctiveness and local focus does not turn on whether any one policy merely repeats national policy or is too generalised, but whether, looking at the mix of policies overall, there is a clear local strategy which is coherent and meaningful and can assist in the focussed preparation of subsequent DPDs. There is a clear local strategy to maintain the Green Belt (CS2); focus development within the built up area (CS10), achieve a step change in the provision of affordable housing (CS11) and promote Epsom town centre (CS17). These constitute a meaningful core to the CS, especially given the compact size of the Borough and the clear-cut distinction between the built-up area and Green Belt.
- 7.4 Conversely, I consider that policies CS3 (designated nature conservation areas), CS5 (biodiversity), CS6 (heritage protection), CS7 (built environment), CS8 (sustainability), CS14 (developer contributions), CS18 (role of local centres) and much of CS19 (managing transport and travel) largely re-state national policy and do not meaningfully develop or apply that policy specifically to local circumstances. But in the circumstances of this Borough not all national policy needs to be developed in greater detail in this CS.
- 7.5 There is some force in the Council’s contention that these policies reflect the strong expressions of support for such policy approaches from the public and other stakeholders during the preparation of the CS and the endorsement by the Council of national policy as appropriate for local circumstances. But the endorsement of national policy in these areas could be expressed much more succinctly (sufficient to make clear that national policy is, indeed, to be applied) with the opportunity taken to demonstrate *how* it will be applied in the Borough. Simply repeating national policy does not, in isolation, make the plan unsound, but can weaken the focus on what is the essential core of the document.

- 7.6 In my view, those policies I have highlighted in ¶ 7.4 generally restate as a policy aim that which has already been set out as an objective or principle. In section 2.3.2 of the CS eight key issues are set out, each ending with a question. Whilst the policies clearly flow from these issues they often add little to the *how, which, where* and *when* elements of the questions rightly posed. The policies do not address all the matters within these principles. Thus the content of the CS does not deliver all that it sets out to do. This is a significant weakness, although in part this failure is because the Aims, Objectives and Principles are ambitious and thus hard to meet, especially at this early stage in the development of fully spatial plans.
- 7.7 I consider that the blandness of a number of policies in the CS weakens the focus on the most important core policies. There is a degree of overlap and repetition between policies which is unnecessary and potentially confusing, especially for assessing the consistency of later DPDs. Overall I consider that as a result of the above factors, there is unsoundness in relation to tests 6 and 7.
- 7.8 In response to my questions on this topic, the Council made a number of suggestions as to where local circumstances already referred to in the text of the CS could be brought into the policy if I thought necessary. Some of these changes would give policies more of a local focus, although such changes are meaningful only when it makes the policy clearer and more specific - additions which are only examples do not assist clarity. I have also considered whether this unsoundness in the CS could be overcome by eliminating elements which do not deliver a local focus, provided that a local focus is not needed at this stage in this Borough. The removal of repetition would also make the overall document more focussed.
- 7.9 One of my main concerns about confusing overlap is the references to travel accessibility as a determining factor in deciding where development should take place. Accessibility is mentioned in various ways in several policies, namely: CS7 (have regard to accessibility and sustainable travel); CS10 (suitably accessible); CS12 (reasonable and sustainable access); CS13 (well located employment sites), CS19 (well located in relation to existing transport routes and services). The Council’s general intention is clear, but it is no more than national policy would normally require. It does not address what it means for Epsom and Ewell. Different expressions of the same point are unhelpful and unnecessary since the CS should be read as a whole.
- 7.10 The Council indicates that they intend to assess the relative accessibility of different parts of the Borough to inform the Site Allocations DPD, but it would have been preferable for this to have informed the spatial strategy of the CS. One element of this unsoundness can be remedied by having a single statement in one policy regarding accessibility. CS19 is the appropriate place. It already requires all development to be well located and where choices of travel are available, as well as to minimise travel, provide safe access for all and pedestrian and cycle links. But it is unrealistic to require *all* development to be well located, since minor developments such as domestic extensions and small groups of dwellings are likely to be acceptable, in principle, anywhere in the urban area. In my view the policy should require all *major* developments to be well located for convenient access by non-car modes, including walking, cycling and high quality public transport, which would introduce a reasonably challenging standard in a Borough which, comparatively, has good accessibility. The other detailed criteria should be retained for all developments. This revision would mean that there is only one definition of accessibility against which allocations in the subsequent DPD would need to be assessed.

- 7.11 The CS has separate sections and policies on nature conservation sites and biodiversity (CS3 and CS5). In the absence of more detail from the local Biodiversity Action Plan, I am unaware of any local focus that can meaningfully be added to these policies. I consider that 2 separate sections and policies are unnecessary to express the existing overarching policy theme. There is an inevitable overlap. Protection of designated sites should be seen as one aspect of protecting biodiversity. Combining these 2 sections and policies would help to reduce the lack of local focus in part of the CS and be more coherent.
- 7.12 Paragraphs 3.5.2 and 3.5.3 refer to Nonsuch Park and the Hogsmill River, which are designated in the existing local plan as Strategic Open Spaces (SOS) and indicate that these designations will be continued in the forthcoming Site Allocations DPD. The general extent of these 2 large open spaces is shown on the key diagram of the CS. But these SOSs are not mentioned in any policy. The Council now suggest (C3) that their particular importance and unique function could be stated in CS4. In my view, these 2 locations are, indeed, *strategic* open spaces as the CS suggests and should therefore be properly highlighted in a policy. The suggested addition to CS4 is the minimum necessary to overcome this deficiency, would add an important local dimension to the policy and provide a clear link to subsequent DPDs. As these 2 locations are already identified in the key diagram and described in the text, this is a change I can reasonably recommend.
- 7.13 The Council has commissioned an Audit of Open Space (*LC10*). This is a complex and detailed piece of work, but in my view there has been no meaningful development of this important evidence into policy. Policy CS4 refers to the standards in the Audit, to creating and maintaining accessible open space and addressing any shortfall, but there is no indication as to whether there *are* important shortfalls, *where* those occur or *what* might be done to address them. This leaves these matters to be addressed, if at all, in the Site Allocations DPD.
- 7.14 There is repetition and overlap between the sections and policies dealing with open spaces and green infrastructure (CS4) and open space, outdoor sport and recreation (CS15). In response to my questions on this matter, the Council suggested (C13) that these 2 sections and policies could be combined into a single, extended policy CS4. This would aid clarity and make the CS more succinct. My recommendation is based largely on the Council’s suggested wording.
- 7.15 In Position Paper 8 (EEBC/Topic 8) the Council indicate that consideration will be given to additional conservation areas or to identifying areas of special character and to the preparation of conservation area appraisals and management plans for the conservation areas. The indicators under policy CS6 include reference to locally listed buildings and the Delivery Mechanism refers to the identification of other areas of special character. This information points to the Council considering a range of tools to implement national policy to protect recognised heritage assets, but the CS does not provide any policy indication of what *is* to be done. A clearer local focus would require the Council to decide now what tools and policy approaches it intends to use to protect and enhance heritage assets. But I am not certain what the Council is committed to doing, other than the preparation of conservation area appraisals and management plans. This work can usefully be referred to in the text. The Council seeks a small change (A5) to the wording of CS6 to make the Council’s stance in relation to heritage assets clearer. A small change to make the policy more emphatic in relation to protection would aid clarity and be consistent with national policy.
- 7.16 I endorse the Council’s aspiration in CS7 for the achievement of high standards of design and the reinforcing of local distinctiveness, which echoes national policy.

But the policy does little to advance how this will be achieved. Some of the aims overlap with other policies, such as *conserving and enhancing heritage features* or are vague, such as *make appropriate provision for a mix of uses where this would contribute to the vitality of an area*. In my view, good design and reinforcing local distinctiveness are closely linked with the protection of heritage assets and combining policies CS6 and CS7 would reduce confusing overlap as well as the number of policies which lack a local focus. In making this change, I have simplified the text from CS7 that I intend to insert into CS6, bearing in mind that the policy does not need the detail of a development control policy as the Council is to prepare a Development Control DPD.

