

Epsom & Ewell Local Plan Examination
Matter 7:
The Built Environment

12 September 2025

Issue 9: Are the Plans policies in relation to the built environment positively prepared, justified, effective and consistent with national policy?

Policy S11 Design

Q9.1 Does the policy wording as currently drafted look to optimise densities as required by the Framework?

- 9.1 Yes, presuming this question relates to paragraph 130 of the framework, the Local Plan policy, at S11 a), specifically states that development should make efficient use of land. “Efficient Use of Land” is defined in the supporting text to the policy (which, it is clear, should be read in conjunction with the policy,) as a minimum of 80, 60 or 40 dwellings per hectare depending on the location of the site.
- 9.2 The Council consider that these are appropriate *minimums* in these locations, which seek an uplift in the average density of residential development across the borough, without compromising the policies of the Framework when read as a whole. They are also broadly in alignment with examples set out in the National Model Design Code (NMDC), (E.g. p.13 National Model Design Code), though it is acknowledged that for urban centres, the NMDC recommends 120dph as a guide.
- 9.3 Due to the historic environment of the urban centres within the borough, specifically Epsom Town Centre, it is considered appropriate to set a minimum density standard that is less than that suggested for urban centres in the NMDC. This will enable the decision makers to exercise planning judgement when determining planning applications.
- 9.4 In recognition that some areas may benefit from more prescriptive guidance, the policy includes a hook for future design codes, should the Council decide to take a more prescriptive approach to densities in the future.

Q9.2 Does the approach accord with paragraph 129 a and b of the Framework and should density standards be expressed as a minimum within the policy wording? If not why not?

- 9.5 Yes, the approach accords with paragraph 129 a) and b) of the Framework insofar as the spatial strategy and associated policies supports development that makes efficient use of land considering the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and local market conditions and viability. To expand:
- a) The spatial strategy has taken the national standard method-derived housing need figure as a starting point, balanced this with constraints and the availability of land (see LAA, Site Selection Methodology and Sustainability Appraisal), to set the local housing requirement figure to inform a strategy that will promote sustainable development.
 - b) The Housing and Economic Development Needs Assessment (HEDNA) has identified the need for different types of housing and other forms of development.
 - c) The Local Plan Viability Assessment has tested all policies (including S11, Design) against a range of typologies of development.
 - d) Policy S11 Design, S1 Spatial Strategy (brownfield first), S2 Sustainable and Viable Development, S3 Climate Change Adaptation and Mitigation (1, c), all Site Allocation Policies and S19 Transport (1 a) respond to the variables expressed in these evidence base documents to support development that makes efficient use of land.
- 9.6 As set out in our response to Q9.1, Policy S11 a) requires development to make efficient use of land, which is defined in the preceding text to the policy as a minimum of 80, 60 or 40 dwellings per hectare depending on what type of location the site is. The policy does therefore express density standards as minimums.

Q9.3 Paragraph 7.2 of the supporting text identifies a number of densities for development across the borough. What part of the evidence base has informed these figures and in what way will they achieve a significant uplift in the average density of residential development by paragraph 129 (a) of the Framework?

- 9.7 Paragraph 7.2 defines efficient use of land as 80, 60 and 40 dwellings per hectare respectively depending on the sustainability credentials of a site's location. For the town centre, the independent Town Centre Masterplan baseline report (document reference [HB06b](#)) included an analysis of building heights, which is indicative of density. It also included a detailed townscape

analysis broadly based on views of the historic core of Epsom, suburban residential areas, other residential areas, open spaces, Ashley Avenue and other commercial areas.

- 9.8 The Masterplan contains detailed concepts for opportunity sites, taking into consideration the surrounding built environment and “harder” variables such as viability. Whilst it does not suggest what an overarching density for the town centre should be, it has been a useful piece of evidence to inform *minimum* densities in policy S11.
- 9.9 There has not been a detailed study for the rest of the borough included in the evidence base, but through the site selection methodology and LAA, particularly information received from Call for Sites, officers have been able to build a reasonable picture about what promoters have said is achievable as minimums.
- 9.10 As minimum densities, those prescribed in S11 would be a significant uplift from the general pattern of existing development seen across the borough.

Policy DM13 Development Impacting Heritage Assets

Q9.4 Does the wording of the policy accord with the Framework? In particular, is the wording of part 1 of the policy clear and precise and is it clear how a decision maker should respond?

