

Statement of Common Ground

This Statement of Common Ground (SoCG) is between Epsom & Ewell Borough Council (EEBC) and Natural England (NE) in relation to the Epsom & Ewell Local Plan 2040.

1) Constituent parties to this SOCG

Epsom & Ewell Borough Council (EEBC)
Natural England (NE)

2) Background

This SOCG sets out the agreed position as of February 2025 in relation to the Habitats Regulation Assessment (HRA) provided in support of EEBC's Proposed Submission Local Plan.

Natural England (NE) is a non-departmental public body and is a statutory consultee on strategic plans and HRAs. NE's statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NE has been engaged at key stages throughout EEBC's Local Plan process, the details of which are provided below.

Regulation 18 Draft Local Plan

NE responded to the Regulation 18 Draft Local Plan consultation (February to March 2023), which was supported by an HRA Assessment. General comments were provided on some of the potential site allocations and on a number of the policies. Topics commented on included:

- Landscape
- Trees
- Flood risk
- Air pollution
- Green Infrastructure
- Biodiversity opportunity areas & nature recovery networks
- Biodiversity net gain & Geodiversity
- Natural capital
- Climate change and energy efficiency

EEBC has considered NE's comments in the drafting of the Proposed submission Local Plan.

NE also responded to a targeted consultation on the Initial Screening Report for the Regulation 18 Habitats Regulation Assessment (HRA). When developing the HRA, numerous advice notes produced by NE were taken into account along with NE's standard methodology for the assessment of traffic related air quality impact.

Regulation 19 Proposed Submission Local Plan and HRA

Following the Regulation 18 consultation, work progressed on the Proposed Submission Local Plan and the supporting HRA. NE were again engaged when it became apparent, through the Appropriate Assessment stage of the HRA, that additional air quality modelling may be required to enable a thorough assessment of potential adverse air quality impacts on protected sites. Working with NE and the Council's appointed HRA consultants, the scope of the air quality modelling was discussed and agreed with EEBC. The air quality modelling was subsequently commissioned to be undertaken in December 2024.

On the 12 December 2024, the publication of an updated National Planning Policy Framework (NPPF) resulted in the Council expediting its timetable for the consultation and submission of the Proposed Submission Local Plan. This was to enable submission of the plan for examination, within the transitional deadlines set out in the revised NPPF. As a result, the Regulation 19 consultation on the Proposed Submission Local Plan was carried out earlier running from 20 December 2024 to 5 February 2025. The Regulation 19 Proposed Submission Local Plan was supported by an Interim HRA due to the air quality issues being unresolved at this time.

EEBC, NE and the Council's HRA consultants remained engaged on the air quality issue throughout this period. NE were consulted on the ecological interpretation of the air quality modelling outputs and confirmed their agreement with the findings, which were to be used to enable conclusions to be drawn in the HRA. Prior to the HRA being finalised, the Regulation 19 consultation closed. NE made a representation on the Proposed Submission Local Plan, which, amongst other comments, clarified their position in relation to the outstanding air quality HRA issues. It confirmed that there were no other issues with the interim HRA. A copy of NE's Regulation 19 response is provided in Appendix 1.

Subsequently, NE have had sight of the finalised HRA and the signing of this SoCG confirms its conclusions are acceptable. As such, NE are able to confirm that the Proposed Submission Local Plan meets the tests of soundness and legal compliance.

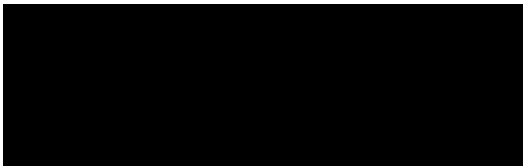
3) Positions of the parties

Both parties agree:

- They have worked constructively, along with the Council's HRA consultants, to address the air quality issues identified through the HRA process.
- The outstanding air quality issues have now been resolved and the conclusions are reflected in the Final HRA, which meets the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), in relation to the Epsom & Ewell Proposed Submission Local Plan.
- NE have no outstanding concerns in relation to the soundness or legal compliance of the Proposed Submission Local Plan.

4) Signatories

Epsom & Ewell Borough Council:



Councillor Peter O'Donovan - Chair of Licencing and Planning Policy Committee

Date: **27/02/2025**

Natural England:



Jack Baribeau – Senior Officer

Date: **20/02/2025**

Date: 05 February 2025
Our ref: 497272
Your ref: Epsom & Ewell Local Plan Reg 19 consultation

localplan@epsom-ewell.gov.uk

BY EMAIL ONLY



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam,

Planning consultation: Epsom and Ewell Local Plan 2022-2040 Regulation 19 Consultation

Thank you for your consultation on the above dated 20 December 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Epsom and Ewell Local Plan Regulation 19

Habitats Regulation Assessment (HRA)

We are currently working with Epsom and Ewell on their Interim Habitats Regulations Assessment (HRA) provided in support of the Local Plan Regulation 19. However, we are not currently able to confirm whether we consider the plan to meet the tests of soundness or legal compliance until we have seen and agreed the final Air Quality (AQ) conclusions presented in an updated HRA.

We're liaising with Epsom and Ewell to agree these AQ points, and once agreed will work with the council to agree a statement of common ground.

The air quality impacts that are being discussed at present are our only outstanding concern and we are in agreement with all the other matters set out in the Interim Regulation 19 HRA Report November 2024.

Local Nature Recovery Strategy (LNRS)

The [Local Nature Recovery Strategy for Surrey](#) will be consulted on publicly in early 2025 and outlines biodiversity priorities for nature recovery and maps where actions to achieve these priorities could most efficiently and effectively be taken. We welcome the inclusion of reference to the LNRS within Policy S14 – Biodiversity and Geodiversity and the requirement for development to conserve and protect habitat connectivity within the boroughs ecological networks and where possible restore or enhance these networks.