- 7.17 There is a significant transport proposal in the Borough, which is mentioned only briefly. The Kiln Lane Link is referred to in ¶ 3.24.5. This is a major scheme identified in the Local Transport Plan (LTP) 2<sup>nd</sup> edition 2006/7 - 2010/11 (CC5). It would link Longmead Road with the A24 through the Longmead and Nonsuch Industrial Estates, via a new section of road under the railway line. The scheme is included in the SEERA revised implementation plan of October 2006 (Annex 3), as submitted to the examination of the DSEP. In that document it is shown for implementation in the period 2006-2016. When the scheme will go ahead (in whole or in part) is unclear.
- 7.18 The land for the Kiln Lane Link will need to be safeguarded by an allocation in the Site Allocations DPD. I consider that this intention should be signalled by the CS, not just in the text, as the Council suggest (C11), but in the transport policy. The CS does not sufficiently reflect the importance of this scheme and in this respect I consider that there is unsoundness in relation to test 4. Equally importantly, the significance of this scheme in relation to improving accessibility in this area is not mentioned in the CS. (Improved accessibility by non-car modes is one of the 2 stated outcomes for the scheme in the SEERA implementation plan.) Given that this scheme is in the LTP, I consider that I can recommend some changes to anchor it more firmly in the CS.
- 7.19 Policy CS13 indicates that the Council will seek to safeguard *well located employment sites*, but the policy does not specify where they are or how *well located* would be assessed. I have already highlighted my concern about the vagueness of policy terms relating to accessibility. The main employment areas are the 2 main industrial/business estates of Longmead and Nonsuch and Epsom town centre and Ewell village centre. These locations are all referred to in ¶ 3.16.3 of the CS. The accessibility of Longmead and Nonsuch industrial estate will be significantly improved with the construction of the Kiln Lane Link.
- 7.20 The Employment Land Review (April 2006 LC12) undertaken by the Council concluded that a cautious approach needs to be taken to the loss of employment land. The evidence for this conclusion is rather ambivalent, but I would endorse a cautious approach unless there is clearer evidence to the contrary. It is clear that it is necessary to protect employment land and sites in the 4 main areas referred to above, being the largest and best located employment areas in the Borough. Accordingly, the policy can be made more focussed by specifically referring to these 4 areas. As a consequence of this change the location of the Nonsuch and Longmead Industrial Estates would need to be shown on the key diagram
- 7.21 I consider that the detailed development control considerations applying within these strategic employment areas are best left to subsequent DPDs. The policy goes on to indicate that proposals for the redevelopment of employment floorspace outside designated employment areas would be considered on a case-by-case basis to decide whether the change would undermine the role of key areas of business in

the Borough. This is too vague and uncertain to be meaningful and, again, I consider that such policy guidance should be deferred to subsequent DPDs so that it can be given further thought. In my view, the policy would inadvertently allow town centre uses outside the town centre without justification and contrary to national advice in PPS6. This is not the Council’s intention, as particular priority is given to Epsom town centre in CS17. This unintended adverse consequence reinforces my view that some of the detail of this policy is best deleted and reconsidered in subsequent DPDs. Some consequential deletions from the supporting text to CS13 will be required as a result of the simplification of the policy.

- 7.22 Policy CS18 concerns the protection of local centres. The text makes clear that they will be identified in the Site Allocations DPD with more detailed policies aimed at protecting the centres in the Development Control DPD. The text CS refers to Ewell as the most important centre after Epsom town centre. The Key Diagram highlights Ewell and Stoneleigh. The local plan allocates a site for a new local centre within the hospital cluster at Horton. Construction is not imminent and it is likely that the Site Allocations DPD will need to continue to allocate this as a proposed centre. Policy CS18 should be amended to encompass this future centre within its protective embrace. The Council’s requested change to CS18 (B23) refers to Stoneleigh and Ewell and the proposed facility at Horton. It would go some way in giving the policy a local spatial element.
- 7.23 I consider that the changes I have highlighted above would: improve the overall balance of the CS between the limited suite of focused core policies and those which essentially restate national policy; largely remove repetition and confusing overlap; and introduce some additional local dimensions to aid clarity, especially for the preparation and testing of subsequent DPDs. Overall, I consider that the weaknesses I have identified could be sufficiently reduced to make the CS sound, albeit not representing best practice.
- 7.24 In summary, the following changes are required for this part of the document to be sound (see schedules for specific changes in wording):
- expand the section on designated nature conservation sites and the policy text in CS3 to encompass biodiversity and delete the separate section and policy (CS5) on biodiversity;
  - expand the section on heritage protection and policy text in CS6 to encompass good design and delete the separate section and policy (CS7) on quality in the built environment;
  - expand the section on open spaces and green infrastructure and policy text in CS4 to encompass open space, outdoor sport and recreation and delete the separate section and policy (CS15) on that topic;
  - add to policy CS4 a reference to Nonsuch Park and the Hogsmill River as Strategic Open Spaces;
  - refer to the 4 strategic employment areas in the Borough in policy CS13 and delete the development control guidance relating to employment areas and sites;
  - re-word the requirement relating to accessibility and refer to the Kiln Lane Link in policy CS19;
  - refer to Ewell, Stoneleigh and the proposed centre at Horton in policy CS18.

## **8. MONITORING**

- 8.1 Test 8 is that there are clear mechanisms for implementation and monitoring. PPS12 requires local planning authorities to develop monitoring systems to assess the effectiveness of local development documents. Further advice on monitoring is set out in the *Local Development Framework Monitoring: A Good Practice Guide* (ODPM 2005). The Guide lists core output indicators that authorities are required to monitor. The most important objective in relation to monitoring the CS is to provide a mechanism for testing whether its policies are working and, through the Council's AMR, to highlight any failure to meet targets and consequent need to review a policy or give greater attention to the implementation of policy.
- 8.2 Beneath each policy in the CS there is a box of text with sub-headings for *Indicators* and *Delivery Mechanism*. Targets are not separately listed. In my first set of questions to the Council, I queried the appropriateness of many of the indicators because I considered that they were not directly related to matters under the Council's control, were not likely to be influenced by the policy, or implied a particular policy approach not made explicit in the policy. Having considered the Council's responses, I remain of that view. In addition, targets are not clearly expressed; at best they are implied. If the CS were to be adopted as submitted the Council would be monitoring unnecessary and irrelevant matters and would not be particularly assisted in monitoring the effectiveness of its policies. There is also some confusion between targets to be used for monitoring and targets which are intended to apply as policies. I therefore find the CS unsound in relation to test 8.
- 8.3 I am satisfied that the Council is taking seriously the need for monitoring. It is developing a corporate monitoring strategy which will provide the framework for monitoring the whole LDF, as well as assessing performance against its corporate and the Community Strategy's objectives. The Council is looking to develop common data sets for monitoring with other agencies. The monitoring strategy is intended to contain all the output indicators identified in DPDs along with a range of significant effects and contextual indicators. In the AMR, the Council intend to continue to report on all core output indicators and upon key indicators drawn from its monitoring strategy. In the context of this work, the essential task for me is to ensure that the CS identifies sufficient output indicators pertinent to its policy intentions and, where practicable to do so, includes specific, measurable targets related to those indicators.
- 8.4 The Council has put forward a list of detailed revisions to each of the boxes under the policies in the CS (EEBC/FS30). In summary, the changes involve deleting a few of the existing indicators; rewording many of the existing indicators; adding a separate heading of *Targets* and for each policy specifying either a specific measurable target based on the listed indicators or stating that targets will be developed in subsequent DPDs. No completely new indicators are suggested and many of the targets now specified are derived from what was previously implied.
- 8.5 In my view, these suggested changes significantly improve the structure, content and focus of the monitoring sections of the CS. I still consider that 2 indicators for policy CS6 are irrelevant: the number of conservation areas - since the policy does not suggest that there should be more; and the number of listed buildings - since additions to the list are outside the Council's control and losses would be wholly exceptional. I recommend the deletion of these anomalies.
- 8.6 I accept that some policy objectives, such as "good design", are inherently difficult to measure and indicators should not be invented simply to give the impression of

monitoring. The Council’s suggestion that for some indicators the related target is best left for subsequent DPDs is an honest response to the general nature of some of the policies in the CS, but it is also a consequence of the lack of local distinctiveness and focus of some of the policies that I have already highlighted. The changes I am making to combine a number of the policies which lack a specific local focus will also help to consolidate the monitoring requirements of the combined and simplified policies.

