

Council Report

Ward(s) affected: All

Report of Director of Strategic Services

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## **Regulation 19 consultation on Local Plan: Development Management Policies**

**NB. Councillors who normally receive a hard copy Council agenda are reminded that they should bring to this meeting their agenda for the extraordinary meeting held on 1 November 2021, which contained the full versions of the draft Local Plan DMP documents, as these will not be re-printed.**

### **Executive Summary**

The Local Plan: Development Management Policies (hereafter referred to as ‘the draft Local Plan’) is the second part of Guildford’s Local Plan. Once adopted it will, together with the adopted Local Plan: Strategy and Sites document (LPSS), fully supersede the existing Local Plan 2003 and become part of the Council’s Development Plan. The draft Local Plan provides the more detailed policies to be used by Development Management in the determination of planning applications. It should be noted that the LPSS includes a small number of development management policies where these were necessary in implementing the strategic policies, for examples in relation to Green Belt, employment and retail.

The structure of the draft Local Plan is consistent with that contained in the LPSS. The chapters therefore consist of: Housing, Protecting, Economy, Design, and Infrastructure and Delivery. A list of all the proposed policies and a brief summary of any changes in the policy approach compared to the Regulation 18 version is contained in Appendix 1.

The Regulation 18 consultation included both ‘issues, options’ and went on to suggest a ‘preferred option’ for each policy. This approach was designed to generate meaningful comments and concerns, which it did and now enables the Council to move straight to a Regulation 19 ‘proposed submission’ document. This in turn will increase the possibility of being able to progress the plan to Examination without the need for main modifications and a further round of consultation.

There have been limited significant changes in the policy approaches set out in the Regulation 18 version; however, there are some notable changes, and these have been categorised in the following ways: refinement of policy approach, presentational/structural

changes, new policies, deleted policies and changes in policy approach from the preferred Regulation 18 approach to an alternative option.

The consultation period will run for six weeks from early January to mid-February 2022.

The report also seeks permission to consult upon a Parking Supplementary Planning Document (SPD) for a four-week period. This document will be consulted upon, but not adopted. The issue of whether its content should form part of the DPD or be a standalone SPD will be put to the Inspector at the Examination in Public.

Councillors will note that this matter was considered by the Executive at its meeting held on 23 November 2021. The Executive endorsed the recommendation below, subject to further investigation as to the merits of extending the requirement for design codes to all housing sites allocated in the Development Plan. Details of the outcome of this investigation will be included on the Order Paper for the meeting.

**Recommendation to Council:**

- (1) That the draft Local Plan: Development Management Policies document which accompanied the agenda for the extraordinary Council meeting held on 1 November, including the changes to that document referred to in Appendix 2 to this report, be approved for Regulation 19 public consultation for a period of six-weeks beginning in early January 2022.
- (2) That the draft Parking Supplementary Planning Document, incorporating any changes recommended by the Executive, be put before Full Council for approval for public consultation for a four-week period beginning in January 2022.
- (3) That the Lead Councillor with portfolio responsibility for Planning Policy be authorised, in consultation with the Director of Strategic Services, to make such minor alterations to improve the clarity of the documents referred to in paragraphs (1) and (2) above, as they may deem necessary.

**Reason:**

The recommendations above are made to encourage the Council to:

- 1) Enable the draft Local Plan: Development Management Policies document to be published for public consultation.
- 2) Allow officers to undertake public consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework 2021, Planning Policy for Traveller Sites 2015, the National Planning Practice Guidance, and the Council's Statement of Community Involvement 2020.

Undertaking a public consultation on the draft Local Plan is a statutory requirement placed on Local Planning Authorities under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') and will enable the Council to move closer to adopting the second part of the Local Plan as required by law and policy.

**Is the report (or part of it) exempt from publication? No**

## **1. Purpose of Report**

- 1.1 The draft Local Plan must undergo a number of statutory processes, including at least two public consultations, in order to progress towards an examination in public and eventual adoption. This report seeks authority to publish the draft Local Plan document (see Appendix 2) for the second statutory consultation (Regulation 19) for a period of six weeks (commencing in early January 2022) and to allow for any minor amendments or typographical changes to be made following the meeting.

