

## **STONELEIGH AND AURIOL NEIGHBOURHOOD PLAN - EXAMINER'S REPORT AND DECISION TO PROCEED TO REFERENDUM**

<b>Head of Service:</b>	Ian Mawer, Head of Planning Policy and Economic Development
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<b>Wards affected:</b>	Auriol Ward; Stoneleigh Ward; Cuddington Ward
<b>Urgent Decision?</b>	Yes
<b>If yes, reason urgent decision is required</b>	To comply with legislation, the Council must decide whether the neighbourhood plan should proceed to referendum within 5 weeks of receipt of the Report of Examination. The Council must therefore make its decision on or before 27 November 2025, which requires the recommendations – if approved – not to be subject to call-in. This Proposal to make this an urgent decision has been brought to the attention of the Chair of Audit and Scrutiny Committee who supports this approach.
<b>Appendices (attached):</b>	<b>Appendix 1:</b> Report of Examination – Submission Draft Stoneleigh and Auriol Neighbourhood Plan (October 2025) <b>Appendix 2:</b> Post Examination Decision Statement <b>Appendix 3:</b> Stoneleigh and Auriol Neighbourhood Development Plan incorporating the Examiner's modifications

### **Summary**

The Localism Act 2011 introduced the right for communities to draw up neighbourhood development plans. Stoneleigh and Auriol Neighbourhood Forum, with support and advice from Epsom and Ewell Borough Council (EEBC) has produced a neighbourhood plan.

The Stoneleigh and Auriol neighbourhood plan has been subject to community and stakeholder engagement and was formally submitted to EEBC for consultation under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on 18 May 2025, the Regulation 16 submission consultation commenced on 20 June 2025 and closed on 1 August 2025. Eight representations were received, and these were forwarded to the appointed Independent Examiner – Christopher Lockhart-Mummery KC.

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The Independent Examination commenced on 4 September 2025, and the Examiner issued his report on the 23 October 2025 (Appendix 1) which recommends that the Stoneleigh and Auriol NDP, subject to proposed modifications, proceeds to Referendum.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) To accept and agree with the Examiner's proposed modifications to the Stoneleigh and Auriol NDP as contained at Appendix 1 to this report and proceed to Referendum to be held on 12 February 2026;**
- (2) To authorise publication of the Decision Statement (Appendix 2 to this report).**

### **1 Reason for Recommendation**

- 1.1 To enable the borough's first Neighbourhood Development Plan to proceed to referendum and, subject to a positive referendum result, to be 'made' and become part of the Statutory Development Plan for the borough and be used in the determination of planning applications in the Stoneleigh and Auriol Neighbourhood Forum Area.

### **2 Background**

- 2.1 Stoneleigh and Auriol Neighbourhood Forum has been working to prepare a neighbourhood plan for several years. The Neighbourhood Forum and Neighbourhood Area were designated by the Council in November 2020.
- 2.2 Neighbourhood plans are required to be in general conformity with strategic policies in the Borough's adopted Local Plan. Once formally 'made', they become part of the statutory land use development plan with equivalent weight and legal status as the Epsom and Ewell Local Plan.
- 2.3 The Council has a statutory duty to provide advice and assistance to Neighbourhood Forums that are preparing a neighbourhood plan. Planning officers have had regular contact with Stoneleigh and Auriol Neighbourhood Forum and have provided comments and planning advice throughout the preparation of the Neighbourhood Plan, via meetings and email correspondence. In addition, the council has provided a detailed responses to the two formal consultation stages detailed below:
  - Draft Neighbourhood Plan (Regulation 14) consultation. EEBC response approved by this committee on 17 October 2024.
  - Submission Neighbourhood Plan (Regulation 16) consultation. EEBC response approved by this committee on 3 July 2025.