- 8.7 In EEBC/FS30 the Council suggested the same indicator for policy CS19 (transport and travel) as for CS14 (developer contributions). In my view, indicators for CS19 should be established which relate directly to its main objectives of managing travel demand and locating development in accessible locations. In response to my request for the Council to give further considerations to indicators for this policy, 2 new indicators are put forward (EEBC/FS32) relating to the percentage of major developments which encouraged non-car modes of transport and the percentage of major developments with a defined accessibility by public transport. Although rather crude, I consider that these represent a meaningful first step in monitoring policy CS19. Targets have also been suggested by the Council (EEBC/FS33), which I consider are reasonable.
- 8.8 The targets in the boxes beneath the policies are for monitoring purposes only; any targets which are to be applied or sought as a matter of policy need to be specified in policies in the CS or in subsequent DPDs. I have highlighted the need for a numerical target for affordable housing in section 4. The indicators for policy CS8 in the CS states that targets, such as for renewable energy requirements in developments, will be set out in SPD. I consider that this is unacceptable delegation of important policy to SPD. The Council’s suggested change on this point (A7) would clarify that targets for renewable energy in new development would be specified in the Development Control DPD.
- 8.9 Overall, I consider that with the changes referred to above, there would be a simple but sound set of indicators and targets, albeit that these could be considerably refined over time in the light of emerging best practice. I am satisfied that the boxes under each policy give sufficient indication of how the policies are intended to be implemented and that this aspect of test 8 is met. The Council has also suggested some textual amendments to section 4.2 on Monitoring. These appear reasonable updating and I will incorporate them.
- 8.10 The changes set out in Schedule 6 are required for the monitoring information in the CS to be made sound.

## **9. OTHER MATTERS**

### ***Green Belt***

- 9.1 Policy CS2 indicates that the general extent of the Green Belt will be maintained. I have endorsed the Council’s approach to focussing development within the existing built-up area and the hospital cluster. There is not the evidence before me to suggest that the approach to the Green Belt needs to change. On the basis that no land needs to be excluded from the Green Belt to accommodate housing allocations, I consider that the reference to maintaining the *general extent* of the Green Belt is reasonable as a broad policy. The precise boundary of the Green Belt would be confirmed on the Proposals Map to accompany the Site Allocations DPD. Policy CS2 would allow minor alterations to the boundary where justified, such as the correction of obvious anomalies. It would not support alterations in order to accommodate development.

### ***Flood Risk***

- 9.2 PPS25 indicates that a key tool in managing flood risk is the preparation by local planning authorities of a Strategic Flood Risk Assessment (SFRA) which can inform the sustainability appraisal during the preparation of DPDs and thus influence decisions on policies and the allocation of land. This was not a requirement of PPG25 applicable when this CS was prepared, albeit that SFRA’s were referred to in the consultation draft of PPS25.
- 9.3 The Council has not yet undertaken a SFRA. Paragraphs 3.10.6 - 3.10.8 of the CS concern flood risk and flood protection and one of the criteria in CS8 is that new development should avoid increasing the risk of, or from, flooding. Areas at risk from flooding are shown on the key diagram, based on the Environment Agency’s (EA) flood plain maps. These areas are relatively narrow bands following the main watercourses in the Borough. My understanding is that a SFRA should identify all potential sources of flooding (such as from overflowing sewers) not just that of river flooding shown on the EA’s maps.
- 9.4 In my view, it would clearly have been preferable if a SFRA had been part of the CS’s evidence base whilst it was being progressed. But in the circumstances of Epsom and Ewell I consider that its absence does not make this CS unsound for 4 reasons. Firstly, the CS has made only very broad decisions about the location of development. Secondly, given the very limited area subject to fluvial flooding it is unlikely that flood risk would substantially alter the capacity of the Borough to accommodate development. Thirdly, the CS incorporates a clear policy stance to avoid increasing flood risk and, fourthly, the EA does not now object to the absence of a SFRA.
- 9.5 Following discussions with the EA, the Council has requested the insertion of a replacement paragraph for 3.10.8. This would indicate that the Council will conduct a SFRA to inform later DPDs; that appropriate site-specific flood risk assessments will be required to accompany planning applications; and that the Council will apply the risk based sequential approach and exception test when allocating development sites. In my view, this change together with related factual changes in A8 and A9 would make the CS sufficiently up to date and compliant with national policy and set an appropriate context for the preparation of subsequent DPDs.

***Waste handling and recycling***

- 9.6 Test of soundness 4 is that the DPD has properly had regard to other relevant plans, policies and strategies relating to the area or to adjoining areas. The Surrey Waste Plan is one such plan. This was submitted to the Secretary of State at a similar time as this CS and is currently the subject of an examination. On adoption, the Waste Plan will become part of the development plan. The County Minerals and Waste Development Framework is referred to in ¶ 2.1.4 of the CS.
- 9.7 In properly having regard to such other plans, it is important that the CS does not repeat what is best covered elsewhere and does not usurp the statutory role of such other plans. But the regard that has been given should not be entirely implicit. There is a clear policy intent expressed in the criteria of policy CS8 to minimise waste, facilitate waste handling and apply the waste hierarchy in the design of new development. What is lacking is a contextual explanation in the related supporting text, which should refer to the role of the Waste Plan.
- 9.8 In addition, Epsom’s Community Recycling Centre is inadequate in size and a new site is needed. This need is highlighted in the Waste Plan, but it does not allocate a new site. I consider that there is some unsoundness in the CS due to a lack of clarity about the respective roles of the different DPDs and how the need for a new community recycling centre in Epsom will be addressed. The Borough Council has agreed with County Council some additional text on this matter which would be explanatory text in support of policy CS8. I consider that this suggested paragraph provides the necessary clarity and I recommended its insertion.

***Other changes***

- 9.9 Various typographical corrections and minor factual updating are set out in section A of the Council’s composite changes. Where I have not already commented on these, I would endorse these changes as necessary for clarity. The Introduction to the CS needs to be revised and updated and the out of date Foreword removed. (Any new Foreword which the Council consider necessary could be added outside the adopted Core Strategy).
- 9.10 Various changes to the precise wording of policies or text were suggested in some of the representations. Other than as reflected in the previous sections, none go to the fundamental soundness of the plan and I do not comment on them further.
- 9.11 The DPD is a long and complex document. I have attempted to identify the consequential amendments that may follow from my recommendations, but it is inevitable that other consistency points will emerge. I am content for such matters, plus any minor spelling, grammatical or factual matters to be amended by the Council, so long as the meaning of the Plan is not altered. As a result of the changes I am making most of the policies and paragraphs will need to be renumbered. In this report and the attached schedules, I have referred to policies and paragraphs as they appear in the submitted document, not to what they will become.
- 9.12 In summary, the following changes are required for the above elements of the document to be sound (see schedules for specific changes in wording required):
- the replacement of paragraph 3.10.8 with new paragraph agreed between the Council and the EA;
  - the replacement of references to PPG25 with PPS25;

- the insertion of an additional paragraph concerning waste planning, as agreed between the Borough Council and the County Council;
- the typographical corrections and minor factual updating set out in section A of the Council's composite changes;
- any other editorial changes (not listed in the attached schedules) required as a consequence of the changes that I recommend, including the renumbering of policies and paragraphs and any cross references in the text.

