

## **EPSOM AND EWELL LOCAL PLAN (2022-2040) PROPOSED MAIN MODIFICATIONS CONSULTATION**

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>Head of Service:</b> | Ian Mawer, Head of Planning Policy and Economic Development                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Report Author</b>    | Ian Mawer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Wards affected:</b>  | (All Wards);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Appendix</b>         | <b>Appendix 1:</b> Epsom and Ewell Local Plan 2022-2040 Schedule of Proposed Main Modifications<br><b>Appendix 2:</b> Schedule of Modifications to the Policies Map<br><b>Appendix 3:</b> Epsom and Ewell Local Plan 2022-2040 Sustainability Appraisal Report Addendum<br><b>Appendix 4:</b> Epsom and Ewell Local Plan 2022-2040 Habitats Regulation Assessment of the Main Modifications<br><b>Appendix 5:</b> Epsom and Ewell Local Plan 2022-2040 Schedule of Additional Modifications |

### **Summary**

The Examination of the Epsom and Ewell Local Plan 2022-2040 commenced following the appointment of a Planning Inspector on 1 April 2025. The Planning Inspector is assessing the legal compliance of the plan and its compliance with the four tests of soundness set out in the National Planning Policy Framework (NPPF).

The purpose of this report is to present the Planning Inspectors proposed Main Modifications to the Submission Epsom and Ewell Local Plan (2022-2040) (Appendix 1) to the Committee so that they can make a recommendation to Full Council that a statutory public consultation be undertaken for a period of 6 weeks.

### **Recommendation (s)**

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

- 1) Note the Inspectors Proposed Main Modifications to the Submission Local Plan (2022-2040) contained in Appendix 1, and revisions to the Submission Local Plan policies maps contained in Appendix 2.**
- 2) Recommend to Full Council that the statutory public consultation on the documents contained within Appendix 1 and 2, together with the Sustainability Appraisal Addendum (Appendix 3) and Habitats Regulations Assessment Addendum (Appendix 4), commence for a period of at least 6 weeks.**
- 3) Nominate and Authorise the Head of Planning Policy and Economic Development in consultation with the Chair of the Licencing and Planning Policy Committee, to make any necessary amendments to the documents listed in recommendation 2 above following the consultation should the Inspector require any further modifications.**
- 4) Nominate and Authorise the Head of Planning Policy and Economic Development in consultation with the Chair of the Licencing and Planning Policy Committee, to update the Local Development Scheme (local plan timetable).**

## **1 Reason for Recommendation**

- 1.1 To enable the Local Plan Examination stage which is led by the appointed Local Plan Planning Inspector to continue. Consultation on the Inspectors main modifications is a legal requirement and necessary for the Examination to progress to the next stage. The Examination stage concludes once the Inspector issues her final report to the Council.

## **2 Background**

- 2.1 The Council submitted its Local Plan for Independent Examination on 10 March 2025. At the outset of the examination process, the council formally requested that the Inspector should recommend any Main Modifications (MMs) that they consider necessary to make the plan sound and legally compliant (to allow it to be adopted).
- 2.2 An Inspector was appointed to undertake the Independent Examination of the Local Plan on 1 April 2025 and following this the Council received and responded to the Inspectors Matters, Issues and Questions (MIQs) and public Examination Hearings were held in:

# Licensing and Planning Policy Committee

## 22 September 2026

- Stage 1 - August 2025 in relation to legal compliance and the duty to cooperate.
  - Stage 2 - September and October 2025 in relation to soundness.
- 2.3 During the Stage 2 hearings the Inspector requested that the Council produce some additional evidence which was necessary for the Examination to proceed. This evidence was subsequently produced and approved by the Inspector for publication on the Examination webpage.
- 2.4 At the request of the Inspector, the additional evidence documents were then subject to a non-statutory public consultation between 11 May and 15 June 2026. An additional examination hearing was then held on the 2 July 2026 that focused on the additional evidence produced by the Council.