- 9.11 The policy (excluding the preceding text) reads as follows:
- 1) Development proposals which have an impact on heritage assets will be permitted where they preserve or enhance them, their significance and/or their setting; or*
- 2) Where proposals which impact but do not preserve and/or enhance heritage assets, clear and convincing justification of that impact will need to be provided, in accordance with the decision-making approach directed by the National Planning Policy Framework, Planning Practice Guidance or relevant revision.*
- 9.12 Whilst it does not repeat the wording of Chapter 16 (or other areas of the NPPF) exactly, it does not direct a decision maker to determine applications any differently. It strikes a balance between aligning with the wording of the NPPF and keeping the plan focused, concise and accessible.
- 9.13 Policy DM13 and the preceding supporting text aligns with wording by requiring proposals to preserve or enhance assets unless there is clear and convincing evidence not to. For the avoidance of doubt, we have specifically stated that the justification will need to be “in accordance with the decision-

making approach directed by the National Planning Policy Framework, Planning Practice Guidance or relevant revision”.

- 9.14 However, should the Inspector consider alternative wording would be appropriate, the Council would be happy to accommodate this.

Q9.5 What additional guidance does appendix 6 of the Plan provide?

- 9.15 The appendix provides further guidance on:
- a) What Epsom and Ewell (and Surrey County) Council consider makes Epsom and Ewell unique from a heritage perspective (to help applicants frame their cases).
 - b) What and where Scheduled Ancient Monuments and Areas of High Archaeological Potential are, and when the need for an archaeological assessment is required.
 - c) What features of buildings within conservation areas will be given scrutiny (without being too prescriptive)
 - d) Where Registered Parks and Gardens are located in the borough
 - e) What features of Listed Buildings will be given particular scrutiny (without being too prescriptive)
 - f) An explanation of locally listed buildings and other non-designated heritage assets as well as the Councils preferred approach for applicants.
- 9.16 For context, similar wording in the appendix is included in the main policy wording of the current Core Strategy (document reference [DP01](#)). It is the councils view that repeating this approach in the new plan would result in the plan being unfocused, lengthy and inaccessible (contrary to PPG 002 Reference ID: 61-002-20190315) and so the decision was taken to produce a more concise, focused and accessible policy in the Regulation 18 version of the plan which, when read together with the vision and strategic objectives of the plan, would provide the necessary clarity for decision makers.
- 9.17 However, the conciseness of the updated policy wording was objected to during the Regulation 18 consultation by heritage colleagues at Surrey County Council. This prompted the inclusion of detailed guidance as an appendix provide further guidance for applicants, without detracting from the main focus of what the policy is trying to achieve in the main plan.

Policy S17 Infrastructure Delivery

Q9.6 Is part 2 of the policy sufficiently flexible?

- 9.18 Part 2 of policy S17 reads “*Infrastructure must be provided at the appropriate time, prior to the development becoming occupied or becoming operational. Larger developments may need to be phased to ensure that this requirement can be met.*”
- 9.19 It is considered that this policy is sufficiently flexible, recognising that larger sites may require phasing, which would be agreed and legally secured at the planning application stage. Paragraph 8.4 of the supporting text encourages developers, particularly of larger schemes, to engage with the council and infrastructure providers at an early stage in the planning process to ensure infrastructure can be delivered in a timely manner. It is also specified that the provision of or funding towards new infrastructure will be secured through planning obligations (S106) and/or the Community Infrastructure Levy (CIL). All planning proposals would be assessed on their own merits and the policy would be applied in accordance with the relevant regulations, such as Regulation 122 of the Community Infrastructure Levy Regulations (2010).

Policy DM21 Education Infrastructure

Q9.7 Should this policy and/or the supporting text include a reference to student accommodation as a supporting facility? If not, why not?

- 9.20 Paragraph 8.27 was written to highlight that education establishments often provide facilities which can also help to meet the needs of the wider community. Paragraph 8.29 elaborates on this, encouraging facilities such as playing pitches/sports halls, to be made available for use for the wider community wherever possible. Currently in the borough, a significant proportion of playing pitch provision is ‘unsecured’ meaning there is no community use agreement to secure their long-term use by the community. This is an issue the Council wishes to address. Paragraph 8.27 was therefore not intended to address the issue of student accommodation.
- 9.21 The Council considers that student accommodation is an important education related facility, and it is addressed within policy S7: Specialist Housing with the need for it being recognised in paragraph 5.37. It is therefore considered unnecessary to reference it in policy DM21.

