

REVISED PLAN MAKING SYSTEM AND PREPARATION OF A NEW EPSOM AND EWELL LOCAL PLAN

Head of Service:	Ian Mawer, Head of Planning Policy and Economic Development
Report Author	Ian Mawer
Wards affected:	(All Wards);
Urgent Decision	No

Appendices (attached):	Appendix 1 - Letter dated 9 April 2026 from MHCLG to the Head of Planning Policy and Economic Development Appendix 2 – Letter dated 28 April 2026 from the Head of Planning Policy and Economic Development to the Deputy Director of Development Plans at MHCLG Appendix 3 – Reminder letter dated 25 June from MHCLG Appendix 4 - Letter dated 20 August 2026 from MHCLG to the Head of Planning Policy and Economic Development.
-------------------------------	---

Summary

A new plan-making system was introduced through Regulations published in March 2026. This would be to produce a Plan to follow the current Plan that remains under examination as referred to within this same Agenda.

The purpose of this report is to inform members of this new system of plan making and the subsequent correspondence between the Head of Planning Policy and Economic Development and Ministry of Housing, Communities and Local Government (MHCLG) representatives concerning the Council commencing work on its next Local Plan for the borough whilst the Examination of the Epsom and Ewell Local Plan (2022-2040) continues.

Recommendation (s)

The Committee is asked to:

- (1) Note the content of the letter from MHCLG dated 20 August 2026 (Appendix 4)**

- (2) Recommend that EEBC officers request to meet with the Chief Executive and Executive Member for Strategic Planning and Growth of the Shadow East Surrey Unitary Authority to determine how to progress this requirement in the context of Local Government Reorganisation, with the outcome of those discussions to be reported back to a future meeting of this committee.**

1 Reason for Recommendation

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2026, which came into force on 25 March 2026, required this Council to commence plan-making under the new plan making system by 30 June 2026 (publishing a '*notice of intention to commence local plan preparation*') and to pass through Gateway 1 (self-assessment of readiness for local plan preparation) by 31 October 2026. The new plan making system is very different from the previous system and will be explained in a latter part of this report.
- 1.2 Council officers received a letter from the MHCLG on 9 April 2026 confirming the above applied to EEBC (Appendix 1) and requested the Council provide indicative key milestone dates for the preparation of the new Local Plan. Receipt of and replying to letters such as this are within the normal course of business and as such are an operational matter for the Head of Service. In consultation with the Chair and Vice Chair of this Committee, the Head of Planning Policy and Economic Development responded to this letter on the 28 April 2026 (Appendix 2) setting out the concerns with this requirement, specifically in the context of the Local Plan (2022-2040) being at Examination stage (under transitional arrangements for the previous system) and Local Government Reorganisation.
- 1.3 The Head of Planning Policy and Economic Development received a response on the 20 August 2026 (Appendix 4) which confirms the government's expectation that work commences on a new Local Plan for the borough whilst the Local Plan examination on the Epsom and Ewell Local Plan (2022-2040) continues to progress towards conclusion.
- 1.4 The statutory responsibility for future plan-making will be a matter for East Surrey Council to determine from the 1 April 2027 and therefore this report suggests discussions are held with the new authority to establish how this Council complies with the requirement in advance of LGR, mindful of the budgetary requirement that any future plan will require.

Licensing and Planning Policy Committee

22 September 2026

2 Background

- 2.1 The Council is well advanced with the Local Plan (2022-2040) currently at Examination following submission in March 2025 and the contents of this report do not impact the emerging Local Plan examination. This is because the government have made it clear that there would be a period of 'dual-running' whereby existing plans in the system can be adopted under the legacy system (such as the Epsom and Ewell Local Plan 2022-2040) whilst the new system would be available to progress Local Plan reviews.
- 2.2 The new plan-making system was bought into effect over a year after the Local Plan (2022-2040) was submitted through the Town and Country Planning (Local Planning) (England) Regulations 2026 that were published on the 25 March 2026. Figure 1 overleaf illustrates the sequence of key local plan-making steps required as part of the new system.
- 2.3 The new planning system is substantially different from the legacy system that the Epsom and Ewell Local Plan (2022-2040) was prepared under.
- 2.4 The new system is intended to create a streamlined plan making system and the diagram below highlights that the regulations have introduced new statutory requirements and are based on three Gateway assessments. Gateway 1 is a self-assessment. The assessments for Gateways 2 and 3 will be undertaken by the Planning Inspectorate and determine readiness to progress to the next stage of plan making.
- 2.5 The first requirement is to publish notice of intention to commence local plan preparation at least four months before publishing a Gateway 1 self-assessment summary. This notice will include a timetable for plan preparation and a scoping consultation. The Gateway 1 Assessment triggers the beginning of the 30-month plan preparation process.
- 2.6 The updated National Planning Policy Framework (NPPF) was published on 17 August 2026 with Plan Making Policy PM2: Local Plans (page 8) reiterating the legislative expectation that local plans should be prepared and adopted within 30 months of publishing a Gateway 1 self-assessment'.