### Proposed Main Modifications (MMs)

- 2.5 Following the close of the hearings, the agreement of the MMs schedule between the Inspector and Officers, assisted by the Programme Officer (PO), was prioritised in accordance with the Procedure Guide for Local Plan Examinations so that public consultation can take place in a timely manner. The first part of this process required officers to produce a schedule of proposed MMs for the Inspector's comment which reflected the outcome of discussions at the hearings. As part of this process officers have had to work proactively with the Inspector (through the Programme Officer) to finalise the proposed MMs (Appendix 1).
- 2.6 The proposed MMs that have been identified throughout the examination process and agreed with the Inspector are necessary to secure the soundness of the new Local Plan. They are a direct outcome of the examination process. Unlike previous stages of the plan-making process prior to submission and examination, there is no opportunity for the Council to unilaterally amend the modifications – as they are specific changes agreed with the Inspector as necessary to ensure the Plan's soundness.
- 2.7 The core MMs proposed to the submitted Local Plan are set out in Section 3 of this report. As there are many MMs, they are not all summarised.
- 2.8 To reflect the proposed MMs, proposed amendments to the Policies Map have been prepared (Appendix 2). The purpose of the policies map is to illustrate geographically the application of policies in the plan. To ensure fairness, any proposed changes to the Policies Map need to be subject to consultation alongside the MMs.

# Licensing and Planning Policy Committee

## 22 September 2026

### Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) of MMs

- 2.9 The Council is required to undertake HRA and SA as appropriate on the proposed MMs prior to consultation. This has been undertaken and the documents (which form addendums to the submission HRA and SA) have been drafted and approved for consultation alongside the proposed main modifications.
- 2.10 The SA Addendum (Appendix 3) introduces the proposed MMs (section 2), presents an appraisal (section 4) and considers the possibility of defining/ appraising reasonable alternatives (section 3). It reaches the conclusion that there are no reasonable alternatives at the current time.
- 2.11 The HRA Addendum (Appendix 4) focuses on whether the Main Modifications (MMs) will result in likely significant effects on any European sites. The overall conclusion is that the proposed Main Modifications will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

### Consultation

- 2.12 Consultation on the proposed MMs are required by legislation. This is a statutory six-week public consultation that is necessary for the Examination stage to progress. The consultation is only on the soundness of the MMs (Appendix 1), Policies maps changes (Appendix 2) and the accompanying SA Addendum (Appendix 3) and HRA addendum (Appendix 4).
- 2.13 Following a recommendation from this committee. Full Council will be asked to agree that the statutory consultation commences for a period of six weeks.
- 2.14 It is important to note that Council cannot suggest changes to the Inspectors proposed MMs (Appendix 1), Revisions to the Policies Map (Appendix 2), Sustainability Appraisal Addendum (Appendix 3) and Habitats Regulations Assessment Addendum (Appendix 4). This is because the Inspector is seeking views on the changes (MMs) that she feels are necessary to make the plan sound.

### Additional Modifications

- 2.15 In addition to the MMs, the Council has prepared a list of minor changes to the Submission Epsom and Ewell Local Plan (Appendix 5). Such changes are known as Additional Modifications (AMs) and do not materially affect the Submission version of the Local Plan's policies and proposals. They relate to matters such as typographical errors, minor editing, factual updates and name changes. These are not matters for the Inspectors' consideration and do not form part of the statutory consultation; however, they will be published alongside the consultation documents for information.

# Licensing and Planning Policy Committee

## 22 September 2026

### 3 Core proposed Main Modifications

3.1 The proposed MMs are attached as Appendix 1. Most of these changes are for clarity and do not change the intent of the submitted Local Plan policy wording.

