

Council Report

Ward(s) affected: All

Report of Director of Planning and Regeneration

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Adoption of the Guildford Borough Local Plan: Strategy and Sites

Executive Summary

The Submission Local Plan: strategy and sites (“the Local Plan”) outlines the spatial development strategy for the borough up to 2034. The Local Plan was submitted to the Secretary of State on 13 December 2017 and sets out the quantum and location of development based on an evaluation of our objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development can be provided in a sustainable way following consideration of other policy constraints.

The Local Plan is also concerned with the protection and enhancement of our environment, the provision of appropriate infrastructure to support the planned growth of the borough and the promotion of sustainable transport.

As part of the Examination in public, the Local Plan underwent an initial 12 days of hearing sessions into those issues the Inspector considered necessary to explore further with all relevant parties. Those sessions were in June/July 2018. The Inspector reached an interim conclusion that, subject to making necessary main modifications which included the identification of further housing sites in the Green Belt, the plan could be found to be ‘sound’. The necessary main modifications were made to the plan and underwent a formal consultation for a 6-week period in late 2018. The consultation related to only the main modifications and not to minor modifications or the remainder of the plan. On completion of the consultation, the Inspector considered the representations and decided it was necessary to reopen the hearing sessions to consider if the OAN should be altered and whether the further housing sites were needed in light of new information, namely the 2016 based household projections. Two further hearing days were held in February 2019 that focused on the OAN and consequential changes to the plan. The Inspector then closed the hearing sessions and prepared his report.

The Inspector's draft report was received by Guildford Borough Council on 19 March 2019 and was subject to a 'fact check'. This check allowed the Council the opportunity to query the accuracy of its contents, but it was not an opportunity to question the Inspector's conclusions or findings. The Inspector's final report (at **Appendices 1 and 2**) was published by the Council on 28 March 2019.

The Inspector's report focuses on 11 main issues upon which he considers the soundness of the plan depends. The Inspector concluded that with the recommended main modifications (at **Appendix 2** to this report), the Guildford Borough Local Plan: strategy and sites satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. In particular, the Inspector concluded that, in light of the 2016 based household projections, the further housing sites in the Green Belt were not necessary to be included in the Local Plan to make it sound, and accordingly these additional sites are not included in the recommended main modifications.

Following the Inspector's recommended Main Modifications, the Council has also made a number of minor modifications to the plan. These modifications are minor in nature, do not go to the heart of the plan and are not matters of soundness. They are designed to aid clarity, consistency and accuracy. Where there was any doubt, minor modifications were shared with the Inspector who has agreed they are correctly described as minor in nature.

This report will also be considered by the Executive at its special meeting to be held at 10:30am on 25 April 2019. Any comments or recommendations will be set out in the Order Paper for the extraordinary Council meeting.

Recommendation to Council:

- (1) That the Local Plan: strategy and sites (at **Appendix 4** to this report), which incorporates the Inspector's Main Modifications (at **Appendix 2** to this report) and the Council's Minor Modifications (at **Appendix 3** to this report), be adopted.
- (2) That those policies within the Guildford Borough Local Plan 2003 that are not being retained, as set out in Appendix 8 of the Local Plan: strategy and sites, be withdrawn.
- (3) That updates to the Guildford Borough Policies Map be adopted in line with the Local Plan: strategy and sites policies maps at **Appendix 5** to this report.
- (4) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the adopted Local Plan and Policies Map as she may deem necessary.

Reasons for Recommendation:

The Local Plan provides a coherent approach to meeting future development needs and allocates sites to accommodate sustainable development in the borough up to 2034.

The recommendations above will enable the Local Plan: strategy and sites to become part of the Council's development plan and carry full weight in the determination of planning applications. This first recommendation is made in light of a consideration of the restricted options now available to Council, which are limited to the binary choice of

adopting the Local Plan (with Main Modifications recommended by the Inspector) or not. As a matter of law the Council is not permitted to adopt the Local Plan without the Main Modifications proposed by the Inspector, or to choose only some of them. Nor can it, at this stage, seek to alter the Local Plan (beyond the minor modifications explained above).