## **10. OVERALL CONCLUSION AND RECOMMENDATION**

10.1 The CS meets tests 1, 2, 3, 4c 5 and 9, but I have found that the CS is unsound against the other tests. The seriousness of the unsoundness varies. Taking into account the contextual matters set out in my Introduction, the scope to reasonably introduce changes to aid clarification, remove repetition and improve the focus of some policies, and the balance that at present inevitably needs to be struck between making progress with plan-making whilst best practice and recent changes in national advice are fully assimilated, I conclude that the plan can be made sound.

### ***Formal determination and recommendation***

10.2 Subject to the incorporation of all the changes set out in the 6 schedules listed below, I determine that the Epsom and Ewell Core Strategy is sound. I therefore recommend that the document be adopted under the provisions of section 23 of the Planning and Compulsory Purchase Act 2004.

*Simon Emerson*

INSPECTOR

## 11. ANNEX: SCHEDULES OF REQUIRED CHANGES

The following schedules set out the changes that are necessary to make the CS sound. They include all the changes arising from my recommendations in the report. They also include those changes put forward by the Council to clarify, update and correct the text in the CS. I have generally termed these *Editorial* changes as they do not have a specific reference point in the main report. In some cases, I have amended the Council’s changes for greater clarity, to be consistent with other recommendations I am making or because I consider that the change is unnecessary (such as where the change is reporting updated national policy which does not need to be explained in the CS). I have also introduced some editorial changes. The changes are expressed in the commonly used form of strikethrough for deletions from the document and underlining for necessary additions. All references to policies and paragraphs are as they appear in the submitted document, not to what they will become as a result of the changes. Most of the policies and paragraphs in the CS will need to be renumbered as a result of the changes required, but I do not reflect any such changes in the schedules. The precise layout of the new text in policies is a matter for the Council.

### Schedule 1: Foreword, Sections 1, 2, and 3.1 of the CS

Report reference	Location of text in the CS	Required change
Editorial updating	Page 1 Foreword	Delete Foreword.  (Any new Foreword to be outside the adopted Core Strategy)
3.3	Page 3	Delete ¶ 1.1.4 (no replacement required).
Editorial updating	Page 3 ¶ 1.1.5	Delete from the bullet points all contents of the brackets – the timescales  <i>Supplementary Planning Documents (SPD)</i> – which will provide more detailed guidance on a range of issues, sites or wider areas, such as affordable housing, <u>developer contributions</u> or <u>sustainable building design</u> .
Editorial updating	Page 4 Section 1.2	Delete paragraphs 1.2.1 – 1.2.4 and insert:  <u>To reach this stage we held consultations and public meetings over a 24 month period. An important part of that process was understanding the issues the Borough faces and considering alternative options before moving on to publish the Council’s preferred options in January 2006. The responses we received at those stages informed our later decisions.</u>  <u>The Core Strategy was submitted to the Secretary of State in July 2006 for examination of its soundness by an Independent Inspector. Public hearings took place in January 2007. The Inspector’s binding report required a number of changes to the document in order to make it sound. These have all been incorporated, but do not change the overall strategy. The amended version of</u>

		<p><u>the Core Strategy has now been adopted by the Council.</u></p> <p><u>Sustainable development is at the core of policies contained in the plan. We are trying to achieve more sustainable development and more sustainable communities. To ensure that our proposals achieve this, the Core Strategy was subjected to a detailed “sustainability appraisal” at each stage of its preparation to consider the social, economic and environmental impacts of the various options considered.</u></p>
Editorial updating.	Pages 4 - 5	<p>Delete sections 1.3 and 1.4</p> <p>(It is suggested that references to the availability of the document in other formats should be more prominent, outside the adopted Core Strategy).</p>
Editorial correction	Page 7 ¶ 2.1.6	...Core Strategy <del>document</del> is contained in <del>published</del> as a supporting document, available on the Council’s website
6.10	Page 10 ¶ 2.5.2	...live, work and visit ( <u>working” within this context also includes those who study in the Borough</u> ). New development...
6.8	Page 14 ¶ 3.1.4 bullet points	<p>Renumber all policy references as a result of subsequent changes.</p> <p>Bullet point 8:</p> <p><u>Promoting an inclusive and caring society, supporting the provision of community facilities (including high quality education and health facilities), and encouraging development which....</u></p>
Editorial	Page 14 Policy CS1	Last line: ...of future <del>7</del> generations... (delete stray comma)
Editorial consistency with ¶3.22 amended	Page 16 ¶ 3.3.8	and identify <del>any</del> ‘major developed sites’

**Schedule 2: Sections 3.2- 3.10 of the CS**

Report reference	Location of text	Required change
7.10	Page 16 3.4 Heading	Add at the beginning: <b><u>Biodiversity and designated nature...</u></b>
7.10	Page 16 Before ¶ 3.4.1	Insert whole text from existing ¶s 3.6.1, 3.6.3, and 3.6.5.

Editorial correction	Page 16 ¶ 3.4.2	Add capitals ..... <u>S</u> ites of <u>N</u> ature <u>C</u> onservation <u>I</u> nterest.....
7.10 Editorial correction Editorial (unnecessary text) 7.10	Page 17 Policy CS3	Insert at the beginning of the policy the 1 <sup>st</sup> ¶ of CS5. ...Sites of Special Scientific Interest <u>and</u> <del>or</del> Ancient Woodland...  Delete last sentence of existing policy.  Insert at the end of the policy the last paragraph of CS5 as amended below:  <u>Elsewhere,</u> development that is....
7.10	Page 17 At the end of ¶ 3.4.5	Insert whole text from existing ¶ 3.6.6.
Editorial (unnecessary text) Editorial addition taken from ¶ 3.19.1.	Page 18 ¶ 3.5.1	Delete 1 <sup>st</sup> sentence.  ...by both residents and visitors. <u>They distinguish Epsom and Ewell Borough from other places.</u> These green spaces...
7.13	Page 18 Add new ¶ after ¶ 3.5.5	<u>The following policy is intended to help improve the quality, quantity and variety of open spaces available to the local community and provide clear and more focussed guidance to developers on what scale and form of contribution is expected from them.</u>
7.13	Page 19 Policy CS4	Add new paragraph at the beginning:  <u>Emphasis will continue to be placed on protecting and enhancing the two strategic open spaces of Nonsuch Park and the Hogsmill River, shown on the key diagram. These areas provide a particularly important recreational, amenity and wildlife source</u>  Add to existing 2 <sup>nd</sup> ¶:  ...to enhance <u>the quality of</u> existing open spaces...  Add new paragraphs at end (taken from CS15):  <u>On all new residential developments there will be a requirement for open space and recreational provision in accordance with the details set out in the Developer Contributions SPD. This policy will apply to all new residential developments within the Borough where a quantitative or qualitative deficiency of open space or recreational provision exists, or where the development would lead to such a deficiency.</u>