3.2 The core changes arising from the proposed MMs are detailed below:

#### Housing Supply & Additional Housing Allocations

3.3 The proposed MMs include the addition of allocations for 12 sites located within the defined urban area and 4 sites that are currently located within the Metropolitan Green Belt. These sites are detailed below:

| <b>Proposed Allocation Number and site name</b>           | <b>Allocated for</b>                                                                                                                | <b>Main modification number</b> |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| SA36 – 25 Alexandra Road, Epsom                           | A minimum of 10 dwellings                                                                                                           | <b>MM44</b>                     |
| SA37 – Gainsborough Road estate, Epsom                    | A minimum of 8 dwellings                                                                                                            | <b>MM45</b>                     |
| SA38 – Parking at 54 Gainsborough Road                    | A minimum of 6 dwellings                                                                                                            | <b>MM46</b>                     |
| SA39 – 85b Hook Road, Epsom                               | A minimum of 8 dwellings                                                                                                            | <b>MM47</b>                     |
| SA40 – Land west of Ewell By-Pass                         | A minimum of 38 dwellings                                                                                                           | <b>MM48</b>                     |
| SA41 – Conservative Club, Epsom Club and Church           | Mixed use development for community uses (approximately 1,800sqm) and a minimum of 28 dwellings                                     | <b>MM49</b>                     |
| SA42 – TK Maxx                                            | Mixed use development to provide retail and leisure uses (approx. 3,750 sqm) and a minimum of 17 dwellings                          | <b>MM50</b>                     |
| SA43 – Land R/O The Albion Public House (Mccaffertys Bar) | Mixed use development, a minimum of 11 dwellings and approximately 500sqm commercial, business or service floorspace                | <b>MM51</b>                     |
| SA44 – Spread Eagle Shopping Centre                       | Mixed use development to provide retail and leisure uses (approximately 2,000sqm) and student accommodation (a minimum of 40 units) | <b>MM52</b>                     |

Licensing and Planning Policy Committee  
22 September 2026

|                                         |                                                                                                                                                                                                                                                                                                                                                                     |             |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| SA45 – Auction House, Depot Road        | Mixed use development to provide commercial, business and service floorspace (approximately 500sqm) and a minimum of 10 dwellings                                                                                                                                                                                                                                   | <b>MM53</b> |
| SA46 – Laine Theatre Arts               | A minimum of 6 dwellings                                                                                                                                                                                                                                                                                                                                            | <b>MM54</b> |
| SA47 – Eclipse Business Park, West Hill | Mixed use development to provide commercial, business and service floorspace (approximately 1,500sqm) and a minimum of 23 dwellings                                                                                                                                                                                                                                 | <b>MM55</b> |
| SA48 – Cuddington Glade                 | Residential Care Home providing at least 70 bedrooms                                                                                                                                                                                                                                                                                                                | <b>MM56</b> |
| SA49 – Land off Cuddington Glade        | Minimum of 45 dwellings                                                                                                                                                                                                                                                                                                                                             | <b>MM57</b> |
| SA50 – Land at Priest Hill              | Residential-led mixed use development for a minimum of 275 dwellings, commercial and/or community uses (approximately 1,000 sqm) along with a landscaped station square                                                                                                                                                                                             | <b>MM58</b> |
| SA51 – Downs Farm                       | <p><u>Land to the North of College Road:</u></p> <p>A minimum of 530 dwellings, employment hub, specialist school provision (up to 2.5ha) and public open space</p> <p><u>Land to the South of College Road:</u></p> <p>Public open space with improved pedestrian and cycle connectivity to Epsom Downs Station and playing pitches and supporting facilities.</p> | <b>MM59</b> |

- 3.4 The implications of the inclusion of the sites detailed above are that the housing supply increases over the plan period (2022-2040) which is reflected in proposed changes to Policy S1: Spatial Strategy (MM3) and the Trajectory (MM180).
- 3.5 The table overleaf shows the resulting changes to the housing supply detailed in Policy S1:

