

Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 19 May 2026

PRESENT -

Councillor Peter O'Donovan (Chair); Councillor Clive Woodbridge (Vice-Chair) and Councillor Liz Frost (as nominated substitute for Councillor Neil Dallen); Councillors Steve Bridger, Julian Freeman, Rob Geleit, Phil Neale, Kieran Persand, Christine Howells (as nominated substitute for Councillor Alex Coley) and Alan Williamson (as nominated substitute for Councillor Humphrey Reynolds)

In Attendance: Councillor Shanice Goldman and Councillor James Lawrence

Absent: Councillor Neil Dallen, Councillor Alex Coley and Councillor Humphrey Reynolds

Officers present: Ian Mawer (Head of Planning Policy and Economic Development) and Phoebe Batchelor (Democratic Services Officer)

37 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests were made by Members with respect to any items to be considered at the meeting.

38 MOTION

The Committee received a verbal update from the Head of Planning Policy and Economic Development on the current stage of the Local Plan examination.

The update included the following key points:

- The Local Plan had been submitted to the Planning Inspectorate on 10 March 2025, at which point the examination stage commenced and control of the process passed to the appointed Planning Inspector.
- Additional work had been undertaken at the direction of the Inspector, including:
 - Review of Green Belt topic paper methodology and assessments

- Reassessment of specific urban sites in the land availability assessment
 - Identification of potentially suitable sites to address unmet housing need
- A number of supporting evidence documents had been produced, including and submitted in April 2026:
 - Sustainability Appraisal Addendum
 - Habitats Regulations Assessment Addendum
 - Transport Assessment Addendum
 - Infrastructure Delivery Plan Addendum
- A non-statutory public consultation on these documents commenced on 11 May 2026 and would close on 15 June 2026.
- A further hearing session was scheduled for 2 July 2026.
- The Inspector would subsequently determine whether:
 - The plan could proceed with main modifications, or
 - The plan should be withdrawn.

The Head of Planning Policy and Economic Development confirmed that no changes had been made to the submitted Local Plan itself, and that only the Inspector could introduce modifications.

The following matters were considered:

- Councillor Persand proposed that the motion was deferred to a meeting at a later date when a legal officer is present.

Councillor Freeman seconded the proposed motion.

The Committee voted (4 for and 6 against) on the proposed motion and the motion was lost.

- a) **Legal Advice.** Some Members of the Committee raised their concerns and disappointment that the motion to defer the meeting until a legal officer is present was lost. They expressed that a legal officer must be present to give advice to Members. A Member raised that they had only been informed that a legal officer would not be present at 4pm on the day of the meeting. The Chair explained that legal advice had been provided by the Monitoring Officer prior to the Committee Meeting, and it had been confirmed that the Head of Planning Policy and Economic Development

had complied with the delegated authority granted to him in carrying out the work requested by the Inspector.

- b) **Adjournment.** The Chair adjourned the meeting, at 20.10, in order to attempt to contact the Council's Monitoring Officer to obtain clarification on legal matters raised. The meeting was then reconvened at 20.27. Following contact with the Monitoring Officer, the Chair confirmed that where a specific request for legal advice was received in advance of the meeting, that this had already been provided to the Member prior to the meeting and reiterated that the matters raised were not relevant to the motion under consideration. A Member raised that legal advice had not been shared with all Committee Members prior to the Committee Meeting, and it could not be reasonably expected for other Members to understand and take on board the legal advice during the Committee Meeting. The Chair stated that the comments were not relevant to the motion in front of Members.
- c) **Processes.** A Member of the Committee asked the Head of Planning Policy and Economic Development to set out the remaining steps in the Local Plan process. The Head of Planning Policy and Economic Development reiterated the next steps set out in the report introduction. He explained that following the hearing, scheduled for the 2 July, the Inspector will advise the Council on whether the plan cannot be found sound and needs to be withdrawn or whether it can be found sound with modifications. The Member asked what the implications are if the plan cannot be found sound by the Inspector. The Head of Planning Policy and Economic Development explained that the Council would be left with a significantly out of date local plan, that dates from 2007, and no five-year land supply, which makes the Council more vulnerable to speculative development. He also informed Committee Members that Epsom and Ewell would have the oldest Local Plan of all the East Surrey authorities. He explained that the Council would then need to start plan making under the new plan making system, which is completely different.
- d) **New Plan.** A Member of the Committee raised that the Epsom and Ewell Local Plan will inevitably become redundant, and a new one will be needed. The Head of Planning Policy and Economic Development explained that with the establishment of the new East Surrey Authority, a new single local plan for the East Surrey Area will need to be prepared. He stated that this task would be a huge undertaking and is unlikely to happen anytime soon. The Plan would also be subject to different criteria as a new plan making system has been introduced and a new tier of planning is coming in as well. He clarified that Epsom and Ewell's Local Plan would stay in effect until it is replaced by the plan prepared by East Surrey.
- e) **Debate on Delegated Authority and Member Oversight.** Members debated the extent to which delegated authority had been used in progressing Local Plan work during the examination stage.

