

STONELEIGH AND AURIOL NEIGHBOURHOOD PLAN 2025-2039

Submission Draft (2025)

REPORT OF EXAMINATION

By

Christopher Lockhart-Mummery KC

Independent Examiner

October 2025

SUMMARY

I was appointed by Epsom and Ewell Borough Council (the Council) with the support of the qualifying body, the Stoneleigh and Auriol Neighbourhood Forum (SANF) in August 2025 to undertake the independent examination of the draft Stoneleigh and Auriol Neighbourhood Plan 2025-2039, as submitted for examination (the NP).

A neighbourhood area was designated by the Council on 12 November 2020. The area is shown on Figure 1 of the NP. A Consultation Statement (12 May 2025) sets out the local engagement and consultation undertaken. I am satisfied that the level of consultation amply the relevant statutory requirements.

I decided that the statutory conditions for the holding of a hearing did not exist, and the examination proceeded on the basis of the documents only, and my visit to the area.

The NP shows a number of signs of no, or inadequate, professional input. There is a series of resulting defects, referred to in this report, such as inadequate clarity in the policies, policies which are unnecessary as duplicating national and/or local plan policy, and policies and text of unnecessary length. As a result I have had to make an unusual number and extent of recommendations for change.

However, the NP – as amended in accordance with my recommendations – has the potential to be a valuable part of the development plan, especially relating to the designation of Local Green Spaces.

I recommend that, subject to my recommended modifications, the NP proceed to referendum.

I see no reason why the area for the referendum should differ from the area of the NP.

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Introduction

1. I was appointed in August 2025 by Epsom and Ewell Borough Council (the Council) with the support of the qualifying body, the Stoneleigh and Auriol Neighbourhood Forum (SANF) to undertake the independent examination of the draft Stoneleigh and Auriol Neighbourhood Plan 2025-2039 as submitted for examination (the NP).
2. I am a King's Counsel with over 40 years' experience of planning law and practice. I am a member of the NPIERS Panel of Independent Examiners. I am independent of any local connections or interests, and have no conflicts of interest.

Background

3. The area of the NP was designated by the Council on 12 November 2020. The designated area is based on the Stoneleigh and Auriol Ward boundaries, prior to the minor boundary changes made in 2022. The designated area is shown on Figure 1 of the NP (page 9). It comprises some 180 hectares.
4. The area is well described in paragraphs 1.7.2-1.7.5 of the NP in these terms:

Stoneleigh and Auriol is a neighbourhood located in close proximity to Nonsuch Park where the scheduled monument of Nonsuch Palace is located...

The neighbourhood area mostly comprises of suburban residential streets laid out in a linear and grid pattern. According to the 2021 Census there are 8,571 residents in the area...90.5% of residents live in houses or bungalows with the remainder in flats or apartments.

The area is accessible via the A240 (Kingston Road/Ewell Bypass) running along the western border of the neighbourhood, and the A24 which is along the area's southern border. The northern border of Stoneleigh is also the border of Greater London. There are no main roads running through the area.

Stoneleigh and Auriol lies between three major town centres: Epsom (3 miles), Sutton (3 miles) and Kingston-upon-Thames (5 miles). It shares a long northern border with Cuddington Ward

and with the London Borough of Sutton. The villages of Ewell and Cheam are less than a mile away.

The Local Plan

5. The local plan for Epsom and Ewell is the Core Strategy 2007. The strategic policies relevant to the NP are CS5, CS6, CS13, CS15 and CS16. Section 4 of the Basic Conditions Statement (BCS), 12 May 2025, sets out the conformity of the NP policies with the above strategic policies.
6. The development plan for the Council's area also includes the Development Management Policies 2015. This document does not contain strategic policies.
7. The Council is at an advanced stage of producing a replacement local plan, to cover the period until 2040. The Proposed Submission Plan (Regulation 19) was submitted to the Secretary of State on 10 March 2025, and is currently at independent examination. For the purposes of my examination the local plan remains the Core Strategy 2007.