## **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, consisting of the Local Plan: Strategy and Sites and the Local Plan: Development Management Policies, will enable the Council to mitigate and adapt to Climate Change as well as provide for the needs of the community whilst enhancing the economy, and protecting the borough's special built and natural environment.
- 2.2 The draft Local Plan is based upon thirteen strategic objectives, which are framed within one of the following four core themes: society, environment, economy and infrastructure. These strategic objectives are the same as those that underpinned the LPSS and build upon the fundamental themes identified in the Council's Strategic Framework.

## **3. Background**

- 3.1 Planning decisions must be taken in line with the 'development plan' unless material considerations indicate otherwise. The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). The extant policies in the Guildford Borough Local Plan 2003 and the policies in the adopted Local Plan: Strategy and Sites 2019 (LPSS) form part of Guildford's current development plan. Policies from the Local Plan 2003 were saved for development management purposes pursuant to the transitional provisions set out in the Planning and Compulsory Purchase Act 2004 (the 2004 Act). A number of these were superseded by the LPSS (listed in Appendix 8 of the LPSS) and those remaining will be fully superseded by the Local Plan: Development Management Policies.
- 3.2 The policies in the draft Local Plan have been prepared in accordance with the National Planning Policy Framework (NPPF) and the statutory framework prescribed in the 2004 Act, and the Local Planning Regulations (including the Duty to Cooperate). The National Planning Practice Guidance (NPPG) has also been used to inform the plan-making process.

## **4. The Local Plan Process**

- 4.1 A Regulation 18 consultation is the first of two statutory consultations that must be undertaken prior to the submission of the draft Local Plan to the Secretary of

State for examination. The second consultation is known as the Regulation 19 consultation.

- 4.2 The Regulation 18 consultation contained ‘a preferred option’ or approach to each specific policy. In light of the representations received it is considered appropriate to progress to a Regulation 19 document that provides the specific wording to the policies together with an introduction, relevant definitions, a reasoned justification, key evidence base and a monitoring indicator for each policy. It should be noted that only minor modifications can be made to the Regulation 19 consultation version, also known as the Proposed Submission Local Plan, prior to submission to the Secretary of State for examination. Should the Council wish to make main modifications following consultation, a further Regulation 19 consultation/targeted Regulation 19 consultation would need to be carried out prior to submission.
- 4.3 A revised Local Development Scheme (LDS) was adopted by the Executive at its meeting on 23 November 2021 to reflect the new timetable for the production and adoption of the Local Plan: Development Management Policies.

## 5. Regulation 18 consultation results

- 5.1 The Regulation 18 consultation ran for seven weeks between 3 June and 22 July 2020. During this period, a total of 89 respondents commented on the draft plan. The below table provides a breakdown of this by stakeholder group. The number of respondents is significantly less than that received during the preparation of the LPSS. This was to be expected given its largely technical and non-geographical nature. Whilst the number of responses were smaller in scale, many raised a number of detailed comments that required careful consideration.

Group	Number	% of total
Developer/landowner/planning consultant	14	16
Statutory/prescribed body (e.g. Surrey County Council, Environment Agency, Surrey Local Nature Partnership, service providers, etc)	20	22.5
Local organisation/parish council/resident's association/political party	27	30
Member of the public	28	31.5
Total	89	100

- 5.2 Officers analysed all the responses as part of drafting the policies for the Regulation 19 version. All main issues raised were identified and have been responded to in the Consultation Statement (Appendix 3). The responses given either rebut the comment and provide an explanation as to why it was not considered appropriate to make changes to the draft Local Plan or agree with the comment and details the changes that were made as a result.
- 5.3 Whilst there have been significant changes to the draft Local Plan, on the whole there have been relatively few changes in policy approach. The main changes to the document are the result of providing the actual policy wording (rather than

just the preferred policy approach) and drafting of the supporting text for each policy. However there have been some more notable changes and these are summarised below. For a more detailed understanding of all the changes, please refer to the summary table in Appendix 1.