During the debate, the following key points were raised:

- Concern that Members had not had sufficient oversight of evidence submitted to the Inspector
- View that significant changes to evidence base documents should have been considered by the Committee
- Concern regarding the democratic accountability of decisions taken by officers under delegated authority
- The importance of maintaining public confidence in the Local Plan process
- In response, the Chair and the Head of Planning Policy and Economic Development advised that:
 - All work undertaken had been at the request of the Inspector
 - The examination stage is led by the Inspector, not the Council
 - Delegated authority had been applied to enable timely responses to the Inspector
 - The submitted Local Plan itself had not been altered
 - It was also confirmed that:
 - Evidence base documents are not normally subject to Committee approval
 - The final decision on the Local Plan would be taken by Full Council following the Inspector's report
- f) **Reviewing Documents.** A Member of the Committee raised that the issue with the changed documents, submitted to the Inspector, is that it is then not the job of the inspector to review the documents for accuracy, strategic alignment, or consistency. The Member stated that those responsibilities lie with the Committee and the Committee had not been given the opportunity to fulfil those responsibilities. The Member raised that the Inspector only asked the Council to look at urban sites, not green belt sites, and that had been done outside of the prescribed scope of work requested. The Head of Planning Policy and Economic Development explained that the only work undertaken is what was necessary for the examination to proceed and at the request of the Inspector. He explained there were two pieces of work requested in January, one was looking at specific urban sites in the Land Availability Assessment, and one was revisiting section 4 of the Greenbelt Topic Paper because of concerns with consistency of approach and the methodology. He reminded the Committee that they do not approve evidence base. The Inspector requested the Council identify some potential additional sites for

allocation, supported by specific evidence base addendums. The Member quoted a letter from the Inspector to the Council, dated 22 October 2025, and said that the Inspector did not say in the public hearings or in written correspondence that the plan submitted was not sound or that further greenbelt site would need to be included to make the plan sound. The Member stated that the instruction from the Inspector was to revisit the greenbelt paper and ensure the sites are assessed in a consistent manner. The Head of Planning Policy and Economic Development explained that the Inspector will not explicitly state that the plan has been found sound or unsound until her final report at the end of the process. He informed the Committee that the Inspector will only ask for additional work to be undertaken during the examination period if there are soundness concerns.

- g) **Greenbelt sites.** A Member of the Committee quoted a letter received from the Inspector on 5 February 2026, which stated the Inspector was not clear as to what the Council were recommending regarding greenbelt sites and asked for clarification. The Member asked the Head of Planning Policy and Economic Development what his interpretation of the letter was. The Head of Planning Policy and Economic Development explained that during examination hearings, the Inspector expressed concerns that the Council should be doing more to meet housing needs and then asked for a specific piece of work, which relates to specific greenbelt sites, to be looked at again. He confirmed that work was carried out against the revised methodology and produced different outcomes, which resulted in the Inspector asking for clarification, and a further action point to assess additional sites for potential allocation. The Vice Chair asked the Head of Planning Policy and Economic Development to confirm he was not proposing additional sites for inclusion in the Local Plan but was just identifying potential sites that could be included under the instruction of the Inspector. The Head of Planning Policy and Economic Development confirmed that was the case and that the plan remained unchanged from the version submitted in March 2025. A Member asked if the Head of Planning Policy and Economic Development had identified 40 additional hectares of greenbelt land that could be included in the Local Plan. The Head of Planning Policy and Economic Development explained the work requested by the Inspector had been undertaken and was currently subject to public consultation. He explained at this stage it is up to the Inspector if any additional sites are included in the Local Plan to address issues of soundness.
- h) **Sites.** A Member of the Committee stated that if Councillors had been considering potential sites, instead of Officers, they would have reached different conclusions. The Member stated they did not believe delegated authority should have been granted to officers, as only elected Councillors are accountable to residents and know what their residents need. The Chair informed the Committee that Officers are employed by the Council to do a specific job, which they have the expertise and experience to carry out. The Member stated that residents have made clear that they do not want greenbelt sites to be built on.

