

LOCAL PLAN UPDATE

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Report Author	Ian Mawer
Wards affected:	(All Wards);
Urgent Decision	No

Summary

In accordance with [Appendix 5 - 3.4 of the Constitution](#) a member has requested that an item be placed on the agenda for the next scheduled Licensing & Planning Policy Committee on March 10th *“To update the committee on all submissions and modifications made to the Inspector for the Local Plan, following examination hearings last year.”*

This report responds to the above item request and reflects the position as of 23 February 2026.

Recommendation

The Committee is asked to:

- (1) **Note the contents of this report.**

1 Reason for Recommendation

- 1.1 To inform members of the status of the Local Plan examination and additional work undertaken since the Local Plan hearings.

2 Background

- 2.1 On the 20 November 2024 this committee recommended to full Council that:
 - the Proposed Submission Local Plan be endorsed as being sound
 - public consultation commence, as soon as is practicably possible, dates to be agreed with the Chair of Licencing and Planning Policy Committee

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- that following the six-week consultation, as soon as is practicably possible, the Proposed submission Local Plan and all associated documents.... be submitted to the Secretary of State for Independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.
- 2.2 On the 10 December 2024, Full Council resolved to approve the recommendations of the Licencing and Planning Policy Committee and the consultation on the Proposed Submission Local Plan was undertaken between 20 December 2024 and 5 February 2025. The Local Plan and supporting documents were subsequently submitted to the Planning Inspectorate on the 10 March 2025.
- 2.3 A Planning Inspector was appointed on the 1 April 2025 to Examine the Local Plan. The Inspector issued a series of Matters, Issues and Questions (MIQs) for the Council to respond to which would form the basis for the public Examination Hearings. The hearings were split into two stages:
- Stage 1 – Legal Compliance and the Duty to Cooperate (28 August 2025). The [Inspector wrote](#) to the council (ID-006) on the 9 September 2025 confirming that the Examination could proceed to stage 2.
 - Stage 2 – Soundness – the Hearings were based on 12 specific matters and were held over 7 days between 30 September 2025 and 09 October 2025.
- 2.4 At the Stage 2 hearings, concerns were raised that the Council is not doing enough to meet its housing needs through the submitted local plan (47% of the housing need set out in the standard method that applied at the time when the plan was prepared) and additional work should be undertaken.

Submissions made to the Planning Inspector post Hearings

- 2.5 During the hearings the Planning Inspector requested that the council undertake two additional pieces of work, one in relation to Green Belt sites contained with the Land Availability Assessment (LAA) and the other in relation to whether some additional urban sites identified in the LAA can be considered to be developable (have a reasonable prospect of being delivered over the Local Plan period). The Inspector formally set out the work to be undertaken in her [letter](#) dated 22 October 2026 (ID-018).
- 2.6 These two discrete pieces of work that the Council agreed to produce were submitted to the Inspector by the deadline of the 22 January 2026 along with a covering letter which can be accessed from the links below:
- [EEBC Cover Letter](#) (COUD-019)

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- [Updated Hearing Action List](#) (COUD-017a)
- [Revisiting select Urban Sites contained in the Land Availability Assessment](#) (COUD-020). This work identifies 13 additional sites that could be allocated through the Local Plan
- [Green Belt Topic Paper update](#) (COUD-021) – This work identifies that additional sites are considered to satisfy the ‘Calverton Tests’ – although other constraints will determine whether they are suitable for allocation.

2.7 In addition, the Council had a series of actions to complete, including the completion of three statements of common ground which can be accessed from the links below:

- [Updated Statement of Common Ground with the Church Commissioners for England](#) (in relation to Horton Farm) (COUD-022)
- [Statement of Common Ground with the Jockey Club Racecourse](#) (COUD-025)
- [Statement of Common Ground with the Gavil Group](#) (in relation to Finachem House) (COUD-023)

2.8 An additional action agreed during the hearings, was meeting with the planning agents representing the Ewell East omission site (LAA Reference NON-013). Following this meeting and separate meetings with the two leaseholders, a [position statement](#) (COUD-024) has been prepared.

2.9 The Planning Inspector reviewed the above documents and approved their publication as part of the Examination Library. In addition, the Inspector has formally written to the Council in a [second post hearing letter](#) (ID-019) dated 5 February 2026 and received late afternoon 6 February 2026 requesting responses to the two questions below before she can advise how the Examination is to proceed. The questions are provided below:

1. *From what I have read, the updated green belt work appears to reach a different conclusion on a number of green belt sites – but what is not clear to me is what the Council is now recommending in terms of these sites and the Local Plan? Please could you clarify.*
2. *In terms of the urban sites, are the Council now proposing that the sites listed as ‘considered developable’ are allocated as part of this plan? Again, I would be grateful if the Council could confirm what your intention is in terms of these sites and the plan before me.*

2.10 The [Council responded](#) to the Inspectors letter on the 11 February 2025 (COUD-026) providing the following answers to her questions:

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1. *Following a review of the evidence, the Council has reached different conclusions on several green belt sites in terms of the site-specific Calverton Tests. In my letter dated 22 January 2026 (document reference COU-019) I set out that this work does not consider other constraints to development or conclude whether the sites are suitable for allocation.*

If required to progress the examination, the Council can assess the suitability of those sites where the conclusions have changed, for potential allocation in the Local Plan, using the existing evidence base. This assessment could be provided to you on or before Friday 6 March 2026.