The benefits of adopting the Local Plan include that this would:

- (i) create an environment of planning certainty where new development can come forward to meet need in a planned manner;
- (ii) provide the Council with a 5-year housing land supply and the benefits associated with this in terms of decision-making relating to planning applications;
- (iii) secure planning benefits for the Borough's community; and
- (iv) ensure longevity of the plan.

Adoption would avoid risks of:

- (i) government intervention;
- (ii) the potential need to prepare a new Local Plan, with the time and costs associated with such preparation;
- (iii) the likelihood of needing to adopt a higher housing requirement of at least 14,000 homes over 19 years (the minimum local housing need figure would be 740 dwellings per annum based on the government's standard method); and
- (iv) all the range of dis-benefits that go with not having an up to date Plan.

The second recommendation is to enable the Local Plan 2003 policies that are superseded by new policies in the Local Plan: strategy and sites document to be withdrawn. The Local Plan 2003 policies that are not superseded will be retained and continue to be used in determining planning applications.

The third recommendation allows for the update to the Guildford borough Policies map in line with, and as a consequence of, the proposed adoption of the Local Plan: strategy and sites.

The final recommendation is provided to enable minor alterations should they be necessary post adoption.

1. Purpose of Report

1.1 Formal adoption is the final stage in the process of producing a new Local Plan. The Inspector's Report (see **Appendix 1**), examining the plan's soundness has been published. It concludes that the plan is sound, subject to a number of Main Modifications. This report proposes that the Council adopts the Local Plan: strategy and sites, with the Inspector's Main Modifications (see **Appendix 2**) and the Council's Minor Modifications (see **Appendix 3**). A final version of the Local Plan, which incorporates all of the Inspector's Main Modifications and the Council's Minor Modifications, is included at **Appendix 4**. The final policies map will be produced after adoption. In the interim, the PDF maps previously

contained in Appendix F and Appendix H will be available for reference purposes. This is included at **Appendix 5**.

2. Strategic Priorities

- 2.1 The production of the Local Plan is a statutory requirement and will help the Council meet its strategic priorities. Once adopted, the Local Plan will form part of the development plan and enable the Council to provide for the needs of the community whilst promoting the area as a visitor destination, enhancing the rural and urban economy and protecting the borough's special built and natural environment. Whilst the plan seeks to meet needs, the growth necessary to do so is conditional upon the delivery of all crucial infrastructure, without which it would be unsustainable.
- 2.2 The Local Plan will provide a framework for development in the borough to ensure that Guildford's growth is sustainable and meets the needs of the existing and future populations.

3. Background

- 3.1 Preparation of the Local Plan began in 2012 and, prior to submission, it had been subject to four formal public consultations. These consisted of two Regulation 18 consultations in 2013 and 2014 and two Regulation 19 consultations in 2016 and 2017. The plan was submitted in December 2017 to the Secretary of State for examination by an independent Inspector.
- 3.2 The Inspector is charged with assessing whether the Local Plan is 'sound'. As the Local Plan was submitted prior to 24 January 2019, it was examined under the transitional arrangements and therefore in accordance with the previous 2012 National Planning Policy Framework (NPPF). The 2012 NPPF's tests of soundness (paragraph 182) are as follows:
 - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

4. Examination of the Local Plan

- 4.1 The examination process primarily consists of the consideration of written submissions. In March 2018, the Inspector published his Initial Questions. These consisted of 37 questions, which were directed solely at the Council and helped to inform the matters and issues for more detailed consideration at the

Examination (MIQs). Both the Council and other interested parties were then invited to submit hearing statements on the topics contained in the Inspector's MIQs. The Examination was structured around the issues that the Inspector identified were of crucial importance to the soundness of the plan.