Figure 1 – New Plan Making System stages

Publish local plan timetable	The timetable must be kept up to date and set out the anticipated and actual dates for key plan-making stages.
Publish notice of intention to commence local plan preparation	Publication of notice which commences a minimum 4-month notice period, so stakeholders are aware plan-making is beginning.
Scoping consultation	Inviting feedback from stakeholders on how to engage with them and what the plan should contain.
Gateway 1: Self-assessment of readiness	Publication of a document setting out details of how you have got ready for plan-making, marking formal commencement for the 30-month timeframe.
Consultation: proposed local plan content and evidence	Minimum 6-week consultation on the proposed local plan content and evidence, including a draft vision.
Gateway 2	Seeking observations and advice from PINS to support the early resolution of potential soundness issues.
Consultation: Proposed local plan	Minimum 8-week consultation on the proposed local plan and supporting documents.
Gateway 3	Further review and progression towards the prescribed requirements.
Examination	Examination of the local plan against the tests of soundness set out in national policy
Adoption	Publication of the local plan and adoption statement

Licensing and Planning Policy Committee

22 September 2026

Correspondence between Council officers and MHCLG

- 2.7 The Council received an initial letter from MHCLG on 9 April 2026 (Appendix 1) concerning progressing the development of a new Local Plan under the new system. This letter states that the government expected the Council to commence plan-making by 30 June and to pass through Gateway 1 by 31 October 2026.
- 2.8 The Head of Planning Policy and Economic Development discussed the letter with the Planning Policy Team and subsequently the Chair and Vice Chair of the Licensing and Planning Policy Committee where a response was agreed and subsequently sent to the MHCLG Deputy Director – Development Plans on the 28 April 2026 (Appendix 2).
- 2.9 The response sets out that in principle the Planning Policy Team are supportive of the introduction of the new planning system and the associated gateway checks as plans progress, however we highlighted numerous issues facing our authority in complying with the prescribed deadlines which are summarised below:
- Local Plan examination underway with additional work requested and the need to be subject to consultation
 - Resourcing
 - Local Government Reorganisation and uncertainty concerning governance arrangements for the new East Surrey Unitary Authority
- 2.10 The letter concludes that we would welcome the opportunity to discuss the content of the letter with MHCLG representatives.
- 2.11 An East Surrey wide authority briefing was held by MHCLG on 9 June, which was attended by an EEBC planning officer, however the matters detailed in our letter were not fully addressed. Following this briefing a reminder letter from MHCLG was received by the Council (Appendix 3).
- 2.12 The Head of Planning Policy and Economic Development received a formal response from MHCLG on the 20 August 2026 which is attached as Appendix 4. To summarise the letter states that MHCLG:
- recognise that the examination of our emerging legacy system plan is ongoing and that producing two plans simultaneously creates resource pressures.
 - are pleased to note that the Inspector has provided feedback and that work on main modifications is progressing.
 - do not consider Local Government Reorganisation to be a reason for not progressing a local plan under the system and the government have published guidance.

Licensing and Planning Policy Committee

22 September 2026

- 2.13 The guidance referred to in the most recent letter was published on 6 July 2026 and states that *'forthcoming local government reorganisation is not a reason to delay plan-making. You must start your plan at the latest by the timings set out in regulations'*. The Guidance goes on to state that the government *'intend to publish transitional regulations in due course to deal with the various plan-making complexities arising because of local government reorganisation'*.
- 2.14 At the time of writing, the transitional regulations have not been published however we understand that they will cover common issues raised by local authorities including *'how an emerging plan can be progressed by a new unitary authority post unitarisation'*.

3 Next Steps

- 3.1 It is recommended that in the absence of transitional regulations concerning plan making in the context of LGR, Council Officers meet with the Chief Executive and Executive Member for Strategic Planning and Growth of the Shadow East Surrey Unitary Authority to discuss whether there is support for progressing a review of the Epsom and Ewell Local Plan under the new system in accordance with regulations.
- 3.2 It is important to note that no financial resource has been identified by EEBC to undertake a review of the Local Plan which is estimated to cost in the region of £1m over the plan preparation period. Subject to the outcome of the proposed discussion with the Shadow East Surrey Unitary Authority, a request for funding will need to be made to this Council's Strategy and Resources Committee from the Licensing and Planning Policy committee. In accordance with Section 24, any spend over £100,000 will need to be ratified by the Shadow East Surrey Unitary Authority.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

- 4.1.1 An Equalities Impact Assessment of the Local Plan Review will need to be undertaken, and consideration given to positive, neutral and any negative impacts identified for all protected characteristics.