Policy DM10 Building Emissions Standard

Q9.8 Does the policy as drafted repeat what building regulation requirements are? Is this approach justified?

- 9.22 No. Policy DM10 requires residential development to achieve Net Zero Carbon using energy-based metrics; and non-residential development achieving a minimum of BREEAM 'Excellent' UK New Construction standard or equivalent.
- 9.23 The Council considers the approach to be justified. It is consistent with national policy, as set out in the response to Q9.10, in particular the Climate Change Act 2008 and NPPF December 2023 aims for the planning system set out in paragraph 157.
- 9.24 Our response to Q9.9 details the evidence base supporting the Policy. Policies utilising a similar approach are already in use in the adopted local plans of other local planning authorities such as Bath and North East Somerset and Cornwall.

Q9.9 The Council have stated that the policy is justified by the Surrey Climate Change Toolkit as well as the viability update – what precise parts of these documents support the approach being adopted?

- 9.25 The Surrey Climate Change Net Zero Toolkit (The Toolkit) (document references [OTO6a](#), [OTO6b](#), [OTO6c](#), [OTO6d](#) and [OTO6e](#)) and the Viability Assessment Update 2024 (document reference [EV04](#)) provide evidence and the viability that support this policy.

Surrey Climate Change Net Zero Toolkit

- 9.26 The Toolkit explores two broad policy options for LPAs to meet climate ambitions for new buildings:
- Policy Route 1 uses the building regulations framework and setting % improvements over the Target Emissions Rate (TER).
 - Policy Route 2 uses absolute energy-based metrics.
- 9.27 The Toolkit models the potential policy routes along with baseline scenarios using building regulations Part L 2021 and two possible iterations of the Future Homes Standard 2025 (section 2 of document reference [OTO6a](#)).
- 9.28 The Toolkit concludes with recommendations for planning policies (for Surrey local planning authorities) in section 4.3 of the feasibility report (document reference [OTO6c](#), p138-148), and draws the following conclusions:
- a) Local authorities should not rely on the Future Homes Standard to deliver homes consistent with climate change objectives. Improving

energy efficiency does not appear to be a priority for the standard and it's possible that solar PV will not be required. For an LPA to fulfil its duty and relative responsibility to comply with the Climate Change Act 2008 it should require policy that all new buildings are net zero by 2025 as per Balanced Pathway to Net Zero by the CCC. FHS does not anticipate to achieve this by 2035 at the earliest.

- b) Policy Route 1 (setting % improvements over the Target Emissions Rate (TER)) is not a suitable option for local authorities in Surrey to meet their climate change targets and objectives; A TER based approach will not deliver fully net zero buildings, does not include all energy uses and may allow fossil fuels.
- c) Policy Route 2, setting absolute energy targets for new buildings in policy, including using space heating demand, energy use intensity and renewable energy generation metrics, is a suitable option.

9.29 The recommended approach for Surrey LPAs (Policy Route 2) has formed the basis of Policy DM10.

9.30 The Surrey Climate Change Net Zero Toolkit included cost modelling analysis for the policy scenarios looking at 6 development typologies that are reflective of the types of development that occur in Surrey (document reference [OTO6e](#)). The average cost uplift of the policy route chosen, which aligns with Policy Route 2 (Scenario 4 Low Energy), were shown to be relatively modest (on average 2.4% for a flatted property) compared with a Part L 2021 baseline (document reference [OTO6c](#) section 2.5.8 p85).

Local Plan Viability Evidence 2023

9.31 The Local Plan Viability Assessment (2023) (document reference [EV04](#)) appraised the content of the Draft Local Plan (Regulation 18) and included analysis of the costs of delivering zero carbon development in the borough.

9.32 The Assessment took a cautious approach to the costs of delivering Net Zero Carbon Development and worked on the assumption that moving to Net Zero Carbon would be expected to add 11% to the BCIS base costs (see paragraph 10.29 on page 148). The impact of these assumptions being applied to the development typologies tested are shown in Tables 10.12 – 10.14 on pages 149-151).