- 4.2 The first set of hearing sessions ran for four weeks (12 sitting days) in June/July 2018. These hearings focussed on objectively assessed housing need (OAN), the spatial development strategy and the strategic site allocations. At the close of these hearing sessions, the Inspector made concluding comments that the plan could in principle be found sound subject to a number of Main Modifications.
- 4.3 The Council drafted the Main Modifications and, through an iterative process, agreed these for consultation with the Inspector. A schedule of Main Modifications was published for consultation in September/October 2018. Alongside the schedule the Council also published a Sustainability Appraisal Addendum, a Habitat Regulations Assessment Addendum, an update to the Equalities Impact Assessment Screening and a schedule of non-material Minor Modifications. The Council is able to make Minor Modifications to the plan as they do not go to the heart of the plan and are not matters of soundness. For this reason, they are not subject to consultation.
- 4.4 Whilst numerous Main Modifications were consulted upon, the most significant changes proposed at that stage were in relation to the housing requirement and sites. The Inspector required an increase to the housing requirement to meet 20% of Woking's unmet need (an annual uplift of 42 dwellings per annum (dpa)). Additionally he did not consider that the phased approach to housing supply was sound, as it did not provide for sufficient housing early in the plan period. As a result of both of these factors he considered the introduction of additional sites, capable of being delivered in the first five years, were necessary to ensure that the Council could demonstrate a rolling five year housing land supply. The Main Modifications consulted upon included four additional new sites, all located on sensitive Green Belt, totalling 505 dwellings:
 - Aaron's Hill, Godalming (200 dwellings)
 - East of Glazier's Lane, Flexford (105 homes)
 - Hornhatch Farm, Chilworth (80 homes)
 - Alderton's Farm, Send Marsh (120 homes)
- 4.5 In September 2018, the Office of National Statistics (ONS) published the 2016-based household projections. The Council submitted further evidence to the Inspector demonstrating that the application of the new projections would result in a significant downward impact on Guildford's OAN (630 dpa down to 562 dpa). It also demonstrated why the Council concluded that there was no longer a residual unmet need arising from Woking. As a result of this evidence, the Inspector agreed to re-open the hearing sessions on these specific topics only.
- 4.6 A further two hearing sessions occurred in February 2019. At the end of the hearing sessions, the Inspector once again made concluding comments that he accepted that the new 2016-based household projections formed the starting point for the assessment of OAN and was satisfied that this figure had been sufficiently uplifted. In this regard, the Council had demonstrated that the uplift

proposed took account of the past suppression of household growth that was projected forward within these trend based projections, and was sufficient to support economic growth and improve affordability. The Inspector also accepted that there was considerable uncertainty in relation to the scale of Woking's unmet need such that, in light of the growth being provided for in the Local Plan, no specific further allowance was necessary. As a result of the lower overall housing requirement, the Inspector agreed that the additional new Green Belt Main Modification sites (listed above) did not need to be included within the Local Plan.

- 4.7 It is important to acknowledge that this outcome results in the lowest annual housing requirement (562 dpa) that the draft plan has ever contained (previous iterations of the plan included 652¹, 693 and 654 respectively). The reason that this is particularly important is that it has the effect of lowering the amount of housing required in the early years of the plan. In particular, this ensures that the plan is capable of addressing the deficit accrued since 2015 and sustaining a robust 5 year housing land supply in the early years of the plan without taking further, most likely highly sensitive, sites out of the Green Belt to cater for that early period. Even then, the Council only succeeded in terms of this number by persuading the Inspector that there was justification for a particular approach to spreading the deficit across the plan period (Liverpool approach) whereas the normal approach required by national guidance is to provide for it in full in the first five years (Sedgefield approach).

The Inspector's Report

- 4.8 The Examination process is formally complete when the Inspector produces his final report. The Inspector's Report dated 27 March 2018 and included at **Appendix 1** concludes that the Local Plan meets the criteria for soundness in the NPPF, subject to a number of Main Modifications included at **Appendix 2**. Under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), and in accordance with national guidance, the Inspector can recommend 'Main Modifications' (changes that materially affect the plan) to make a submitted Local Plan sound and legally compliant².
- 4.9 In his report, the Inspector has identified 11 main issues upon which the soundness of the Plan depends. In this regard, subject to the main modifications required for soundness described by the Inspector, he finds that, inter alia:
- the Council's calculated housing requirement of 562dpa over the life of the Plan is sound;
 - the Plan makes adequate provision to meet the identified housing needs of all the community;
 - the Plan adequately meets the business and employment needs of the Borough;
 - the Plan appropriately meets the retail needs of the Borough;

¹ Note that 652 dpa was the demographic baseline OAN. The SHMA (May 2014) recommended that this should be uplifted to 780 dpa to improve affordability and help meet affordable housing need