4.2 Crime & Disorder

- 4.2.1 None

4.3 Safeguarding

- 4.3.1 None

Licensing and Planning Policy Committee

22 September 2026

4.4 Dependencies

4.4.1 None

4.5 Other

4.5.1 None

5 Financial Implications

5.1 The overall budget cost of progressing a Local Plan Review to adoption is estimated to be approximately £1 million, plus officer time. No budget has been allocated to commence a Local Plan Review.

5.2 It is important to note that budget has been allocated to progress the Local Plan (2022-2040) up until adoption which was approved by the Strategy and Resources Committee on 12 December 2023.

5.3 **Section 24 considerations:** No budget has been assigned to prepare a Local Plan Review for Epsom and Ewell Local Plan. There will be further resource implications for progressing the Local Plan Review after Vesting Day, which will be the responsibility of East Surrey.

5.4 **Section 151 Officer's comments:** The funding required to review the Local Plan is substantial and as a one-off cost would ordinarily be funded from reserves. In recent years numerous sums from the corporate projects reserve have been agreed to fund delivery of the Local Plan currently under inspection:

- £75,000 - September 2019
- £712,000 - March 2021
- £629,000 - December 2023

5.5 Should additional funds be required from the corporate projects reserve, the uncommitted balance of which currently stands at approximately £1.5 million, this would significantly reduce the available balance available for Council priorities.

6 Legal Implications

6.1 The Town and Country Planning (Local Planning) (England) Regulations 2026, came into force on 25 March 2026 which established a streamlined 30-month local plan-making process, which replaced parts of the 2012 Regulations. Key requirements include early scoping consultation, two rounds of public consultation, one self-assessment and two mandatory Planning Inspectorate Gateway Assessments, and a 30-month timeline.

Licensing and Planning Policy Committee

22 September 2026

- 6.2 Should the Council fail to comply with the requirements of these Regulations, the Secretary of State has several powers of intervention under the Planning and Compulsory Purchase Act 2004 (PCPA 2004). These powers are designed to address failures in the preparation, adoption, or revision of local plans.
- 6.3 Under section 15HA of the PCPA 2004, the Secretary of State may intervene if they believe that a local planning authority (LPA) is failing to undertake necessary or expedient actions in connection with the preparation, adoption, or revision of a local plan. This includes situations where a local plan is, or may become, unsatisfactory. The Secretary of State can take over the preparation of the plan, revise an adopted plan, or issue directions to the LPA regarding the preparation, modification, adoption, or revocation of the plan.
- 6.4 In summary, the Secretary of State has broad powers to intervene in cases of non-compliance with these Regulations, including taking over plan preparation, issuing directions, or requiring submission of plans for approval. These measures aim to ensure that local plans meet statutory requirements and are prepared in a timely and effective manner
- 6.5 **Legal Officer's comments:** Relevant legal comments are noted above.

7 Policies, Plans & Partnerships

- **Council's Key Priorities:** None
- 7.1 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.2 **Climate & Environmental Impact of recommendations:** Local Plans contain policies and climate change matters.
- 7.3 **Sustainability Policy & Community Safety Implications:** None
- 7.4 **Partnerships:** Policy PM10: Maintaining cooperation between plan-making authorities of the NPPF requires that Plan-making authorities should engage proactively and regularly with infrastructure providers, neighbouring and other relevant plan-making authorities (where there are strategic interdependencies across boundaries) and other relevant bodies to identify and address cross-boundary matters that need to be addressed in their plans. There is no longer a legal Duty to Cooperate through plan making.
- 7.5 **Local Government Reorganisation Implications:** EEBC will become part of the new East Surrey Unitary Authority from 1 April 2027. At the current time there is uncertainty as to whether from the 1 April 2027 the new East Surrey Authority will decide to continue with any local plans based on existing local authority geographies or whether the authority will decide to start a new East Surrey Local Plan for the entire geography.

Licensing and Planning Policy Committee

22 September 2026

- 7.6 The advice from MHCLG is to continue plan-making within existing geographies.

8 Background papers

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

Previous reports:

- [Local Plan Resources – Strategy and Resources Committee, 12 December 2023](#)