2. *In terms of the urban sites, the Council is now proposing that the 13 sites identified as 'considered developable' are allocated in the Local Plan. These sites will form part of the housing land supply from 2030/31 onwards.*

- 2.11 On the 23 February 2026 the Programme Officer confirmed that the Inspector had approved the publication of the above response and provided the Council with the [Inspectors response](#) dated 12 February 2026 (document reference ID-020). The response is detailed below:

In light of the conclusions the Council has now reached in connection with a number of the green belt sites, I would confirm that the steps you have outlined within your letter are necessary to progress the examination. For the avoidance of doubt, this means the Council should assess the suitability of the sites for potential allocation within the Local Plan. In order to do this, and ensure that the most up to date information is provided for representors, I would request that the Council complete the following:

1. *Update the housing trajectory and 5 year supply position (if necessary) to reflect any new site allocations proposed. Your letter advises that the Council is now proposing that the 13 urban sites identified as 'considered developable' are allocated within the Local Plan, and that these sites will form part of the housing land supply from 2030/2031 onwards. These sites should also be taken into account in terms of this update.*

2. *Updating the evidence base to take the above conclusions into account. This should include the both the SA and HRA. In addition, dependent upon what conclusions the Council draw, you should also consider the need to update the traffic modelling work and IDP (where relevant). Where the Council is not updating this work, you should set out clearly why this is not deemed necessary.*

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I look forward to receiving the above on or before 6 March 2026.

- 2.12 The letter confirms that for the examination to proceed the Inspector requires the Council to assess the suitability of additional Green Belt sites for potential allocation. Failure to undertake this work will result in the Submitted Local Plan being found to be unsound.
- 2.13 The Inspector has also requested additional updates to evidence. Our response dated 11 February 2026 (document reference COUD-026) set out a tight timescale for undertaking the work based on the assumption we would utilise existing evidence (i.e. that already published). The Inspector is now requesting updates to evidence and officers are now working with consultants / partners to determine timescales for completing this additional work and will respond to the Inspector in due course setting out timescales to undertake this work.

Modifications made following the Local Plan Hearings

- 2.14 It is important to note that no modifications to the Local Plan have been made following the hearings.
- 2.15 However, during the Stage 2 hearings potential main modifications to the Local Plan to resolve soundness issues were discussed with the Inspector.
- 2.16 As is standard practice, during the Stage 2 hearings the Inspector asked the Council to maintain a running list of potential main modifications discussed during the course of the hearing sessions. These main modifications and any other actions agreed were summarised by Council officers at the end of each hearing session.
- 2.17 The Inspector has not asked the Council to complete a schedule of main modifications to the Local Plan f. The Inspector will advise when this information is required.
- 2.18 The agreement of the main modifications between the Council and Inspector, assisted by the Programme Officer, should be a priority after the hearing sessions conclude, to ensure that the public consultation can take place in a timely manner.
- 2.19 All proposed main modifications must be subject to six weeks public consultation and, where necessary, Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) before the Inspector can make recommendations on them.
- 2.20 The Inspector will consider all the representations made on the proposed Main Modifications before finalising her examination report and the schedule of binding Main Modifications.

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- 2.21 It is important to note that the Inspector's final recommendations, and the reasons for them, will be set out in the Inspector's report at the end of the examination.

Importance of responding to the inspector

- 2.22 On the 30 July 2024, the Minister of State, Matthew Pennycook MP, wrote to the Planning Inspectorate (PINS) directing them to no longer allow pauses to local plan examinations of more than six months.
- 2.23 It is therefore important that we continue to respond to correspondence from the Planning Inspector in a timely fashion.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 An Equality Impact Assessment appraised the Proposed Submission Local Plan (regulation 19) to ensure that the plan itself promotes equality and does not discriminate. The work concludes that there the Local Plan will not impact negatively on specific groups.

3.2 Crime & Disorder

- 3.2.1 None arising from this report.

3.3 Safeguarding

- 3.3.1 None arising from this report.

3.4 Dependencies

- 3.4.1 The Local Plan will support the delivery of:

- Actions identified in the Affordable Housing Audit
- Homelessness and Rough Sleeper Strategy and supporting action plan
- Climate Change Action Plan

3.5 Other

- 3.5.1 None arising from this report.