² <http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/1/enacted>

- there are strategic-level exceptional circumstances to alter the Green Belt boundary to meet development needs in the interests of the proper long-term planning of the Borough;
- the overall spatial strategy is sound in every respect;
- the Plan takes a sound approach toward the protection of landscape and countryside, biodiversity, flood risk and groundwater protection;
- the Plan deals adequately with the transport impacts of the development strategy, and takes a positive approach towards encouraging people to shift transport mode away from private vehicles and the transport strategy is sound;
- the Plan contains effective policies for shaping successful places, achieving sustainable design and construction, protecting heritage assets and promoting good urban design.
- The Plan's strategic development allocations are sound;
- The Plan's other allocations are sound, however the four allocations added as main modifications are not recommended for adoption and there is no need to modify the submitted plan to include them.

4.10 Policies and designations that did not raise main issues and are considered sound were not referred to in the Inspector's report.

Additional / minor modifications

4.11 In addition to the Main Modifications recommended by the Inspector, the Council can also put forward 'additional modifications' of its own to deal with minor matters (often referred to as "Minor Modifications"). These are modifications that (taken together) do not materially affect the policies set out in the Local Plan. Whilst these Minor Modifications do not go to the soundness of the plan and consist of factual corrections and matters of consistency or clarity, they will form part of the plan on adoption. An initial schedule of Minor Modifications was published at the same time as consultation on Main Modifications was undertaken; however, this was not subject to consultation. A final schedule of Minor Modifications is contained in **Appendix 3**.

5. Options now available to Council regarding the Local Plan

5.1 There are only two options available to Council regarding a decision on the Local Plan at this point. The plan may either be adopted with the Inspector's recommended main modifications or not adopted. Officers consider that the adoption of the Local Plan to be the appropriate course of action from a planning perspective and the following sections provide a basis for this recommendation.

Context

5.2 The process of preparing the Local Plan has been lengthy, costly and resource intensive. It included substantial engagement including four formal public consultations.

5.3 The Inspector has now issued his final report, and the examination process is now formally complete. The Inspector concludes at paragraph 225 of his report

that, with recommended main modifications, the Plan is sound and capable of adoption. It is noteworthy that the Plan, with the Inspector's main modifications, would be largely consistent with the Plan the Council submitted to the Secretary of State in terms of its spatial strategy and site allocations.

- 5.4 The Council must either now decide to adopt the Local Plan, with all of the Inspector's recommended Main Modifications to meet the statutory requirements, or not adopt the plan. The Council cannot debate the findings of the Report with the Inspector. As a matter of law, it cannot determine to accept some parts of the Plan and reject others. It is a binary decision – the Council can choose to either adopt or not adopt the Local Plan. There is no scope for accepting some of his findings (and proposed main modifications) and not others. For example, individual site allocations and the housing requirement are not open for discussion. The Inspector's report determines that the Local Plan, with his suggested main modifications, can be considered sound. Any deviations from his recommendations do not have his endorsement and, as detailed above, his involvement is now at an end.
- 5.5 At this stage in the process, Government guidance on Plan-making is clear on the expectation of the Council, noting, *“While the local planning authority is not legally required to adopt its local plan following examination... it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound³.”*
- 5.6 Once adopted, the plan will form part of the development plan and carry full weight in the determination of planning applications. Adopting the Local Plan would also formally replace a number of the existing Local Plan 2003 policies as set out at Appendix 8 of the Local Plan.
- 5.7 On the basis that this plan has undergone significant scrutiny and has been found to be sound, a decision to adopt is the logical outcome and there would need to be good reasons not to do so. The following benefits are over and above this logical starting point.

Benefits of adopting the plan

Creating an environment of planning certainty

- 5.8 Prompt adoption of the Local Plan will provide much greater planning certainty in the context of the current preparation of major planning applications, including for several strategic sites that make up a significant proportion of the housing supply identified in the Plan. Adoption of the plan would provide a clear basis upon which these sites can be progressed with requisite certainty. The need for confidence in the Plan is considered to be very important, particularly in the light of the significant resources required to compile large scale planning applications and the lead-time necessary to do so.