Evolution of the NP

8. The Neighbourhood Planning (General) Regulations 2012 set out a legal requirement at Regulation 15 that the submission of a neighbourhood plan proposal to the local planning authority must include certain documents, amongst is a "consultation statement. The Consultation Statement (CS) was duly published and submitted. I was supplied with the CS dated 12 May 2025.
9. Comprehensive details of the consultation and engagement carried out are set out in the CS. Regulation 14 consultation took place between 9 September – 27 October 2024. Comments were taken into account in the formulation of the revised NP, a process taking place in November-December 2024.
10. The revised NP was submitted under Regulation 15 to the Council on 18 May 2025. The Council carried out Regulation 16 consultation between 20 June – 1

August 2025. Eight responses were received (two from individual households), including the detailed response from the Council. I have carefully considered all the representations.

11. I am satisfied that the level of consultation carried out amply met the statutory requirements.

SEA and HRA

12. On 25 February 2025 the Council made a Screening Opinion under the SEA Directive and the UK SEA Regulations to the effect that strategic environmental assessment (SEA) was not required for the NP.
13. On the same date the Council determined, under the Habitats Directive and the UK Habitats Regulations 2017, that an appropriate assessment of the NP was not required.
14. I have no reason to doubt either of the above. Both assessments were largely as a consequence of the fact that the NP proposes no housing (or other) development allocations.

The Examination Process

15. I refer to my appointment above. The examination commenced on 4 September 2025.
16. On 9 September 2025 I notified the parties that, having read all the papers, the statutory conditions for holding a hearing did not exist, and that the examination would proceed on the basis of the documents only, together with my visit to the area.
17. I visited the area on 4 September 2025. This visit was particularly influential on the judgments I have made (below) in relation to proposed Local Green

Spaces (LGS), and the submitted policy SA-P-G-02, Protection of Notable Green Spaces.

Basic Conditions - General

18. Statute provides that a neighbourhood plan must meet the following five basic conditions:
1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 2. The making of the neighbourhood plan contributes to the achievement of sustainable development.
 3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 4. The making of the neighbourhood plan does not breach, and is otherwise compatible with (surviving) EU obligations.
 5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
19. As the courts have frequently emphasised, as I do now, the role of a Neighbourhood Plan Examiner is tightly constrained. It is (apart from dealing with other statutory requirements referred to at paragraphs 24-29 below) confined to considering compliance with the basic conditions. The Examiner cannot consider anything else: paragraph 8(6). Therefore the Examiner is not able to consider whether – as would be the case for a local plan – the NP is “sound” (in accordance with paragraph 35 of the NPPF). Accordingly, the Examiner can only consider the content of the NP (the planning judgments made, the choices made, the views regarded as important etc.) insofar as those matters impact on the basic conditions. This inevitably limits, significantly, the

extent to which it is proper to respond to what I might call wider “planning merits” points made by representors.

20. National planning guidance advises in relation to the preparation of neighbourhood plans that:

*Proportionate robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain **succinctly** the intention and rationale of the policies in the draft neighbourhood plan... (my emphasis).*

21. Advice is given in national planning guidance (NPPG 41-041-20140306) as to the drafting of policies:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

This has guided me in a number of comments on policies and text in the NP.

22. The advice in the above two paragraphs has also guided me in relation to my criticisms (below) as to the length of the NP.
23. I address the criteria in the basic conditions where relevant as I assess, below, the contents of the NP.

Other Statutory Requirements

24. These are set out in the Town and Country Planning Act 1990 (as amended) and sections 38A-38C of the Planning and Compulsory Purchase Act 2004.
25. The NP was prepared and submitted for examination by a qualifying body: section 38A.

26. It has been prepared for an area designated under section 61G of the 1990 Act.
27. The NP meets section 38A(2) in that it sets out policies in relation to the development and use of land in the neighbourhood area.
28. Section 38B requires the NP to specify a period for which it is to have effect. This is complied with (2025-2039).
29. As indicated above, the remit of this examination is significantly more limited than is the case for a local plan examination, but is confined to compliance with the above statutory requirements (and basic conditions). Where a particular policy and/or supporting text does not raise any such compliance issues I shall make limited comment accordingly. My main comments and consequent recommendations therefore relate to passages where modifications are required.