- Councillor Persand proposed an amendment to part 2 of the motion,

(2) *Withdraw* delegation of authority item P7:

‘To propose changes and corrections to the Local Plan (2022-2040) and supporting documents, including policy updates, editorial, typographical and grammatical errors, during and following the publicity period, plan submission and during examination.’

Councillor Freeman seconded the proposed amendment.

The Committee voted (4 for, 5 against, and the Chair not voting) against the proposed amendment and the motion was lost.

- i) **Meeting.** The Vice Chair suggested the Committee were given an opportunity to review the documents currently being publicly consulted on. A Member raised that the documents should have been reviewed before they were submitted. The Head of Planning Policy and Economic Development explained the documents have been submitted, published, and accepted by the Inspector. He raised that a Member Briefing could be arranged to discuss the documents currently being consulted on. The Member said that a Member Briefing would be welcome but should not be in place of a public Committee Meeting.
- j) **Public Consultation.** A Member of the Committee asked that more notice is taken of the public consultation responses than in previous Local Plan public consultations. The Head of Planning Policy and Economic Development explained that during the examination phase, the consultation responses are sent to the Inspector to consider, it is not for the Council to consider them. He explained that a full comms plan has been drawn up to promote the non-statutory public consultation and encouraged residents and Councillors to respond. The responses received to the consultation and shared with the Inspector will guide the discussions at the 2 July hearing. The Member asked that the opinions of residents are heard. The Chair explained that every comment received during the reg 18 and 19 public consultations was looked at. He explained that the current public consultation responses will be sent to the Inspector to consider.
- k) **Documents.** A Member asked where it says that documents cannot be changed or resubmitted. He queried this as he stated that there is scope and precedent to resubmit documents as documents are changed during the examination hearings. The Head of Planning Policy and Economic Development explained that the Inspector has approved the documents submitted for publication and there is no precedent for withdrawing the documents at this stage.
- l) **Main modifications.** The Vice Chair asked if the Licensing and Planning Policy Committee are able to express a view on the Inspector's main modifications. The Head of Planning Policy and Economic Development explained that each authority have a different process for the next steps of

the examination. He explained that the Inspector's proposed main modifications will be subject to a statutory six-week public consultation, following this, the Inspector will draft a final report with binding modifications. The Council will need to accept the modifications if it wishes to adopt the Plan.

- m) **Member Scrutiny.** A Member of the Committee raised their concern with the lack of member scrutiny throughout the Local Plan process. The Member asked for potential dates to be identified and reserved where the Committee can review the main modifications, and if necessary, make further recommendations and submissions to Full Council.
- n) **Process.** A Member of the Committee raised that the main modifications need to come back to Committee to be scrutinised and cannot go straight to Full Council. The Head of Planning Policy and Economic Development explained the process leading up to the submission of the draft Local Plan. He informed the Committee that plan remains as it was when submitted until the Inspector publishes her proposed main modifications, which will go out to public consultation. The Inspector will review the responses before drafting her final report. A Member asked if during the consultation period, proposed recommendations or changes can be raised. The Head of Planning Policy and Economic Development explained that anyone can respond to the public consultation on the Inspector's proposed main modifications. A Member raised that the modifications should come to Committee before they go to public consultation. The Head of Planning Policy and Economic Development informed the Committee he would check if Licensing and Planning Policy Committee and/or Full Council need to approve the main modifications going to public consultation.
- o) **Terms of Reference.** A Member of the Committee raised that the Terms of Reference for the Licensing and Planning Policy Committee set out that, *'To consider and approve: a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage),'* and therefore, there should be a meeting held before the main modifications go to public consultation. The Head of Planning Policy and Economic Development explained that the ToR gives Licensing and Planning Policy Committee that responsibility, up to the preferred option stage, which has passed.
- p) **Questions.** A Member of the Committee raised that there is no stage left in the process for elected members to question and scrutinise the proposed main modifications. The Chair invited Members to participate in the public consultation. The Member asked if councillors could only contribute to the public consultation as residents and not as elected officials. The Chair confirmed that is the case.