		<u>Where it is impractical or inappropriate to provide the open space within the housing scheme, the Council will expect a financial contribution from the developer to allow an alternative means of provision or enhancement. The nature and extent of that contribution will be governed by the formulae set out in the SPD, the identification of needs in the Audit of Open Space, and other evidence as appropriate.</u>
Editorial (spelling) Editorial (unnecessary text)	Page 19 ¶ 3.5.6	2 <sup>nd</sup> sentence: policieš Delete last sentence.
7.13	Page 19 Add new ¶ after 3.5.6 (taken from ¶ 3.19.4 – amended)	<u>The Developer Contributions SPD will be prepared to provide the detailed basis for operating this policy, particularly the estimated costs of providing open space and associated facilities. Local priorities for the provision of recreational open space will be set out in the SPD and in the Council’s own Sports and Active Leisure Development Strategy. The SPD, the strategy and the core survey data on which the policy has been based, will be updated regularly, ensuring that the evidence base remains relevant and up to date.</u>
7.13	Pages 19-20	Delete 3.6 and heading Delete ¶s 3.6.1 - 3.6.6 Delete Policy CS5 Delete Indicator and Target box
7.15	Page 21 3.8 Heading	<del>Heritage Protection</del> <u>The Built Environment</u>
Editorial correction	Page 21 ¶ 3.8.2	The value of the special character of some established residential neighbourhoods has <u>been</u> recognised locally
7.16	Page 22 After ¶ 3.8.4	Insert whole text from existing ¶s 3.9.2, 3.9.3 and 3.9.4.
7.16	Page 22 Policy CS6	The Council will <del>seek to</del> protect and <u>seek to</u> enhance the Borough’s..... Add at the end of the policy: <u>High quality and inclusive design will be required for all developments. Development should:</u> <ul style="list-style-type: none"> <li>• <u>create attractive, functional and safe public and private environments;</u></li> <li>• <u>reinforce local distinctiveness and complement the attractive characteristics of the Borough;</u></li> <li>• <u>make efficient use of land and have regard to the need to develop land in a comprehensive way.</u></li> </ul>

<p>Editorial (unnecessary text) and 7.16</p>	<p>Page 22 ¶ 3.8.5</p>	<p>Delete 1<sup>st</sup> and 2<sup>nd</sup> sentences. Add at the beginning: <u>The Council is preparing conservation area appraisals and management plans for each of the Borough’s conservation areas.</u> Add at the end, all the text from existing ¶ 3.9.7.</p>
<p>7.16</p>	<p>Pages 22-24</p>	<p>Delete 3.9 and heading Delete ¶s 3.9.1 - 3.6.7 Delete Policy CS7 Delete Indicator and Target box</p>
<p>Editorial updating and clarification</p>	<p>Page 25 ¶ 3.10.5</p>	<p>The Council will therefore prepare a <del>Supplementary Planning Document</del> <u>more detailed policies</u> to provide this guidance, and set appropriate targets, for example for renewable energy production in new developments, <u>in the Development Control DPD.</u></p>
<p>9.5</p>	<p>Page 25 ¶ 3.10.6</p>	<p>Delete 3<sup>rd</sup> sentence and insert: <u>Planning Policy Statement 25: Development and Flood Risk, states that all forms of flooding and their impact on the natural and built environment are material planning considerations.</u></p>
<p>9.5</p>	<p>Page 26 ¶ 3.10.8</p>	<p>Delete all of ¶ and insert: <u>PPS25 states that flood risk assessment should be carried out to the appropriate degree at all levels of the planning process. The Council has taken account of flood risk throughout the preparation of the Core Strategy. The Council will conduct a Strategic Flood Risk Assessment to inform later Development Plan Documents where specific allocations will be made. Where appropriate, site-specific flood risk assessments will be required to accompany planning applications. In line with PPS25 the Council will apply the risk based sequential test and exception test when allocating development sites.</u></p>
<p>9.8</p>	<p>Page 27 After ¶ 3.10.9</p>	<p>Insert new ¶: <u>It is the responsibility of Surrey County Council, as Waste Planning Authority for Surrey, to identify and allocate land for the development of waste management facilities in Epsom and Ewell Borough. The Surrey Waste Plan submission draft (2006) highlights the need for a new Community Recycling Centre to replace the existing</u></p>

		<u>facility at Blenheim Road, Epsom, but does not allocate a site. The lead in identifying a suitable alternative site in the Epsom area will be taken by the County Council and it will be their responsibility, or that of their contractors, to acquire or lease a site, and secure the necessary consents. In due course the Borough Council’s Proposals Map will incorporate any site specific allocations arising from the approved Surrey Minerals and Waste Local Development Framework.</u>
8.8	Page 26 ¶ 3.10.9	Retain 1 <sup>st</sup> and 2 <sup>nd</sup> sentences, but delete rest of ¶ and insert:  <u>The Council will provide further detailed guidance on how this policy will be implemented in a Development Control Policies DPD. It is envisaged that this document will incorporate targets for the provision of on-site renewables and will include requirements for developers to help mitigate carbon emissions in new developments.</u>

**Schedule 3: Sections 3.11 – 3.15 of the CS**

Report reference	Location of text in CS	Changes Required
Editorial Typographical error	Page 27 ¶ 3.12.2	.....the fabric of existing development is already dense and where intensification can bring with it other issues such as increased congestion...
¶ 3.2	Page 27 Add at end of ¶ 3.12.4	<u>Until the South East Plan is approved the Structure Plan’s housing requirement should continue to be met. The housing trajectory in the AMR shows that this requirement should be exceeded for at least the next 2 years, by which time the South East Plan should have been approved.</u>
Editorial updating	Pages 28-29 ¶ 3.12.5	Retain 1 <sup>st</sup> sentence; delete rest of ¶ and insert:  <u>The Council proposes to prepare a Housing Delivery Supplementary Planning Document which will set out its overall strategy for housing provision and its approach to managing the delivery of its housing targets and trajectories.</u>
¶ 3.9	Page 29 After ¶ 3.12.5	Add new paragraphs (notionally 3.12.6/7/8) as set out in Schedule 4 below together with an Appendix at the end of the CS which is also set out.

<p>Editorial Typographical error</p>	<p>Page 29 ¶ 3.13.1 Line 4</p>	<p>Economic and social objectives have been balanced with an assessment of the impact <u>of</u> new development on the environment.....</p>
<p>Clarification 3.21</p>	<p>Page 29 ¶ 3.13.1 Line 7</p>	<p>‘...development will be concentrated within the defined built up area and in the <del>previously defined</del> hospital cluster sites, where there is the greatest potential for the re-use of previously developed land</p>
<p>3.21-3.22</p>	<p>Page 29 Add new paragraph after ¶ 3.13 2</p>	<p><u>There are three former hospital sites (West Park, St Ebba’s and Horton B) shown on the key diagram as strategic development locations. These sites will make a significant contribution over the next few years to meeting the housing targets in this plan. These sites are within the Green Belt and it is proposed that they will be defined in the Site Allocations DPD as Major Developed Sites in line with Planning Policy Guidance 2: Green Belts. This approach is a continuation of the Council’s existing strategy towards the hospital cluster, as shown by the approved development briefs for the sites.</u></p>
<p>3.21-3.22</p>	<p>Page 30 Policy CS10</p>	<p>1<sup>st</sup> ¶: New housing development will be located within the defined built up area of Epsom and Ewell and within the three <del>remaining defined</del> hospital cluster sites <u>of</u> (West Park, St Ebba’s and the remaining part of Horton B). The built up area will be defined on the proposal map. <u>The three hospital sites will be identified as Major Developed Sites in the Green Belt.</u></p> <p>2<sup>nd</sup> ¶: <del>....including infilling redevelopment and conversion, provided the proposals:-</del> <del>maintain or enhance the character of the area and the quality of the environment in terms of design layout and landscaping;</del> <del>are suitably accessible, and meet other sustainability policies; and</del> <del>provide appropriate infrastructure.</del></p> <p>Last ¶: <del>(within the broad context of strategic guidance in Planning Policy Statement 3 Housing)</del></p> <p>Add at end: <u>Further policies on densities will be set out in subsequent DPDs.</u></p>