Viability Update Note 2024

9.33 The Viability update (document reference [EVO3](#)) has taken account of more recent evidence on the costs of delivering zero carbon development, including outputs from the Surrey Climate Change Toolkit viability modelling (document reference [OTO6c](#) p85-86 and [OTO6e](#)). Paragraph 5.19 to 5.23 provide further detail on the revised assumptions which have been updated to align with those derived in the Surrey Net Zero – Economic Viability Assessment (see

para 5.20). The report acknowledges that the costs of implementing the policy are somewhat less than the costs used for Zero Carbon in the 2022 Viability Update (para 5.21).

- 9.34 Appendix 1 (pages 25-26) provide an assessment of all policy requirements contained in the proposed submission Local Plan, concluding that the full policy requirements are viable across most of the typologies tested, including all potential strategic sites tested.

Q9.10 Is the approach adopted consistent with national policy?

- 9.35 The policy and approach would be consistent with national planning policy on climate change mitigation, adaptation and the net zero obligation.
- 9.36 The NPPF sets out that the planning system should ‘support the transition to a low carbon future in a changing climate... and shape places in ways that contribute to radical reductions in greenhouse gas emissions; minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conservation of existing buildings; and support renewable and low carbon energy and associated infrastructure.’ (NPPF December 2023, paragraph 157).
- 9.37 The NPPF also notes that ‘plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures’ in line with the objectives and provisions of the Climate Change Act 2008 (NPPF December 2023, paragraph 158, including footnote 56).
- 9.38 The Written Ministerial Statement titled “Planning – Local Energy Efficiency Standards Update” (the 2023 WMS), made on the 13 December 2023, has been interpreted to constrain the ability of local authorities to set their own standards through local plan policies, but it does not remove them.
- 9.39 Estelle Dehon KC of Cornerstone Barristers has provided open advice on the ability of local authorities to set local plan policies mandating energy efficiency standards that exceed those in the building regulations Part L. This advice has been made available to all in an open document published on Essex County Council’s website:
(<https://www.essexdesignguide.co.uk/media/3129/essex-open-legal-advice-a-updated-may-2025-energy-policy-in-plans-and-building-regulations.pdf>).
- 9.40 The conclusions of the advice state:
- a) ‘LPAs have a statutory authority to set energy efficiency targets that exceed the baseline in national building regulations, and to mandate that a

proportion of energy used in development in their area be from renewable and/or low carbon sources in the locality of the development’.

- b) ‘This position has not been changed by the WMS2023’.
- c) ‘The 2023 WMS must be interpreted in a way that allows for the effective operation of LPAs’ powers to set their own energy efficiency standards in their development plan documents.....This means that the 2023 WMS cannot be interpreted to prevent LPAs from putting forward, and planning inspectors from finding sound, policies which are justified and evidenced and which use metrics other than that specified in the 2023 WMS, and/or do not require calculation by the method specified in the WMS’

9.41 Policy DM10 is therefore considered to be consistent with National Policy.

Policy S19 Transport

Q9.11 Does the term parking stress require a definition within the glossary?

9.42 The following definition of parking stress could be inserted into the Appendix:

‘Parking Stress – the measure of the saturation levels of parking in a defined area and expressed in percentage terms’

Q9.12 Is the policy wording clear as to be effective?

9.43 Yes, the policy wording is considered to include sufficient clarity to guide development and is considered effective. The supporting text provides greater context to the policy for applicants to consider in conjunction with the policy. The policy seeks suitable provision for sustainable travel, in accordance with the objectives in Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework.

9.44 The borough has a mix of urban areas and some more rural areas with varying sustainable transport availability and accessibility across the borough. The policy is flexible so that it can be applied to development within the borough to account for these varying site circumstances and consider the requirements of a development proposal accordingly. This is consistent with the (NPPF; para 110) which acknowledges that opportunities to maximise sustainable transport opportunities in rural and urban areas will vary and should be taken account of in plan making and decision making. In addition to Policy S19, applicants submitting proposals for development will need to consider the policies of the local plan as a whole.

9.45 Surrey County Council is the Highway authority and where relevant will be consulted on transport matters at the planning application stage. Applicants

are expected to also identify and consider relevant policies which are listed under the policy's key supporting documents, such as Surrey County Council's Transportation Development Planning Good Practice Guide, Surrey Local Transport Plan 4 amongst others listed and consider early engagement with Surrey County Council when developing proposals. The Council has taken on board Surrey County Council's representation to Regulation 19 (Representation 135) to additionally include the Surrey Healthy Streets Design code. This is detailed within the Schedule of Proposed Modifications document [SD13](#) (modification PM57).