Licensing and Planning Policy Committee  
22 September 2026

| Source of Supply                                                      | Submission Local Plan | Proposed Main Modifications |
|-----------------------------------------------------------------------|-----------------------|-----------------------------|
| Completions                                                           | 456                   | 605                         |
| Commitments                                                           | 600                   | 604                         |
| Windfall (1-4)                                                        | 455                   | 385                         |
| Windfall (5-19)                                                       | 407                   | 333                         |
| Large urban sites (20+ units)                                         | 1,313                 | 1,477                       |
| Small urban sites (5 to 19 units)                                     | 103                   | 151                         |
| Allocations beyond current urban area to be inset from the Green Belt | 1,580                 | 2,497                       |
| Total supply over the plan period                                     | 4,914                 | 6,052                       |

- 3.6 The implication of the above is that the housing requirement detailed in the Local Plan will increase from a minimum of 4,700 dwellings over the plan period to a minimum of 6,012 homes. A key change is that the modifications propose a stepped housing requirement whereby the requirement for the first four years of the plan period (2022/23 – 2025/26) aligns with the housing completions delivered during this period, which average 152 homes per annum. For the remainder of the plan period, the requirement is 386 homes per annum.

Policy S6 - Affordable Housing

- 3.7 During the Examination Hearing Session on Matter 6 – Other Housing Policies (2 October 2025), there were discussions about increasing the affordable housing requirement for sites within the Green Belt or to be released from the Green Belt. This is reflected in proposed MM62.

Policy DM8 - Racehorse Training Zone

- 3.8 During the Examination Hearing Session on Matter 10 – Employment & Horse Racing (8 October 2025), the Inspector asked the Council to meet with the Jockey Club to agree a statement of common ground setting out revisions to the policy to make clear the different needs and functions of the Racecourse Area, Racecourse Training Zone and Racehorse Movement Corridor. This is reflected in proposed MM72.

# Licensing and Planning Policy Committee

## 22 September 2026

### Policy S11 - Design

- 3.9 During the Examination Hearing Session on Matter 7 – The Built Environment (3 October 2025), the Inspector raised concerns that the Design policy as drafted wasn't fully compliant with national planning policy and suggested that officers revisit this policy and the supporting text to make it more locally distinctive and integrate parts of Policy S13 – Preserving identity of place with heritage. This is reflected in proposed MM 74.

### Policy DM15 - Green Belt

- 3.10 During the Examination Hearing Session on Matter 4 – The Green Belt (1 October 2025), the Inspector raised concerns that the Green Belt policy as submitted wasn't fully compliant with national planning policy and suggested that officers revisit this policy and the supporting text to make it more locally distinctive. This is reflected in proposed MM 82.

## **4 Next Steps for the Local Plan**

- 4.1 The next steps for the Local Plan will depend on the decision made by committee members. The two options are detailed below:

### **Option 1 – LPPC recommend to Council that consultation commences on the Inspectors proposed main modifications**

- 4.2 Following a recommendation from this committee. Full Council will be asked to agree that the statutory consultation commences for a period of six weeks.
- 4.3 If approved by Full Council, a six-week consultation period will provide stakeholders with the opportunity to prepare and submit representations to the Council about the:
- Schedule of proposed MMs (Appendix 1)
  - Schedule of modifications to the Policies Map (Appendix 2).
  - Sustainability Appraisal Report Addendum (Appendix 3)
  - Habitats Regulation Assessment Addendum (Appendix 4)
- 4.4 It is important to note that during the consultation:
- representations can only be made on the proposed Main Modifications to the Local Plan, not the Plan as submitted for Examination in March 2025. The consultation is therefore not an opportunity to repeat or raise further representations about the Submission Local Plan or to seek further changes to it. This will be made clear in consultation material.

# Licensing and Planning Policy Committee

## 22 September 2026

- documents will be published online, and hard copies of the consultation documents will be made available for inspection at the Town Hall and borough libraries during opening hours.
- 4.5 Following the close of the consultation all representations will be shared with the Inspector and following her approval published on the Examination webpage.
- 4.6 The Inspector will consider all the representations made before finalising her examination report and the schedule of recommended MMs. The Council must then make the recommended MMs (together with any AMs) if they wish to adopt the Plan.
- 4.7 The publication of the Inspectors report concludes the Local Plan Examination. Councillors will then be invited to make a final decision at a future Full Council whether or not to approve the Epsom and Ewell Local Plan (2022-2040) as modified by the Planning Inspector.