³ See paragraph 58 of Government guidance on Plan-making <https://www.gov.uk/guidance/plan-making> , which carries forward previous guidance on this matter.

- 5.9 Furthermore, planning policy officers are preparing Supplementary Planning Documents (SPDs) to provide further guidance and certainty to the delivery of development schemes. One such document includes the Strategic Development Framework (SDF) SPD, which will guide future masterplanning and development of five strategic sites/development locations to ensure design quality and well performing communities. The timely adoption of the Local Plan will enable progress toward adoption of these SPDs and the associated necessary guidance to the preparation of planning applications. Without their timely production, there is risk that sites may be delayed and that the Council may struggle to demonstrate an adequate five-year housing land supply.

Ensuring the plan remains up to date for decision-making in relation to planning applications

- 5.10 The NPPF (paragraph 11) states that policies which are the most important for determining planning applications are considered out-of-date for applications involving housing where the Council cannot demonstrate:
- a five year housing land supply, or
 - the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%⁴ of) the housing requirement over the previous three years.
- 5.11 One important reason why the Council has not always succeeded in defending appeals and resisting applications in recent times has been (at least in part) in relation to its inability to demonstrate a five-year housing land supply or anything close thereto.⁵
- 5.12 The new Local Plan, if adopted, will ensure that the Council has a rolling five-year housing land supply. In this regard, policies that are most important for determining planning applications will not be considered out of date and the presumption in favour of sustainable development would not apply. This in turn would have the (immediate) effect of:
- reducing the likelihood of alternative speculative development sites coming forward;
 - increasing the Council's ability to refuse and its chances of success in successfully defending appeals for inappropriate schemes.
- 5.13 Whilst this is particularly relevant for housing development, having a Local Plan with a relevant suite of up-to-date policies will also lead to good, consistent decision-making. The new Local Plan contains policies and allocations that seek to meet all identified needs. This includes employment, retail and specialist housing as well as general housing including traveller accommodation.

⁴ Transitional arrangements apply whereby in November 2018 and 2019, NPPF para 11 will apply where delivery was below 25% and 45% respectively. The threshold of 75% will apply from November 2020 onwards.

⁵ The GBC housing land supply is currently considered to be less than three years.

Securing planning benefits for the Borough's community

- 5.14 The Local Plan includes a range of policy requirements in relation to new development, many of which are substantially more beneficial to meeting the Borough community's needs than those in the current Local Plan. These include, for example, more significant planning contributions to meet the urgent need for affordable homes in Guildford; greater contributions to meeting needs for accessible homes; strong measures to reduce carbon emissions from new development; new employment opportunities and improvements in the Borough's infrastructure.
- 5.15 Albeit that the draft Plan currently carries significant weight given its present status, its adoption would confirm its full weight as the sound basis for securing these benefits. Furthermore, and importantly, if not adopted, the draft Plan would swiftly carry little if any weight in the future as it would have no status. The position in terms of defending speculative applications would be even more difficult than it has been with a draft plan nearing the stage of possible adoption.

Ensuring longevity of the plan

- 5.16 This Local Plan has a good chance of withstanding a local plan review process. The NPPF (paragraph 73) states that a five-year housing land supply is measured against the housing requirement set out in adopted plans. Where plans are more than five years old, the five-year housing supply is measured against the local housing need using the Standard Method, unless the plan has been reviewed and found not to require updating. Thus, for the first five years there is certainty as to the required figure. Thereafter, the housing need figure for Guildford using the Standard Method would be 740 dpa. That is also the figure that would apply were the Plan not to be adopted and housing need had to be identified for the purposes of preparing a new Local Plan.
- 5.17 It is a statutory requirement that a plan is reviewed at least every 5 years, but national guidance states that an earlier review may be necessary where the local housing need figure is significantly higher than the housing requirement in the adopted plan. At 740 dpa, the housing need for Guildford is almost 200 dpa higher than the current figure.
- 5.18 In order to address the deficit in supply that has accrued since the start of the plan period (2015), the projected level of completions post adoption is necessarily greater than the annual requirement of 562 dpa. The housing trajectory indicates that completions are actually projected to be in excess of 740 dpa from the second year post-adoption. This would therefore negate the need for a Local Plan review earlier than the statutory five years. Furthermore, it is anticipated that in five years' time, when the housing land supply is assessed against the higher Standard Method housing need figure, the plan will be more likely to continue to demonstrate a five-year housing land supply. This will mean that the planning policies will continue to remain up-to-date and should be capable of being used to robustly defend any inappropriate planning applications.
- 5.19 Given this flexibility of supply that is contained within the Local Plan and the possibility of additional residential units coming forward as part of town centre

schemes in line with Policy S3, it is also similarly anticipated that when a review of the plan is undertaken, there would be no need for additional Green Belt sites to be allocated.