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- 2.4 There are nine key stages to preparing a neighbourhood plan which are detailed below. Further information on each of the nine stages is contained within our [Neighbourhood Planning Guide](#).
- Stage 1 - Designating a neighbourhood area
  - Stage 2 - Designating a neighbourhood forum
  - Stage 3 - Preparing a draft neighbourhood plan - evidence gathering and public engagement.
  - Stage 4 - Pre-Submission publicity and consultation
  - Stage 5 - Submission of a neighbourhood plan to the Council as the local planning authority
  - Stage 6 - Independent Examination
  - Stage 7 – Referendum
  - Stage 8 - Bringing the neighbourhood plan into force
  - Stage 9 – Monitoring and review
- 2.5 The final Examiner's report was received by the Council on 23 October 2025 which completed stage 6. The independent Examiner recommended that subject to a number of proposed modifications which are required to ensure that the Stoneleigh and Auriol NDP meets the basic conditions set out in legislation, the plan should proceed to referendum (Stage 7).
- 2.6 This report seeks committees' approval to agree the Examiners proposed modifications (Appendix 1) and the publication of the decision statement (Appendix 2) which will enable the Neighbourhood Plan to proceed to referendum. The referendum is to be held on the 12 February 2026.
- 2.7 It should be noted that officers are recommending that all the examiner's suggested modifications are agreed. In accordance with National Guidance, if the Council were to disagree with any of the modifications, then there must be clear reasons as to why and additional consultation will need to be carried out. This may result in a further independent examination and delay to the referendum.
- 2.8 Everyone on the Council's electoral register (at the date of the vote) within the Stoneleigh and Auriol Neighbourhood Area is entitled to vote in the referendum. If over 50% of those voting are in favour of the neighbourhood plan, this is a positive referendum result, and the council can proceed to 'make' the plan so that it becomes part of the development plan for the borough.

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### Summary of the key findings of the Examiner's Report

2.9 The Examiner's report provides some general comments which are outlined below:

- The area is well described in the introductory section.
- Several policies and text either in duplicate the local plan and/or national policies, and/or to contain evidence, or to are too lengthy. In these respects, the NP does not accord with the national guidance.
- The Development Management Policies 2015 do not comprise strategic policies.
- There are inconsistent references to the NPPF throughout the plan, sometimes to the December 2023 version (now superseded) and sometimes to the current 2024.
- The Policy numbering should be simplified.

2.10 The Examiner's report then provides detailed comments on the policies which are summarised below:

Submission Neighborhood Policy	Summary of Examiner's recommended changes
Policy SA-P-H-01 – Consistency of Building Lines	<b>Amend</b> policy name to 'Policy 1 - Consistency of Building Lines'.
Policy SA-P-H-02 – New Development Height and Character	<b>Amend</b> policy name to 'Policy 2 - Development Height and Character'.  Delete existing policy wording and replace with more concise wording.  Amendments to the supporting text supporting the policy.
Policy SA-P-H-03 – Permitted Backland Development	<b>Amend</b> policy name to 'Policy 3 - Backland Development'  Delete existing policy wording and replace with more concise wording.  Amendments to the supporting text supporting the policy.

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Submission Neighborhood Policy	Summary of Examiner's recommended changes
Policy SA-P-R-01 – Safeguarding of Retail and Service Facilities	<p><b>Amend</b> policy name to 'Policy 4 - Safeguarding of Retail Facilities.</p> <p>Delete existing policy wording and replace with more concise wording.</p>
Policy SA-P-R-02 – Safeguarding of Public Houses	<p><b>Amend</b> policy name to 'Policy 5 - Safeguarding of Public Houses'</p> <p>Delete existing policy wording and replace with more concise wording</p>
Policy SA-P-R-03 – Parking at Retail, Commercial, Hospitality & Community/Cultural Facilities	<p><b>Amend</b> policy name to 'Policy 6 - Parking at Retail, Commercial, Hospitality &amp; Community/Cultural Facilities'.</p>
Policy SA-P-G-01 – Protection of Local Green Spaces	<p><b>Amend</b> policy name to 'Policy 7 - Protection of Local Green Spaces.</p> <p>Delete existing policy wording and replace with more concise wording.</p> <p>Remove Site 6 – Old School Field (Salisbury Road) as a LGS allocation as the site benefits from planning consent for affordable extra care housing.</p> <p>Amend supporting text to reflect above change.</p>
Policy SA-P-G-02 – Protection of Notable Green Spaces	<p><b>Delete</b> policy. The 40 spaces identified are generally small parcels of amenity land and are highly unlikely to be the subject of development proposals owing to their size and/or location.</p> <p>Policy is neither necessary or likely to be effective</p>
Policy SA-P-G-03 – Managing the Impact on Biodiversity.	<p><b>Delete</b> policy as it duplicates existing national planning policy and legislation.</p>