### **Option 2 – LPPC do not recommend to Council that consultation commences on the Inspectors proposed main modifications**

- 4.8 A report will be prepared for Council setting out the recommendation of this Committee not to proceed with the statutory consultation and will therefore request that Council formally withdraw the Local Plan from Examination.
- 4.9 The reason for recommending withdrawal of the Plan being that the Inspector's report on the Local Plan (which concludes the Examination stage) can only be issued once the Council has consulted on the proposed MMs, policies map amendments, SA Addendum and HRA Addendum and the inspector has had the opportunity to consider any representations received on these documents.
- 4.10 The report will also present an option for Council to overturn this recommendation and approve that the statutory consultation commences.

## **5 Local Development Scheme update**

- 5.1 The report seeks the authority to update the Local Development Scheme (Local Plan timetable) so that it more accurately reflects the anticipated timetable for adoption of the Local Plan if full Council approve the proposed MMs consultation.
- 5.2 The Local Development Scheme was last updated in December 2024 and whilst the key statutory consultation stages during the plan making phase and submission for examination have been undertaken in accordance with the published timescales, the anticipated dates of adoption will require updating as they are currently stated as Spring 2026. This delay is due to the Inspector requiring additional work to be undertaken during the Examination stage (see paras 2.3 and 2.4 above).

# Licensing and Planning Policy Committee

## 22 September 2026

- 5.3 It is therefore recommended that this minor update to the Local Development Scheme be undertaken under delegated authority as opposed to requiring committee approval.

### **6 Risk Assessment**

Legal or other duties

#### **6.1 Equality Impact Assessment**

- 6.1.1 An Equality Impact Assessment will be prepared to appraise the Proposed Main Modifications to ensure that the proposed amendments to the submission Local Plan promotes equality and does not discriminate.

#### **6.2 Crime and Disorder**

- 6.2.1 None arising from this report.

#### **6.3 Safeguarding**

- 6.3.1 None arising from this report.

#### **6.4 Dependencies**

- 6.4.1 The delivery of key corporate objectives/actions are dependent on progressing the Local Plan, including:
- Actions identified in the Affordable Housing Audit
  - Homelessness and Rough Sleeper Strategy and supporting action plan
  - Climate Change Action Plan

### **7 Financial Implications**

- 7.1 The Council has committed extensive resource to progress the Local Plan to Examination Stage and in progressing the Examination. The Inspector has confirmed that main modifications are necessary to make the Local Plan sound and has set out her proposed main modifications which must be subject to statutory public consultation for the Examination to proceed.
- 7.2 The costs of the proposed main modifications have been budgeted for including the consultation software used, staffing within the Planning Policy team, funding for specialist external support in the preparation of evidence required by legislation to support the consultation (Sustainability Appraisal and Habitats Regulations Assessment) and the costs of the Examination.

# Licensing and Planning Policy Committee

## 22 September 2026

- 7.3 Any delays in progressing the proposed main modifications consultation, which is necessary for the examination stage to complete, increases the risk of speculative planning applications, which if refused by the council, may be subject to planning appeals. Defending planning appeals, especially those held as public inquiries, are expensive and will require additional resource.
- 7.4 **Section 151 Officer's comments:** The Council has committed financial and staffing resources to the preparation, submission and examination of the Local Plan 2022-2040. The costs associated have been incorporated within approved budgets.
- 7.5 Progressing the consultation on the Inspector's proposed Main Modifications is an important step towards concluding the examination and securing an up-to-date development plan for the Borough.
- 7.6 Whilst no additional budget approval is required as a result of the recommendations within this report, any material variations to the approved Local Plan budget or significant additional costs arising from the examination process will be reported through the Council's usual budget monitoring arrangements. In the meantime, the Council has the resources to ensure progressing the Local Plan (2022-2040) towards adoption.