4.10	Page 30 ¶ 3.14.3	For the purposes of this plan and the operation of the Council’s housing strategy “affordable housing” is that provided with subsidy, <del>both for rent and low cost market housing</del> , <u>either as social rented housing or intermediate affordable housing</u> as an on-going resource...
Unnecessary reporting of national policy.	Page 31 ¶ 3.14.6	Delete whole paragraph (no replacement text required).
Unnecessary reporting of national policy.	Page 31 ¶ 3.14.7	Delete whole paragraph (no replacement text required).
¶s 4.3 and 4.9  4.14	Page 31 3.14.8	...at least 35% of all new housing completions in Epsom and Ewell are affordable. <u>This equates to the provision of 950 new affordable homes over the period 2007 to 2022 based on total provision set out in CS10.</u> These should comprise <del>25% social rented and 10% other forms of affordable housing</del> <u>a tenure mix of 70% social rented, and 30% intermediate affordable housing.</u>  These targets will be kept under review by the Council, and may be changed as a result of: monitoring and future housing market assessments; <u>significant changes in the availability of additional funding; and changes in overall housing provision for the plan period.</u>
Unnecessary reporting of national policy.	Page 31 ¶ 3.14.9	Delete whole paragraph (no replacement).
Deletion of out of date/contradictory text.	Page 31 ¶ 3.14.10	Delete whole paragraph (no replacement).
4.8	Page 32 ¶ 3.14.12	<del>In the case of sites of less than 5 dwellings, commuted payments based on a tariff system will be required as a contribution to provision elsewhere.</del>
4.17	Page 32 Add new ¶ before CS11 and after ¶ 3.14.12	<u>The delivery of the target expressed in policy CS11 will depend upon some sites being developed for up to 100% affordable homes, including land currently owned by the Borough Council, or under the control of Registered Social Landlords. Encouragement will be given to maximising the potential of land within the urban area of Epsom and Ewell to provide housing which meets affordable housing needs.</u>
4.3	Page 32 Policy CS11	Insert at the beginning of the policy:  <u>The Council has a target that overall, 35% of new dwellings should be affordable. This equates to the</u>

<p>4. 8</p> <p>4.6 – 4.7</p> <p>4.14</p> <p>Editorial clarification</p> <p>Update in response to revised LDS</p>		<p><u>provision of 950 new affordable homes over the period 2007 to 2022</u></p> <p>Delete 2<sup>nd</sup> paragraph (no replacement).</p> <p>After 1<sup>st</sup> ¶ insert:</p> <p><u>Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing as set out below: ....</u></p> <p>1<sup>st</sup> ¶ <del>...should provide</del> <u>include</u> a mix of dwelling types...</p> <p>3<sup>rd</sup> ¶ <del>...should provide</del> <u>include</u> at least 20%...</p> <p>4<sup>th</sup> ¶ <del>...should provide</del> <u>include</u> at least 40%...</p> <p>3<sup>rd</sup> ¶:</p> <p><del>...irrespective of the number of dwellings proposed....</del></p> <p>6<sup>th</sup> ¶:</p> <p><del>....the mechanisms for delivery of the affordable housing, will be set out in a Supplementary Planning Document on affordable housing the Developer Contributions SPD</del></p>
<p>Editorial</p> <p>Deleting repetition.</p>	<p>Page 33</p> <p>¶ 3.14.15</p>	<p>Delete whole paragraph (no replacement).</p>
<p>4.13 - 4.14</p>	<p>Page 33</p> <p>After ¶ 3.14.14</p>	<p>Insert new ¶:</p> <p><u>In addition to on-site contributions from developers, meeting the overall levels of affordable housing proposed in this plan, and achieving the required balance between social rented and intermediate affordable housing, will depend upon continued financial subsidy from a variety of sources. These sources include the National Affordable Housing Programme (NAHP), via Housing Associations, and contributions from the Council’s capital reserves or from landholdings. The level of public funding subsidy required will vary between the different types of affordable housing being provided. It is the Council’s intention to deploy negotiated commuted sums where appropriate to top up NAHP funding should this be necessary. The Council considers that based on recent levels of public funding, the affordable housing targets in this plan are achievable. However should there be a significant reduction in the level of funding through the NAHP, the Council may need to reconsider its housing programme and its affordable housing targets. Further information on the level of subsidy funding available for specific affordable housing schemes, and on the current availability of public funding to support the Council’s housing programme, will be made generally available in</u></p>

		<u>the Developer Contributions and Housing Delivery SPDs, and to individual developers as part of the proposed “open book” approach to site viability assessment.</u>
5.6	Page 33 Heading 3.15	<b><u>Gypsies, and Travellers and Travelling Showpeople.</u></b>
5.6	Page 33 ¶ 3.15.1	Last sentence: <u>....gypsies, and travellers as well as for travelling showpeople.</u>
5.7	Page 33 ¶ 3.15.2	Delete last sentence and insert: <u>Policy CS12 provides the broad context for any such allocations.</u>
5.6  5.7	Page 33 ¶ 3.15.3	Insert after 1 <sup>st</sup> sentence: <u>There is an existing privately owned showpeople’s site in the Borough.</u>  Insert after last sentence: <u>Representative organisations will be consulted at an early stage if there is a need for additional provision.</u>
5.7	Page 34 Policy CS12	Delete the whole of the policy and insert: <u>Provision will be made for additional sites for gypsies and travellers and travelling showpeople if a need is identified in the joint accommodation assessments currently being undertaken or in the South East Plan Review. Where additional sites are required they will be allocated in the Site Allocations DPD. The selection of any such site will take into account the policy objectives of the Core Strategy, the needs of future occupiers and the likely availability of any site for its intended occupiers. The Development Control DPD will include a criteria based policy for the consideration of applications on any other sites.</u>

**Schedule 4: Insert the following new paragraphs after ¶ 3.12.5 plus Appendix 1 at the end of the CS:**

In line with Planning Policy Statement 3: Housing (November 2006) and the submitted South East Plan, the Core Strategy sets out in Policy CS9 a 15-year housing supply, from its base date of April 2007 to March 2022. The expected components of this housing land supply are summarised in the table below. Further details are provided in Appendix 1. More detailed information will be contained in the Council’s housing land availability assessments and its AMR.

Expected principal components of housing land supply 2007-2022

<u>Policy CS9- Housing provision target 2007-2022</u>	<u>Dwellings</u>	<u>2,715</u>
<u>Existing commitments</u>	<u>1691</u>	
<u>Windfall sites estimate</u>	<u>767</u>	
<u>Sites to be allocated</u>	<u>257</u>	
	<u>Total</u>	<u>2,715</u>

Evidence shows that the Borough has a good record of delivering on its housing targets in recent years. Regular monitoring and management of housing land supply through the AMR process and the proposed Housing Delivery SPD, and continuing dialogue with housebuilders and other stakeholders, will help ensure adequate housing delivery over the period of this plan. The Borough has always relied on a significant contribution from small and medium sized windfall sites in meeting required housing provision and evidence demonstrates that such sites have come forward on a consistent basis in recent years. The built up area of the Borough is tightly bordered by the Green Belt and is relatively densely developed. A reliance on small and medium sized windfalls based on past experience is justified to avoid releasing land from the Green Belt. The need to rely on windfalls will be further tested in the Strategic Housing Land Availability Assessment now required by PPS3. The Council is not relying on windfalls from large sites.

It is estimated that the forthcoming Site Allocations DPD will need to allocate sites for at least 257 dwellings over the period 2007-2022 to ensure adequate housing provision; the precise figure will be reviewed at the time the DPD is prepared against the overall housing target confirmed in the South East Plan. Several major sites within the built up areas of the Borough have recently been granted planning permission for housing, and development on them is progressing. Further sites will be evaluated and appraised as part of the preparation of the Site Allocations DPD, including the remaining undeveloped allocations from the Local Plan 2000. These will be considered for allocation in order to meet the housing shortfall set out above.