Assessment of NP

30. Before turning to a detailed assessment of the Policies and supporting text in the NP, I make a number of preliminary and/or general points. When I make a recommendation for a modification(s) to the NP, I identify that course as “I so **Recommend**”. It will be apparent that I am in agreement with the great majority of the recommendations made to me by the Council in their Regulation 16 response (approved by the Council’s Licensing and Planning Policy Committee on 3 July 2025). I have found those recommendations most helpful.
31. First, and as will be apparent below, I have found that a number of proposed Policies and text to be either in duplication of the local plan and/or national policies, and/or to contain evidence, or to be too lengthy. In these respects the NP does not accord with the national guidance referred to in paragraphs 20-21 above. Where the NP inappropriately includes evidence (or excessive evidence) these passages could be relegated to a standalone appendix or appendices.

32. Secondly, the Policy numbering should be greatly simplified. The policies should be numbered Policy 1, Policy 2 etc., and I so **Recommend**. (I make the same suggestion in relation to Community Recommendations, though these are not formally part of the NP).
33. Third, the Development Management Policies 2015 do not comprise strategic policies. In all the Strategic Policy Context tables beneath the Policies, references to anything other than the Core Strategy 2007 and the NPPF (2024) should be deleted, and I so **Recommend**.
34. Fourth, there are inconsistent references to the NPPF, sometimes to the December 2023 version (now superseded), sometimes to the current 2024 version. I **Recommend** that consistent, 2024, references be made.
35. In section 1, the Introduction, three points arise. First, both here (paragraph 1.1.2) and elsewhere there are outdated references to the emerging local plan. I **Recommend** that these references are updated to the current position. Second the first sentence of paragraph 1.5.3 is inaccurate. I **Recommend** that it be deleted and replaced as follows:
- For the Stoneleigh and Auriol Neighbourhood Area, the development plan is made up of the local plan for Epsom and Ewell and, when made, this neighbourhood plan. (The Development Management Policies 2015 contain non-strategic policies).*
36. Fifth, in the Acronyms table in paragraph 1.9 the reference to NDP should be deleted. It is inaccurate and I so **Recommend**.
37. In relation to Policy SA-P-H-02, in agreement with the Council I **Recommend** for the purposes of clarity that the word “New” be removed from the title and that the Policy be deleted and replaced with:

Development Height and Character

New development should:

- a) *respect the surrounding building heights, which are generally 2 to 3 storeys high. Any exceptions to this would need to demonstrate how they would maintain the existing character of the area;*
- b) *complement the existing form, massing and roofscape of the surrounding built form;*
- c) *use materials that complement the character of the area; and*
- d) *have regard to the AECOM Stoneleigh and Auriol Design Guidance and Codes (2022).*

38. I further **Recommend** that paragraph 2.4.2.2 be deleted, since DM Policy 13 is not consistent with the NPPF paragraph 170.

39. In relation to Policy SA-P-H-03 Permitted Backland Development, I agree with the Council’s criticism and suggestions for reasons of clarity and good drafting, I **Recommend** that “Permitted” is removed from the title and that the Policy be deleted and replaced as follows:

Backland Development

New dwellings within one or more residential plots will be permitted, where the following criteria are satisfied:

- a) *Appropriate vehicle, pedestrian and cycle access is provided from the public highway.*
- b) *Appropriate private and usable amenity space is provided.*
- c) *No adverse overlooking of residential dwellings and gardens.*

40. In relation to the text at paragraph 2.5.2.1, DM Policy 16 is not a strategic policy; the first paragraph of 2.5.2.2 ending “NPPF” is inaccurate and unnecessary, and the grammar of paragraph 2.5.2.3 needs improvement. I therefore **Recommend**:

- 1) That paragraph 2.5.2.1 be deleted.

- 2) That the first two lines of paragraph 2.5.2.2 (ending “NPPF”) be deleted, insert a full stop after NPPF, and retain the remainder of that paragraph.
41. Paragraph 2.5.3.1 repeats the inaccuracy found elsewhere that the NPPF permits back garden (or other) development, which is permitted under statutory provisions. I **Recommend** that it be deleted, and replaced as follows:

In a design codes follow-up on-line survey, conducted in September 2022, 75% of respondents were opposed to development in back gardens, beyond the extent of permitted development. The remaining 25% stated that it was dependent upon the proposal submitted. Given the demands for housing expected over this plan’s lifetime, it is not appropriate to say that any housing cannot be built in existing back garden spaces. However, this policy is provisioned to ensure that any such development does not have an adverse impact on the local character of the Designated Area.