The Chair adjourned the meeting at 21:43. The meeting was resumed at 21:50.

- Councillor Woodbridge proposed an amendment to the final sentence of recommendation 5,

*‘To require the Head of Planning Policy and Economic Development, in collaboration with the Chair of LPPC, to determine the number and timing of additional LPPC meetings to be scheduled. These meetings are to *update on the local plan examination.*’*

Councillor Neale seconded the proposed amendment.

The Committee voted (3 for, 5 against, and the Chair not voting) against the proposed amendment and the motion was lost.

Following consideration, the Committee resolved that the recommendations of the motion were **NOT** agreed.

The votes on the recommendations were as follows:

With 4 votes for the recommendation, 5 votes against the recommendation and the Chair not voting the following recommendation was **NOT** agreed:

(2) Withdraw delegation of authority item P7:

‘To propose changes and corrections to the Local Plan (2022-2040) and supporting documents, including policy updates, editorial, typographical and grammatical errors, during and following the publicity period, plan submission and during examination.’

With 4 votes for the recommendations, 5 votes against the recommendations and the Chair not voting the following recommendations were **NOT** agreed:

- (1) The LPPC will ensure that all development plan documents to be submitted to the Inspector, including but not limited to amendments to development plan documents and addendums to development plan documents, are reviewed and approved for release by the LPPC, in compliance with PaCPA para 20 and the committee’s Terms of Reference, prior to submission to the Inspector.**

Further to ensure that, where such document are required to be approved by Full Council under the terms of the constitution, that this approval is also first obtained prior to submission to the Inspector.

- (3) Documents COUD_020 and COUD_021 will be presented to the LPPC by the Head of Planning Policy and Economic Development as soon as possible, for its review, challenge and approval for submission to the Inspector, subject to any amendments deemed appropriate and necessary by the committee.**

If, as expected, amendments result from the review, revised versions of COUD_020 and COUD_021 will be submitted to the Inspector, together with a covering letter explaining the need for the changes and setting out the proposed next steps to progress the Local Plan in a timely manner. A draft covering letter will therefore also be presented to LPPC by the Head of Planning Policy and Economic Development, at the same meeting, for review and approval.

(4) The committee will, prior to submission of the specific documents required by the Inspector in her letter of 12 February 2026:

- i. Having considered the updated content of COUD_020 and COUD_021 resulting from item 3, above, the LPPC will determine and agree which additional urban and Green Belt sites, if any, the council intends to recommend for inclusion in the Local Plan. These decisions will be made with full consideration of, and alignment with, the council's overarching strategy and objectives for the Local Plan.
- ii. Direct officers to prepare revised versions of the following documents in accordance with the decision made in i), above:
 - a. Housing trajectory and 5-year supply position
 - a. Sustainability Appraisal
 - a. Habitats Regulations Assessment
 - a. Transport Assessment
 - a. Infrastructure Delivery Plan
 - a. Any other documents required to be updated to take into account the council's conclusions on which urban and Green Belt sites they propose to allocate within the Local Plan
- iii. Review the revised documents prepared under ii), above, and approve submission versions.
- iv. For items ii) a), b) and c), consider and recommend the submission versions of these documents for approval to Full Council.

With 4 votes for the recommendation, 5 votes against the recommendation and the Chair not voting the following recommendation was **NOT** agreed:

- (5) To require the Head of Planning Policy and Economic Development, in collaboration with the Chair of LPPC, to determine the number and timing of additional LPPC meetings to be scheduled. These meetings are to enable the thorough and effective review of any and all development plan documents prior to submission to the Inspector or recommendation to Full Council.**

The meeting began at 7.30 pm and ended at 9.57 pm

COUNCILLOR PETER O'DONOVAN (CHAIR)