**Appendix 1: Expected components of housing supply 2007-2022**

<u>15 year housing provision target (net) – Policy CS9</u>	<u>Dwellings</u>	<u>2,715</u>
<u>Potential Oversupply 2006-07 (275 – 181)</u>	<u>94</u>	
<u>Residual of large sites<sup>1</sup> (under construction)</u>	<u>351</u>	
<u>Forthcoming large sites (with planning permission)</u>	<u>888</u>	
<u>Forthcoming medium sites<sup>2</sup> (with planning permission)</u>	<u>149</u>	
<u>Forthcoming small sites<sup>3</sup> (with planning permission)</u>	<u>209</u>	
<u>Windfall estimate- medium sites (43 x 11.5)</u>	<u>495</u>	
<u>Windfall estimate- small sites (32 x 8.5)</u>	<u>272</u>	
<u>Sub-total</u>	<u>2,458</u>	
<u>Dwellings to be allocated in Site Allocations DPD</u>		<u>257</u>

Footnotes to Appendix 1

<sup>1</sup>Large site provides 10 or more net dwellings on a site area of 0.4 hectares or above.

<sup>2</sup>Medium site provides 10 or more net dwellings on a site area of under 0.4 hectares.

<sup>3</sup>Small site provides 1 to 9 net dwellings regardless of size.

**Schedule 5: Sections 3.16-3.24 of the CS.**

Report reference	Location of text in CS	Required change
7.21	Page 36 ¶ 3.16.7	Delete 3 <sup>rd</sup> bullet.
7.18 - 7.20	Pages 36-37 Policy CS13	Delete whole policy and insert:  <u>Losses of employment land will be resisted in the strategic employment areas of the Nonsuch and Longmead Industrial Estates and within Epsom town centre and Ewell village centre. Regeneration of employment premises and intensification of employment uses will be encouraged in these locations.</u>  <u>A cautious approach will be adopted to losses of employment land elsewhere. The Site Allocations/Development Control DPDs will set out detailed policies for the redevelopment of employment sites within strategic employment areas and elsewhere and will define sites where particular policies apply</u>  <u>The Council will support and facilitate new working methods that seek to increase productivity without significant increases in workforce and which limit the need to travel, such as home working.</u>
7.21	Page 37 ¶ 3.16.9	Delete 1 <sup>st</sup> sentence.  The <u>strategic employment</u> <del>business</del> areas ...
7.21	Page 37 ¶ 3.16.10	So as not to compromise their likely future needs, applications will be assessed <del>on a case by case basis</del> <u>by criteria based policies set out in subsequent DPDs</u> and any losses will be carefully monitored.
6.2	Page 38 ¶ 3.18.3	Add at the end of the first sentence:  <u>...and be consistent with principles set out in Circular 05/2005 Planning Obligations.</u>
7.13	Page 39	Delete 3.19 and heading  Delete ¶s 3.19.1 - 3.19.4

		Delete Policy CS15 Delete Indicator and Target box.
6.8	Page 40 ¶ 3.20.1	Add at the end of the ¶: <u>In line with the South East Plan, the Council will continue to work closely with the education sector to ensure its needs can be met. Epsom and Ewell contains several institutions which provide important and valued community facilities that meet needs arising from beyond the boundaries of the Borough; these include The District General Hospital and providers of higher/ further education- including North East Surrey College of Technology (NESCOT) and The University College for the Creative Arts (UCCA).</u>
6.4 -6.8	Page 40-41 Policy CS16	The loss of community, <u>cultural</u> and built sports facilities... The provision of the new community, <u>cultural</u> and built sports facilities... <u>...they meet the identified needs of local communities or of the Borough as a whole both within the Borough and beyond .....</u>
6.4	Page 41 ¶ 3.20.7	Add at end of ¶: <u>Cultural facilities in this policy refer to uses falling within Use Class D2 such as cinemas and sports halls, and for the purposes of the plan the definition also includes theatres.</u>
7.21	Page 44 Policy CS18	Add at the end: <u>Stoneleigh and Ewell Village are the largest local centres in the Borough and are shown on the Key Diagram. Other local centres will be defined in the Site Allocations DPD including the proposed new shopping facility at Horton (hospital cluster).</u>
7.16 -7.17	Page 45 ¶ 3.24.5	- the Kiln Lane Link is included in the <u>LTP and in the implementation programme submitted in support of the South East Plan. (currently for the period between 2011-2016).</u> <u>This new road will greatly improve accessibility to the Nonsuch and Longmead industrial estates, with considerable benefits for pedestrians and cyclists. Land will be allocated for this infrastructure improvement in the Site Allocations DPD.</u>
Editorial	Page 46 Policy CS19	2 <sup>nd</sup> ¶ line 2 “: ..and delivers <u>a high a quality public realm for users.</u>



## **CS2**

### **Indicators**

- Number and type of planning permissions granted in the Green Belt.
- ~~Number of Green Arc, Lower Mole Project or other Council initiatives.~~

### **Target**

- All development allowed in Green Belt meets criteria in national policy.

### **Delivery Mechanism**

- Through development control decisions based on Green Belt policy and boundaries defined on the Proposals Map.
- ~~By support for, and implementation of, the Lower Mole Project, Green Arc and similar initiatives.~~

## **CS3 (for new policy combined with CS5)**

### **Indicators**

- % of SSSIs in favourable condition or improving which meets the Public Service Agreement (Government has a PSA target that 95% of the SSSIs should be in favourable or recovering condition by 2010).
- Number and area of Sites of Nature Conservation Interest Importance (Grade 2), Sites of Nature Conservation Interest Importance (Grade 3), and ancient woodlands.
- Number of new developments providing mitigation for loss of biodiversity or/and incorporating features to improve existing biodiversity

### **Targets**

- 95% of the SSSIs should be in a favourable or recovering condition by 2010 (Government Public Service Agreement target).
- Appropriate targets will be developed in Development Control Policies DPD, informed by the local Biodiversity Action Plan.

### **Delivery Mechanism**

- Through development control decisions and negotiation (for mitigation measures).
- By the effective management of designated sites.
- By maintaining up to date information on local biodiversity (including the value of contributions from previously developed land).
- Production of a local Biodiversity Action Plan.

## **CS4**

### **Indicators**

- Amount and range of open space provided in the Borough relative to requirements set out in the most recent open space audit.

### **Target**

- Provision should meet defined audit standards. Appropriate targets will be developed in future LDDs.

### **Delivery Mechanism**

- Through the development control process.
- By maintaining an up to date audit of open space, sport and recreational facilities to identify shortfalls and requirements, and opportunities to fund investment.

## **CS5 (policy deleted and combined with CS3, so delete whole box)**

### **CS6 (for new policy combined with CS7)**

#### **Indicators**

- ~~Number of Conservation Areas within the Borough and~~ percentage of conservation areas where appraisals and management plans have been completed.
- Number of listed buildings within the Borough ~~and number on the national “Buildings at Risk Register”.~~
- Number of “locally listed” buildings ~~and number on the Council’s local “Buildings at Risk” register.~~
- Number of potential archaeological sites where development has taken place without investigation ~~Number of potential archaeological sites developed where investigation took place and finds were recovered and recorded.~~
- Regular review of the quality of design in completed new development, in collaboration with other partners.

#### **Targets**

- Conservation Area appraisals: an increasing proportion until all are completed.
- A reduction in the number of buildings on the national at Risk Register.
- A reduction in the number of buildings on the local at Risk Register.
- ~~No potential archaeological sites should be developed without an appropriate investigation.~~
- A method to review the quality of design will be developed in conjunction with the Design Guidance SPD.