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4 Financial Implications

- 4.1 There are no direct financial implications as a result of this report. Local Plan funding has already been secured in terms of staffing within the Planning Policy team, funding for specialist external support in the preparation of technical evidence base documents and the costs of Examination (including appointment of a programme officer).
- 4.2 **Section 151 Officer's comments:** None for the purposes of this report.

5 Legal Implications

- 5.1 The Local Plan remains at the examination stage. At the end of the examination, the planning inspector will make one of the following recommendations:

Recommendation to adopt

The planning inspector must recommend adoption of the local plan, if it is reasonable to conclude that:

- The plan satisfies the statutory requirements contained in section 20(5)(a) of the PCPA 2004.
- The plan is sound.
- The LPA has complied with its duty to co-operate.

(Section 20(7), PCPA 2004).

Recommendation not to adopt

- If the planning inspector concludes that the statutory requirements contained in sections 20(5)(a) of the PCPA 2004 have not been met, or there are fundamental issues regarding the soundness of the plan that cannot be addressed through modifications, the inspector must recommend that the plan is not adopted (section 20(7A), PCPA 2004).
- In these circumstances the Council will be expected to withdraw the local plan in accordance with regulation 27 of the LPR 2012 (paragraph 025, Local Plans, Publication and examination of a local plan, Planning Practice Guidance). If that occurs, until a revised local plan is brought forward to adoption, any existing local plan policies will remain in place, although some of those existing policies are likely to become increasingly out-of date (paragraph 004, Local Plans, Key issues, Planning Practice Guidance).

Main modifications

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- If requested by the Council, the planning inspector must recommend modifications of the local plan, if by doing so the local plan would comply with the requirements set out in sections 20(5)(a) and 20(5)(b) of the PCPA 2004 (section 20(7C), PCPA 2004) (main modifications).
 - If, however, the main modifications are so extensive as to require a virtual re-write of the local plan, the inspector can suggest that the LPA withdraws the plan (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance).
 - The LPA must consult on all proposed main modifications. Depending on the scope of the modifications, a further sustainability appraisal may also be required (see Sustainability appraisal and report) (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance).
 - The inspector's report on the local plan will only be issued once the LPA has consulted on the main modifications and the inspector has had the opportunity to consider any representations on these and any further sustainability appraisal report (paragraph 024, Local Plans, Publication and examination of a local plan, Planning Practice Guidance)
- 5.2 The LPA must publish the recommendations and the report of the planning inspector following an examination (section 20(8), PCPA 2004 and regulation 25(2)(a), LPR 2012).
- 5.3 This must be done as soon as reasonably practicable after receipt of the planning inspector's recommendation and report (regulation 25(1)(a), LPR 2012) or if the Secretary of State has given a direction under section 21(1) or 21(4) of the PCPA 2004 (regulation 25(1)(b), LPR 2012).
- 5.4 The LPA must also notify those persons who requested to be notified of the publication of the inspector's recommendations that the recommendations are available (regulation 25(2)(b), LPR 2012).
- 5.5 The examination process is then complete. Once this point in the process is achieved, Members will be informed and further advice as to the adoption of the approved Plan will follow at that stage.
- 5.6 Members should note that a Plan may be challenged by judicial review before it is adopted or under section 113 of the Planning and Compulsory Purchase Act 2004 if it has been adopted, but only on a point of law.
- 5.7 **Legal Officer's comments:** As set out within this report.

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6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The adoption of the Local Plan is a key priority for the Council.
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** The Local Plan will play a key role in implementing our Climate Change Action Plan.
- 6.4 **Sustainability Policy & Community Safety Implications:** The Local Plan itself has a key role in delivering sustainable development
- 6.5 **Partnerships:** The Council has a duty to cooperate with relevant stakeholders in the preparation of a Development Plan. The Council has consulted relevant stakeholder on a Duty to Co-operate Framework throughout the Local Plan Process and following the Regulation 19 consultation and during the Examination process has prepared statements of common ground with key Duty to Cooperate bodies.
- 6.6 **Local Government Reorganisation Implications:** None immediately arising from this report.

7 Background papers

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

Previous reports:

- Licencing and Planning Policy Committee – 20 November 2024 - Proposed Submission Epsom and Ewell Local Plan (Regulation 19):

<https://democracy.epsom-ewell.gov.uk/documents/s33634/Proposed%20Submission%20Epsom%20and%20Ewell%20Local%20Plan%20Regulation%2019.pdf>

- Full Council – 10 December 2024 – Proposed Submission Epsom and Ewell Local Plan:

<https://democracy.epsom-ewell.gov.uk/documents/s33936/Proposed%20Submission%20Epsom%20and%20Ewell%20Local%20Plan.pdf>

Other papers:

- Letter to the Chief Executive of the Planning Inspectorate from the Minister of State – 30 July 2024

<https://www.gov.uk/government/publications/local-plan-examinations-letter-to-the-chief-executive-of-the-planning-inspectorate-july-2024>