Risks of not adopting the plan

- 5.20 Clearly, a decision not to adopt would mean the benefits of adoption of this plan as outlined above would not be realised. Though not favoured, an alternative would be not to adopt the plan. In this regard, several further risks are evident and are highlighted below.

Government intervention

- 5.21 Firstly, should the Council not adopt the Local Plan, there is the potential for Government intervention. Three local authorities have so far been subject to the threat of Government intervention because of a lack of progress in plan-making. These are Thanet, Wirral, and Castle Point councils. Thanet and Wirral have both recently received letters from the Ministry of Housing, Communities and Local Government (MHCLG) directing them to swiftly progress their plan-making activities and imposing a number of requirements to ensure this is done.
- 5.22 In Guildford's case, intervention could be much simpler as there is already a plan in existence that has been through an extensive examination process and found to be sound. If Government were to intervene, an option open to them would be to simply direct the Council to adopt the current plan.
- 5.23 If Government intervention does not occur, the Council would still be left with an out of date Local Plan 2003 and a legal requirement to review the plan every five years. The current draft Plan would quickly cease to have any material weight. The Council would also continue to be unable to demonstrate a five-year housing land supply and would fail to meet the Housing Delivery Test. As set out above, the presumption in favour of sustainable development would therefore apply.

Prepare a new Local Plan

- 5.24 In addition to the above, the context for preparation of a new plan would be entirely different, as the transitional arrangements under which the emerging plan has been examined, would no longer apply. This means that any new plan would need to be prepared in accordance with the NPPF 2019 rather than the NPPF 2012. The most significant implication of doing so is that the Council's OAN would be calculated using the Standard Method, 740 dpa.
- 5.25 The use of the 2016-based household projections, which underpins the demographic starting point of the current OAN of 562 dpa, is prohibited when utilising the Standard Method, and this explains in part why any new plan would start with a much higher figure as it would have to use the 2014-based household projections. It should also be noted that the Standard Method only identifies a minimum annual housing need figure. It is highly likely, based on the approach taken at examination, that evidence of past under-delivery, high affordable housing need and economic growth would be presented by developers at any new Examination to try to justify a higher figure still.

- 5.26 Such a higher annual housing requirement increases the risk that the Council cannot demonstrate a five-year housing land supply or the Housing Delivery Test, as both would require annual completions that are significantly higher than currently planned. The ability to deliver the quantum of development necessary to meet these tests would be challenging to achieve and is likely to require significantly more sites in order to provide a five year housing land supply in the early years of such a plan.
- 5.27 A new plan would also take a number of years to prepare as it would require at least one Regulation 18 consultation and one Regulation 19 consultation. These would likely generate significant levels of comment as was previously the case. The evidence base, which underpins the plan, would also need to be re-assessed as certain elements are likely to be considered out of date. This has implications both in terms of additional cost, resources and in the time taken to produce a new plan and would limit the Council's ability to bring other important key policy documents forward.
- 5.28 In the meantime, there would continue to be significant under delivery and the Council would once again accrue a deficit from the start of the plan period. The deficit would be greater than is currently the case because, as noted above, it would be calculated against an OAN which is almost 200 dpa higher than currently assessed. A greater deficit would require a greater number of early delivery sites. This is very likely to require a greater number of early delivery sites than contained within the current plan, as indeed the initial requirement for additional main modification sites identified by the Inspector in relation to the previous OAN of 672 dpa demonstrates (even though these were later removed due to the lower OAN figure). If the OAN was 740, or higher, it is almost inevitable that significantly more land would need to be identified. Further, as also evidenced through the Local Plan examination, additional early delivery sites are most likely to be smaller Green Belt sites which, when consulted upon, attracted significant levels of objection.
- 5.29 An OAN of a minimum of 740 dpa would also result in a greater overall housing requirement of at least 14,000 homes (if one assumes a 19-year plan period as is the case currently). This compares with the current housing requirement of 10,678 homes. A housing requirement of at least 14,000 would require a housing supply greater than this figure in order to ensure robustness and flexibility should sites not deliver as planned. The current housing trajectory includes potential supply of 14,602 dwellings. A new plan would therefore not allow for the loss of any strategic sites, as these would all still be necessary for both early delivery and overall supply. Furthermore, there may need to be additional sites allocated, particularly those capable of being delivered early, depending on the level of deficit that will have been accrued and the view of the examining Inspector regarding whether this should be met in full within the first five years (rather than spread over the whole plan period as is currently the case).
- 5.30 In addition to this, given the uncertainties that were present at the time of the February hearing sessions, the current plan provides for no specific contribution towards Woking's unmet need. This may not be the case when any new plan is being examined and there is the risk that a contribution towards unmet need in the wider housing market area/Woking is once again required as part of a new