#### **Delivery Mechanism**

- Through development control advice, negotiation and decisions.
- Through guidance in SPDs, including development briefs, design statements and design guidance (including the Surrey Design Guide).
- By the preparation and publication of conservation area character appraisals and management plans.
- Through designations and policies in other ~~DPDs~~, including a review of relevant boundaries of protected areas and the identification of other areas of special character.
- By engagement with the local community, developers and other agencies involved in securing high quality development. (from CS7)

### **CS7 (policy deleted and combined with CS 6 so delete whole box)**

### **CS8**

#### **Indicators**

- ~~Detailed targets will be set out in a Supplementary Planning Document on “Climate change neutral development” (for example the percentage of energy required by new development to be provided from renewable sources).~~
- Number of planning permissions granted contrary to Environment Agency advice on flood risk
- Further indicators and targets will be set out in the Development Control DPD and Design Guidance SPD.

#### **Target**

- Flood risk: 100% of decisions to be made in accordance with Environment Agency advice.

#### **Delivery Mechanism**

- Through ~~the preparation of sustainability guidance for development in a supplementary planning document~~ guidance in other LDDs.
- Through development control negotiation and building control practices, including BREEAM and energy use assessments
- By encouragement to the building industry locally to implement emerging good practice
- By liaison and close working with other agencies including the Environment Agency, particularly in relation to pollution control, sewage treatment and flooding

## **CS9**

### **Indicator**

- Number of net housing completions per annum. ~~Annual net additional dwellings completed and comparison with strategic housing requirement in South East Plan.~~

### **Target**

- Set out in policy CS9.

### **Delivery Mechanism**

- Through allocations and phasing in the Site Allocations DPD and Proposals Map.
- Through the development control process.
- By publishing monitoring data and a housing trajectory in the Annual Monitoring Report.
- By the preparation of a Housing Delivery SPD ~~Housing Delivery Action Plan.~~

## **CS10**

### **Indicator**

- % of housing completed on previously developed land.
- ~~Net additional dwellings per year provided within defined built up area and hospital cluster.~~
- ~~Percentage of new dwellings completed within density ranges (less than 30 dph; 30-50 dph; greater than 50dph).~~
- Housing density policies (and related indicators and targets) will be set out in future LDDs.

### **Target**

- Will be specified in the Site Allocations DPD.

### **Delivery Mechanisms**

- Through site allocations in the future DPD and on the Proposals Map
- Through the development control process
- Through discussions and negotiations with private housebuilders and Registered Social Landlords

## **CS11**

### **Indicators**

- Number of affordable housing units completed per annum (and as a % of total net completions). ~~Annual number of affordable dwellings provided as part of completed developments, and as a proportion of the total completions.~~
- Number of social rented and intermediate affordable housing (and as % of total affordable housing completions). ~~Annual numbers of social rented and other types of affordable housing, and as a proportion of the total completions.~~

### **Targets**

- Number of affordable units is set out in policy CS11.

- The affordable housing tenure mix of 70% social rented and 30% intermediate affordable housing is set out in the supporting text.

#### **Delivery Mechanism**

- Through the proposed Developer Contributions SPD on Affordable Housing which will set out the nature and extent of contributions from developers.
- Through negotiations between development control and residential developers.
- Through the preparation of site development briefs.
- By joint liaison and close working with housing agencies including the Council’s Housing Department, Registered Social Landlords and housebuilders.

### **CS12**

#### **Indicator**

- Number of pitches provided for permanent gypsy and traveller accommodation and pitches for travelling showpeople, against the requirements identified in the South East Plan and needs in the Gypsy and Traveller Accommodation Assessment ~~Number of pitches provided for permanent gypsy or traveller accommodation, relative to needs identified in the South East Plan and local Gypsy Accommodation Assessments.~~

#### **Target**

- Target will be set in future DPD following the revision of the South East Plan.

#### **Delivery Mechanism**

- Through the development control process.
- Through the allocation of any necessary and appropriate sites in the Site Allocations DPD.

### **CS13**

#### **Indicators**

- Amount of employment floorspace gained and lost per use class (in Epsom Town Centre, Ewell Village, defined employment areas and rest of Borough).
- ~~Amount of floorspace developed for employment by type (floorspace monitoring) within and outside the designated business areas~~
- ~~Employment land supply by type~~
- ~~Losses of employment land in i) employment areas ii) Epsom and Ewell Borough~~
- ~~Unemployment data~~
- ~~Job growth and economic structure information by key job sectors~~

#### **Target**

- Will be set in future DPDs against the background provided by Employment Needs Surveys.

#### **Delivery Mechanism**

- Through the development control process
- By the identification of key business employment areas in the Site Allocations DPD / Proposals Map
- Working with key business agencies including the local Business Partnership and with members of the Local Strategic Partnership
- Through surveys of local employers

### **CS14**

#### **Indicator**

- % of developments that would potentially create, or add to, a deficit in service or community infrastructure provision, that make good the potential deficits.
- ~~On site provision or the financial value of contributions to community infrastructure received through planning obligations.~~

**Target**

- All development to make good potential deficits.

**Delivery Mechanism**

- Through the proposed SPD on developer contributions.
- Through development control negotiation and decision making.

*(CS15 policy deleted and combined with CS5 so delete whole box)*

**CS16**

**Indicator**

- Net change in the type and number of community, cultural and built sports facilities provided each year within the Borough

**Target**

- No net annual loss of community, cultural and built sports facilities.

**Delivery Mechanism**

- Through the development control process and, where appropriate, developer contributions.
- By maintaining a dialogue with the community, Council partners and providers of community facilities within the Borough and in areas adjoining the Borough.

**CS17**

**Indicators**

- Amount of retail floorspace gained/lost within town centre, and percentage within defined primary or secondary shopping areas.
- Amount and percentage of completed residential, business and cultural/leisure development within the town centre.
- ~~Surveys of traffic movements, footfall, public perception and user satisfaction etc.~~
- ~~Position of Epsom in sub-regional retail hierarchy using retail indices.~~

**Targets**

- Retail floorspace gained / lost in town centre: Targets will be set out in the Site Allocations DPD and / or the Epsom Town Centre Area Action Plan DPD.
- Residential, retail, business, cultural & leisure: Targets will be defined in the Site Allocations DPD and / or the Epsom Town Centre Area Action Plan DPD.

**Delivery Mechanism**

- Preparation and implementation of the Town Centre Area Action Plan and Development Control Policies DPDs
- Through the development control process
- Assessment against criteria based policies in DPDs which will focus on maintaining an appropriate mix and range of uses, ensuring high quality sustainable design etc
- Collaborative working with the Local Strategic Partnership and the local Business Partnership in the development and review of the “Strategy for Epsom Town Centre”

### **CS18**

#### **Indicators**

- Amount of retail space gained / lost in the local centres. Total amount of retail floorspace and percentage of retail use against other uses within the main defined frontages.
- Surveys of public perception and user satisfaction.

#### **Target**

- Target will be defined in Site Allocations DPD (Local centres will be identified in the accompanying Proposal Map).

#### **Delivery Mechanism**

- Development control decisions based on policies which encourage an appropriate balance of uses within the local centre, and high quality and sustainable design
- Liaison and joint working with the Local Strategic Partnership, Chamber of Commerce and the local Business Partnership

### **CS19**

#### **Indicators**

- ~~Amount of Section 106 monies collected towards transport / travel improvements.~~
- ~~Other indicators included in the Local Transport Plan.~~
- % of major residential and commercial developments that encourage the use of non-car modes of transport.
- % of major residential developments located within 30 minutes public transport time of health, education, retail and employment facilities.

#### **Target**

- All major residential and commercial developments should encourage the use of non-car modes of transport.
- All major residential developments should be within 30 minutes public transport time of health, education, retail and employment facilities.

#### **Delivery Mechanisms**

- Liaison and close working with Surrey County Council (transport division) and other key transport infrastructure providers
- Through development control by the use of more detailed policies in the Development Control Policies DPD, and through negotiation over developer contributions and S106 planning obligation monies.

End of Schedules