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Submission Neighborhood Policy	Summary of Examiner's recommended changes
Policy SA-P-G-04 – Protection of Trees, Woodlands and Hedgerows.	<b>Delete</b> policy as it duplicates existing and emerging Local Plan policy.
Policy SA-P-S-01 – Certainty of Water Supply and Foul Water Drainage	<b>Delete</b> policy as it covers matters covered by Building Regulations which are not appropriate for planning policy.
Policy SA-P-S-02 – Minimising Flood Risks.	<b>Amend</b> policy name to 'Policy 8 - Minimising Flood Risks.  Amend supporting text to remove references to a now superseded Strategic Flood Risk Assessment.
Policy SA-P-S-03 – Renewable Energy and Energy Efficiency	Amend policy name to 'Policy 9 - Renewable Energy and Energy Efficiency.
Policy SA-P-T-01 – Assessment of Transport Impact	Amend Policy name to 'Policy 10 - Assessment of Transport Impact  Delete existing policy wording and replace with more concise wording  Move a significant amount of the policy supporting text to an appendix.
Policy SA-P-T-02 – Residential Parking and Cycle Storage	Amend policy name to 'Policy 11 - Residential Parking and Cycle Storage  Delete existing policy wording in criterion 1 and replace with more concise wording.

2.12 The Examiner concludes that the Stoneleigh and Auriol Neighbourhood Plan as modified in accordance with the recommendations set out in his report and summarised above, has the potential to be a valuable part of the development plan.

2.13 Appendix 3 of this report contains a version of the Neighbourhood Plan with all of the Examiners recommendations made.

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### 3 Risk Assessment

Legal or other duties

#### 3.1 Equality Impact Assessment

3.1.1 None

#### 3.2 Crime & Disorder

3.2.1 None

#### 3.3 Safeguarding

3.3.1 None

#### 3.4 Dependencies

3.4.1 None

#### 3.5 Other

3.5.1 None

### 4 Financial Implications

4.1 The council is responsible for the independent examination and organising a local referendum which are funded through existing budgets. However, the Council is entitled to funding from central government to cover the costs associated with the Examination process.

4.2 Following publication of the decision notice to proceed to Referendum (Appendix 2), a grant claim can be made to a maximum of £20,000 to cover the costs of the Examination and referendum.

4.3 **Section 151 Officer's comments:** The Council has a statutory duty to support the neighbourhood planning process, including funding the referendum. These costs are being met from existing budgets and external funding will be applied for following publication of the decision notice to proceed to referendum. This funding is expected to cover the majority, if not all, of the associated costs, ensuring that the process represents good value for money and does not place undue pressure on the Council's financial resources.

### 5 Legal Implications

5.1 In accordance with Regulation 17a of the Neighbourhood Planning (General) Regulations the Council as local planning authority is required to make a decision as to whether a Neighbourhood Plan should proceed to referendum within 5 weeks of receipt of the Examiners report. The Examiners reports was received on 23 October 2025 and therefore this committee must make its decision by 27 November 2025.

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- 5.2 The Neighbourhood Plan once formally 'made', will become part of the statutory land use development plan with equivalent weight and legal status as the Epsom and Ewell Local Plan. The Neighbourhood Plan policies, once made, will only apply in the designated area.
- 5.3 **Legal Officer's comments:** Relevant legal comments have been added to the content of this report.

## 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Encourage high quality design which balances the built environment with new open green spaces.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** The Neighbourhood Plan contains a policy relating to renewable energy and energy efficiency.
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** Enabling the Plan to proceed to referendum will support the Stoneleigh and Auriol Neighbourhood Forum aspirations to have an adopted Neighbourhood Development Plan in the designated area.
- 6.6 **Local Government Reorganisation Implications:** None

## 7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

### Previous reports:

- [Licensing and Planning Policy Committee – 3 July 2025 – Response to Stoneleigh and Auriol Submission Neighbourhood Plan \(Regulation 16\)](#)
- [Licensing and Planning Policy Committee – 17 October 2024 – Response to Stoneleigh and Auriol Draft Neighbourhood Plan \(Regulation 14\)](#)

### Other papers:

- [Epsom & Ewell Borough Council Neighbourhood Planning Guide](#)