plan, which would raise the requirement higher still and increase the need to identify land to meet it.

The potential for a deferral of the decision on whether to adopt the Local Plan

- 5.31 The potential for deferral of a decision on adoption of the Local Plan could be considered by Council should there be reason to do so. However, it is important to note that a deferral based on bringing about further main modifications to the Local Plan (for example removal of sites or changes in material aspects of policies) would be flawed as there is no basis for making further modifications.
- 5.32 In effect, seeking such changes would be considered as arguments in favour of not adopting the plan, and would need to be viewed in light of the related risks of doing so as is highlighted above.
- 5.33 Furthermore, motivation for deferral of the decision may be tabled in relation to the timing of the decision, and more specifically it occurring within purdah. This matter is covered in the legal implications section below.

Sustainability Appraisal Adoption Statement

- 5.34 The Sustainability Appraisal (SA) is an iterative process that has informed the Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The final step in the process involves preparing a statement at the time of a Local Plan's adoption.
- 5.35 The SA Adoption Statement (see **Appendix 6**) includes information on:
- Conclusions of the Habitats Regulations Assessment (HRA)
 - how sustainability considerations have been integrated into the Local Plan;
 - how the SA has been taken into account;
 - how the results of public consultation have been taken into account;
 - the reasons for choosing the Local Plan as adopted, in light of the other reasonable alternatives considered;
 - how any significant sustainability effects of implementing the Local Plan will be monitored.
- 5.36 The SA Statement demonstrates that a robust SA process has been progressed alongside plan-making. Most importantly, in terms of compliance with both the SEA⁶ and Local Planning⁷ Regulations, the SA Report was published alongside the proposed submission version of the plan in 2016, and then an SA Report Update published in 2017, with both reports presenting the required information, namely the information required by Regulation 12 of the SEA Regulations. An SA Report Addendum was then published in 2018 in respect of the proposed main

⁶ Environmental Assessment of Plans and Programmes Regulations 2004

⁷ Town and Country Planning (Local Planning) (England) Regulations 2012

modifications to the plan. These reports served to inform representations on the plan, and then served to inform plan finalisation.

- 5.37 The Inspector indicates at Paragraph 219 of his report that Sustainability Appraisal has been carried out and is adequate, and that further SA in relation to MM2 was not required.

6. Equality and Diversity Implications

- 6.1 All public authorities are required by s.149 of the Equality Act 2010 (EA 2010) to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 Policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening. Likely differential impacts must be highlighted, and described, as some may be positive. Where likely significant adverse differential impacts are identified, consideration should be given to opportunities to reduce or mitigate this through a full equalities impact assessment.
- 6.3 An EqIA screening was carried out for the Draft Local Plan (July 2014). This document was reviewed in light of the further changes to the Local Plan made in both the 2016 and 2017 Regulation 19 consultation versions to ensure it was still fit for purpose. In part as recognition of the length of time the plan has been in production, it was considered appropriate to update EqIA screening prior to the consultation on Main Modifications. A final update to the EqIA screening has been undertaken to inform the adoption of the plan (see **Appendix 7**). It is still not considered necessary to carry out a full EqIA.