42. Section 3 of the NP addresses retail and related activities. Paragraph 3.2.6 refers to DM Policy 31. This is not a strategic policy, and is dated following the amendments to the Use Classes Order in September 2020. I **Recommend** that paragraph 3.2.6 be deleted.
43. Policy SA-P-R-01 has a number of defects. First, it incorporates reference to “existing shopping frontages” and “Primary retail frontages”, although no specific frontages are identified in the NP (as opposed to shopping centre boundaries, at a very small scale). It is inconsistent, stating that the percentage of Class E units will not fall below 66%, and then stating that uses other than Class E will not be permitted. I **Recommend** that the policy be deleted and replaced as follows:

Safeguarding of Retail Facilities

Within the retail centres as shown in Figure 10:

- a) *Proposals that would improve and enhance local facilities and services by addressing the daily requirements of the community will be supported.*
- b) *Proposals for change of use that threaten the predominance of Class E uses will be resisted.*

44. Policy SA-P-R-02 is entitled Safeguarding of Public Houses. To achieve clarity and enable more effective enforcement, I **Recommend** that the policy be deleted and replaced as follows:

Safeguarding of Public Houses

The existing public houses, as shown in Figure 13 are regarded as valued community facilities. Proposals which would result in the loss of public houses would be supported only if:

- a) the proposal is supported by clear and robust evidence that demonstrates that the public house is no longer economically viable to retain in the existing use; and*
- b) it has been vacant and actively marketed for a use as a public house without success for at least 12 months.*

45. The Council suggests that Policy SA-P-R-03, parking, may not be necessary. I regard the Policy, despite local plan policies current and emerging, as distinct, and make no recommendation.
46. Policy SA-P-G-01 would protect 6 proposed Local Green Spaces (LGS) listed and described in paragraph 4.3.2.2. Paragraph 107 of the NPPF sets out the criteria which would justify LGS designations, set out at paragraph 4.3.3.1 of the NP.
47. I have visited these areas. I find that Sites 1-5 are justified as LGS designations. Site 6 – Old School Field (Salisbury Road) – is owned by Surrey County Council (SCC). This site is subject to the grant of planning permission in 2024 for affordable extra care housing, and SCC in their Regulation 16 representation state that a reserved matters application is shortly to be submitted. It seems highly likely that this site will be developed, and therefore it is not appropriate for LGS designation.
48. I accordingly **Recommend** that Policy SA-P-G-01 be deleted and replaced by the following:

Protection of Local Green Spaces

Proposals which affect the following green spaces will only be supported in very special circumstances:

- 1) *Auriol Park,*
- 2) *Cherry Orchard Nursery site within Nonsuch Park,*
- 3) *Recreation Ground (Park Avenue West),*
- 4) *Allotments at Park Avenue West,*
- 5) *Allotments at Barn Elms by Auriol Park.*

49. Consequently, the first sentence of paragraph 4.3.2.1 should be amended to state: There are now *five Local Green Spaces....(continue)*; The first sentence of paragraph 4.3.2.2 should be amended to read: *Within the area we designate the following five Local Green Spaces numbered 1 to 5 inclusive (as shown on the map above).*
50. Further, Figure 15 on page 54 needs to be amended to remove Site 6: and subparagraph 6) on page 56 should be deleted.
51. Reference in paragraphs 4.3.2.3–4.3.2.4 to rejected LGS is not necessary. Nor is any of the text in paragraph 4.3.3. I therefore **Recommend** that the text in paragraphs 4.3.2.3-4.3.3.9 be deleted. Likewise, Figure 16 should be deleted.
52. Policy SA-P-G-02 would protect what are referred to as Notable Green Spaces. Some 40 such spaces with a generic reference to grass verges, are tabulated in Figure 18 and shown on the maps in Figures 19-21. They 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. As SCC and the Council state, they are also likely to constitute highway land. I do not consider that this policy is either necessary or likely to be effective. I therefore **Recommend** that the entirety of section 4.4 (pages 62-66) be deleted.
53. Policy SA-P-G-03 is titled Managing the Impact on Biodiversity. It incorporates a requirement for a minimum of 10% biodiversity net gain. As the Council has stated in its representations, Biodiversity Net Gain (BNG) is a requirement introduced by Schedule 7A of the Town and Country Planning Stoneleigh and Auriol Neighbourhood Plan - Examiner's Report

Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. Additionally, the NPPF (2024) makes multiple references to providing net gains for biodiversity and Core Strategy Policy CS3 is to similar effect.