## 8 Legal Implications

- 8.1 The Submission Local Plan is being examined for soundness after submission to the Secretary of State by the Inspector appointed to lead the Examination of the Local Plan.
- 8.2 The Levelling-up and Regeneration Act 2023 has made significant changes to the preparation of local plans. As the Epsom and Ewell Local Plan (2022-2040) ('the Local Plan') was submitted to the Secretary of State for examination before 31 December 2026, transitional provisions contained in the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 apply. The effect of these provisions is that Part 2 of the Planning and Compulsory Purchase Act ('PCPA') 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the 2012 Regulations') as they had effect prior to 25 March 2026 apply to the Local Plan.
- 8.3 At the start of the Local Plan Examination hearings, we invited the examining Inspector to recommend any modifications she considered to be necessary in accordance with section 20(7C) of the Planning and Compulsory Purchase Act 2004 in line with the delegation granted by Licensing and Planning Policy Committee on the 20 November 2024.

# Licensing and Planning Policy Committee

## 22 September 2026

- 8.4 The Council in its role as Local Planning Authority (LPA) must consult on all proposed main modifications. Due to the scope of the modifications, addendums to the Sustainability Appraisal and Habitats Regulations Assessment are required.
- 8.5 The Inspector's report on the Local Plan will only be issued once the LPA has consulted on the proposed MMs, policies map amendments, Sustainability Appraisal Addendum and Habitats Regulations Assessment Addendum and the inspector has had the opportunity to consider any representations received on these documents.
- 8.6 The duration of the consultation is consistent with the Government's Procedure Guide for Local Plan Examinations which states that "the nature and duration of the consultation [on proposed main modifications] should reflect that of the consultation held at Regulation 19 stage, where appropriate. This means it should last at least six weeks" (Paragraph 6.9).
- 8.7 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).
- 8.8 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).
- 8.9 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).
- 8.10 The examination process is then complete. Once this point in the process is achieved, Members will be informed and further advice provided as to the adoption of the Modified Local Plan will follow at that stage.
- 8.11 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.
- 8.12 **Legal Officer's comments:** all relevant legal comments are included within the body of this report.

## 9 Policies, Plans & Partnerships

- 9.1 **Council's Key Priorities:** The Local Plan is a corporate priority
- 9.2 **Service Plans:** The matter is included within the current Service Delivery Plan

# Licensing and Planning Policy Committee

## 22 September 2026

- 9.3 **Climate & Environmental Impact of recommendations:** The Local Plan incorporating the proposed main modifications will play a key role in implementing our Climate Change Action Plan, specifically Objective 4 which requires the development and delivery of a Local Plan and associated policies that contribute positively and demonstrate the Council's commitment to climate change.
- 9.4 **Sustainability Policy & Community Safety Implications:** The Local Plan itself has a key role in delivering sustainable development.
- 9.5 **Partnerships:** The Council has consulted relevant stakeholders throughout the Local Plan Process.
- 9.6 **Local Government Reorganisation Implications:** This will be the last Local Plan prepared by Epsom and Ewell Borough Council. As it stands, out of the five local planning authorities that will become part of the East Surrey Unitary Authority we have the oldest Local Plan document with our Core Strategy dating from 2007.
- 9.7 The new Unitary Authority will be responsible for preparing a new local Plan for its geographical area from the 1 April 2027; however it is uncertain as to how long this process will take given the introduction of a new tier of planning, known as Spatial Development Strategic that future Local Plans will need to be in conformity with.
- 9.8 Therefore, it is considered that progressing the Local Plan examination to its conclusion following receipt of the Inspectors report will enable the Council to decide whether they wish to have an up to date and adopted Local Plan in advance of East Surrey Unitary authority preparing a Local Plan.

## 10 Background papers

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

### Previous reports:

- [Licensing and Planning Policy Committee, Local Plan Update, 10 March 2026.](#)
- [Licensing and Planning Policy Committee, Proposed Submission Epsom and Ewell Local Plan \(Regulation 19\), 20 November 2024.](#)