7. Financial Implications

- 7.1 £3.4 million has been spent on developing the draft Local Plan from 2009 to 2018-19. It is estimated that a further £287,300 will be spent in 2019-20 in progressing the Local Plan: development management DPD and supplementary planning documents to support the Local Plan: strategy and sites DPD. There is, in addition, contingency for statutory challenge of £300,000.
- 7.2 If the Local Plan is not adopted the cost of preparing a new Local Plan including undertaking a Regulation 18 and 19 consultation, and the subsequent examination, is estimated to be in the region of £1.6 million.

8. Legal Implications

- 8.1 Following submission to the Secretary of State, the Local Plan was examined by an independent Planning Inspector. The Inspector concluded within his report

that we have fulfilled our legal Duty to Cooperate and provides a summary of legal compliance with other statutory requirements at paragraphs 216- 223 of his report. The report concludes that, with the recommended Main Modifications, the Guildford plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the tests of soundness as set out National Planning Policy Framework 2012.

- 8.2 If the Council does not adopt the Local Plan, it will have to rely on a dated Local Plan and would continue to face speculative planning applications, which are difficult to resist. The Council would also then find it difficult to successfully defend planning appeals, particularly in terms of demonstrating that it has a five year housing land supply. On the current position it would simply not be possible to do so.
- 8.3 Adoption of a Local Plan, which meets the criteria for soundness would provide the Council with the opportunity to focus development in areas that meet the wider strategic objectives.
- 8.4 The Secretary of State may use intervention powers in terms of the Planning and Compulsory Purchase Act 2004 including requiring the plan to be submitted to him for his approval, or issuing a temporary direction pending possible use of intervention powers. At the point of writing this report, no such direction has been received by the Council. Councillors will be informed should any direction in this regard be received prior to decision-making.
- 8.5 In the absence of any intervention by the Secretary of State, although the Inspector's function is said by the 2004 Act to be one of recommending, it is in effect that of determining. A local planning authority not minded to accept his recommendations has only one choice as a matter of law, which is not to adopt the plan. Any decision as to whether to adopt or not, or to defer or not, has to be made against a proper understanding of the limited choice the Council has to make. It simply has no power to make significant modifications to the Local Plan at this stage, including the main modifications proposed by the Inspector.
- 8.6 There is no rule of law expressly preventing a decision on adoption being made during Purdah. The Council is obliged to observe restrictions in terms of publicity pursuant to the Local Government Act and Code, and it has sought to do so. As with any decision taken by a local authority, there are risks of challenge arising, for instance, from those voting having pre-determined the outcome. It is a matter for the Council whether it is appropriate to adopt in the purdah period.
- 8.7 If the Council resolves to adopt the plan, a 6-week period will begin to run during which any person aggrieved by the decision may bring an application for statutory review of the decision in the High Court. Such a challenge can only be brought on the basis that there is a material error of law in the Council's decision to adopt the plan. In such circumstances, and as currently advised, the Council would robustly defend the plan and its validity.

9. Human Resource Implications

9.1 There are no HR implications associated with adopting the Local Plan.

10. Conclusion

10.1 Following the hearing sessions in relation to the Examination in public into the Guildford Local Plan the Inspector concluded that the plan is sound, subject to a number of Main Modifications being made. A decision to adopt would enable the Local Plan: strategy and sites to become part of the Council's development plan and carry full weight in the determination of planning applications. It will also provide a framework for development in the borough to ensure that Guildford's growth is sustainable and meets the needs of the existing and future populations.

11. Background Papers

None

12. Appendices

Appendix 1: The Inspector's Report (it incorporates and references Appendix 2)

Appendix 2: Schedule of Main Modifications (which accompanied the Inspector's Report)

Appendix 3: Schedule of Minor Modifications

Appendix 4: Final version of the Local Plan, which incorporates all of the Inspector's Main Modifications and the Council's Minor Modifications

Appendix 5: PDF's Local Plan policies maps

Appendix 6: The Sustainability Appraisal Adoption Statement

Appendix 7: The final updated Equalities Impact Assessment (EqIA) screening