54. I therefore consider that this Policy is unnecessary, and in the interests of brevity I **Recommend** that it be deleted, along with paragraphs 4.5.2.1 and 4.5.3.1.
55. Policy SA-P-G-04 is for Protection of Trees, Woodland and Hedgerows. As the Council stated at Regulation 14 and Regulation 16 this policy is largely repetitive of DM Policy DM5, a policy likely to be replicated in DM17 of the emerging Local Plan. I therefore consider that the policy is unnecessary and in the interests of brevity I **Recommend** that it be deleted along with supporting paragraphs 4.6.2.1 and 4.6.3 and its sub-paragraphs.
56. Policy SA-P-S-01 is concerned with Certainty of Water Supply and Foul Water Drainage. As the Council states, these are matters covered by the Building Regulations, and are not appropriate for planning policy. I therefore **Recommend** that the Policy and all its supporting text be deleted.
57. Policy SA-P-S-02 is concerned with Managing Flood Risks. I make no recommendation in relation to the policy itself, but have concerns, identified by the Council, with the supporting text. It refers extensively to the SFRA 2008 (updated 2018) whereas the latest SFRA is that of 2024. For the purposes of any planning application where flood risks are relevant, it is this SFRA which will be taken into account. There is no need for the NP to address this. I therefore **Recommend** that the paragraphs in the series 5.4.3 be deleted. The series of 5.4.4 paragraphs (appropriately re-numbered) can remain.

58. Policy SA-P-S-03 addresses Renewable Energy and Energy Efficiency. I make no recommendations in relation to the policy or text.
59. Section 6 deals with Transport. Paragraphs 6.2.3-6.2.3.5 contain a considerable amount of survey and other background evidence. In the interests of brevity it should be moved to an appendix. I therefore **Recommend** that these paragraphs be deleted, with the insertion of a new paragraph 6.2.3 stating:
- Survey material and other relevant evidence are contained in Appendix XX.*
60. Policy SA-P-T-01 is headed Assessment of Transport Impact. In the interests of clarity and brevity I **Recommend** that it be deleted and replaced by:
- Assessment of Transport Impact***
- Developments will be required to mitigate transport and parking impacts and be supported by a Transport Assessment and/or Travel Plan in accordance with SCC Good Practice Guidance (as amended).*
61. Policy SA-P-T-02 deals with Residential Parking and Cycle Storage. In the interests of clarity and to reflect the guidance in NPPF paragraph 112 (a more flexible approach to these matters), I **Recommend** that paragraph 1) be deleted and replaced by:
- New residential developments will generally include motor parking spaces of at least one per dwelling and charging points for electric vehicles where practical, combined with solar energy panels and batteries to provide charge overnight. Where developments are located at or close to highly accessible locations, more restrictive parking provision will be encouraged.*
62. Paragraph 2) of the Policy can remain.

Conclusions and Recommendations

63. It is unfortunate that the NP shows a number of signs of no, or inadequate, professional input. There is a series of resulting defects, referred to above, such as inadequate clarity in policies, policies which are unnecessary as
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duplicating national policy and/or local plan policy, and policies and text of unnecessary length. As a result I have had to make an unusual number and extent of recommendations for modification.

64. However the NP, as modified in accordance with those recommendations, has the potential to be a valuable part of the development plan, especially (though not exclusively) in the topic of LGS which I am leaving largely intact.
65. I **Recommend** that, subject to my recommended modifications, the NP proceed to referendum.
66. I see no reason why the area for the referendum should differ from the area of the NP.

Christopher Lockhart-Mummery KC

Independent Examiner

October 2025