Development Sites

We note that there are some sites within the boundaries of the Green Belt (GB), and these sites will require careful consideration as to their suitability for development. There is scope on the SA 34 and

SA 35 sites in the west of the borough to create thriving new communities with good access to nature and high quality Green Infrastructure incorporated into the developments. We would recommend they follow the principles set out in the [Natural England Green Infrastructure Framework](#).

We are supportive of Point 3 under Policy DM19 regarding “All development which would result in a net increase in residential units will be required to contribute towards open space, sport and recreation provision”, and the recognition of the importance of open space for wider benefits.

Under Policy S19 Transport point 3, regarding car free transport being encouraged, we welcome the commitment to sustainable transport made in this policy. The promotion of sustainable modes of transport and reduction of car use is also a key element where there are already good transport links via trains and buses or cycle routes.

Strategic Policies

Policy S3 – Climate Change and Mitigation

Natural England welcomes Strategic Policy S3 that promotes mitigation and adaptation to climate change through various methods including the integration of green and blue infrastructure into the design of developments, adopting higher water efficiency standards, the integration of energy efficient, renewable and low carbon technologies into all new development, and reducing reliance on car travel.

Climate change is already impacting on nature and society in England and across the world. The projected scale and rate of climate change, coupled with existing environmental pressures, has serious implications for the natural environment and the services it provides to society. In response, many local authorities across England are formally declaring a climate change emergency and are now looking for practical steps to address it. The faster that greenhouse gas emissions can be reduced, the more the overall pressure on the natural environment will be reduced. 'Nature-based solutions', are essential to achieve this. These involve the restoration of ecosystems for the long-term benefit of people and nature. Examples include:

- Expansion of tree and woodland cover - to strengthen woodland habitat networks, protect soils, provide shade whilst capturing additional carbon from the atmosphere.
- Restoration and creation of priority habitats such as lowland meadows, lowland fens and rush pastures. This improves places where people live and recreate, protecting carbon stores and strengthening the nature recovery network.
- Natural floodplain management, through the use of tree planting, habitat creation and restoration, to alleviate flooding further downstream.
- Retrofitting of green and blue infrastructure such as trees and sustainable urban drainage systems (SUDS) in urban localities to address flood risk and heat island effects.

We advise that actions to mitigate and adapt to climate change are integrated into a strategic approach alongside green infrastructure, health and wellbeing, biodiversity net gain, natural flood management, air and water quality to deliver multifunctional benefits to people and wildlife. The Plan should make clear that development will be consistent with these policies, to ensure sustainable development is properly achieved across the Plan period. Meaningful targets should be set that can be appropriately monitored over the Plan period to demonstrate the effectiveness of the Plan/Policy in addressing climate change and to ensure appropriate remedial action can be taken as necessary.

Policy S11 – Design

We recognise that design makes an important contribution to the impact of development on the natural environment, and it is important that factors relating to this are considered early in the design process to ensure they are embedded into proposals.

Policy DM11 – Sustainable Water Use

We welcome the continued commitment to ensuring that water use is controlled efficiently, sticking to the tighter 110l/day standard is welcomed and should be a minimum, and where developers propose tighter restrictions these should be encouraged.

Policy S14: Biodiversity and Geodiversity

The wording in this policy is welcomed and should ensure that designated sites in and around the borough are protected from inappropriate development. The LNRS once Surrey publishes a draft later this year should help to direct where mitigation work could be carried out to maximise its impact in the local area.

There are two designated sites within the plan area, Epsom and Ashted Commons SSSI and Stones Road Pond SSSI which does play host to a large population of Great Crested Newts which are protected under their own specific legislation and the site should be protected and enhanced where possible.

Policy S15: Biodiversity Net Gain

This is welcomed as worded and should in greenfield areas with their higher 20% target for BNG result in a much needed uplift within the borough from development proposals.

Policy DM17: Trees, Woodlands and Hedgerows

This policy is welcomed given the importance of trees in climate change adaptation of urban areas and their ability to lower temperatures during warmer summers and help combat the urban heat island effect.

Woodland should always be protected and bolstered where possible so this commitment to protecting existing woodland is welcomed and the buffer zones for ancient woodland should be included to ensure that any proposals impacting on these trees take account of their footprint and do not disturb the fragile habitats associated with these ancient woodlands.

Policy DM18: Pollution and Contamination

These policies are welcomed as they should help to control unnecessary and impactful development which could be carried out more sensitively in terms of the six topics mentioned in the policy. Preventing unnecessary light pollution is important especially in areas of woodland as these can be used by bats and birds which would otherwise rely on darkness to fly, for instance.

Policy S18: Green and Blue Infrastructure


This is a key policy area and is welcomed as it will help the borough to improve its developments through appropriate use of green and blue infrastructure. This can and will help to mitigate for the impacts of climate change and help with access to nature.

The Natural England Green Infrastructure Framework (NEGIF) [five headline standards](#) could be incorporated and applied into the Local Plan to strengthen these ambitions further.

Policy S19: Transport

There are many elements of this policy that are welcomed and should, if implemented, change the boroughs travel patterns for the better. Providing cycling facilities on a development and improving the cycling network around new developments is welcomed and should be pushed for with all larger developments.

Further general advice is provided in Annex 1.

If you have any queries relating to the advice in this letter please contact me on 

Yours sincerely

Piotr Behnke
Higher Officer
Thames Solent Team