#### *Refinement of policy approach*

- 5.4 There are a number of policies where there has been a refinement of the policy approach rather than a wholesale change. This includes:
- Regulation 18 Policy P12: Water Resources and Water Quality, which is now called Policy P12: Water Quality, Waterbodies and Riparian Corridors, and now includes additional policy relating to the ecological value of rivers and their riparian corridors.
  - The deletion of Regulation 18 Policy H4: Housing Density with the consideration of appropriate densities now being part of a design-led approach in Regulation 19 Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness.
  - Regulation 18 Policy E11: Horse Related Development, which is now called Policy E11: Animal-related Development, and now includes a broader scope.

#### *Presentational/structural changes*

- 5.5 These are purely presentational changes, whereby the policy approaches set out in the Regulation 18 version have been retained; however, they are now contained within different policies. This includes:
- Regulation 18 Policy P6: Biodiversity in New Developments and Policy P7: Biodiversity Net Gain have been merged into Regulation 19 Policy P6/P7: Biodiversity in New Developments.
  - Regulation 18 Policy P8: Woodland, Trees, Hedgerows and Irreplaceable Habitats and Policy P9: Priority Species and Priority Habitats on Undesignated Sites have been merged into Regulation 19 Policy P8/P9: Protecting Important Habitats and Species.
  - Regulation 18 Policy D5: Privacy and Amenity has been split into Regulation 19 Policy D5: Protection of Amenity and Provision of Amenity Space and Policy D5a: External Servicing Features and Stores.
  - Regulation 19 Policy D21: Enabling Development and Heritage Assets is now a standalone policy, applying to both designated and non-designated heritage assets, rather than forming part of Regulation 18 Policy D16: Designated Heritage Assets.
  - Regulation 18 Policy D19: Heritage Assets: Schedule Monuments & Registered Parks and Gardens has been split into two separate policies.

#### *New policies*

- 5.6 These are entirely new policies that were not included as potential policies in the Regulation 18 version. These have been included as a result of changing national policy/guidance and consultation process. These are:
- Policy H7: Review Mechanisms
  - Policy H8: First Homes
  - Policy D10a: Light Impacts and Dark Skies

### *Deleted policies*

- 5.7 These are policies that have been deleted entirely from the Regulation 19 version as, upon further reflection, they are already adequately addressed within the NPPF, existing adopted policy or other emerging policies. These are:
- Policy E10: Rural development (including agricultural diversification)
  - Policy ID7: Sport, Recreation and Leisure Facilities

### *Change in policy approach from the preferred Regulation 18 approach to an alternative option*

- 5.8 These are policies whereby, following consultation and further consideration, the Regulation 18 preferred policy approach is no longer the preferred approach and the Regulation 19 document is now based on the alternative option. These are:
- Regulation 18 Policy D14: Climate Change Mitigation, which is now called Policy D14: Carbon Emissions from Buildings, no longer simply relies on the Government's Future Homes standard being introduced and now includes a reduction in carbon emissions of at least 31% (compared with 20% in the LPSS) on all dwellings. The policy also proposes to apply a 27% reduction to non-residential buildings.
  - Regulation 18 Policy D15: Large scale renewable and low carbon energy, which is now called Policy D15: Renewable and Low Carbon Energy Developments, no longer seeks to allocate a specific site but provides criteria for assessing such proposals
  - Policy ID11: Parking Standards has been significantly changed. The key changes are maximum standards in urban areas (previously Guildford town centre only), expected standards in village and rural areas (previously minimums) and that parking standards in Neighbourhood Plans will take precedence over standards in the LPDMP, except in relation to Strategic Sites

## **6. Draft Parking Supplementary Planning Document (SPD)**

- 6.1 A four-week consultation is also proposed to be undertaken on the draft Parking SPD (Appendix 4). Whilst the LPDMP includes a policy on Parking Standards (Policy ID11), it is considered preferable to include some elements of the parking standards within the SPD rather than the draft Local Plan. Having them contained within an SPD would enable them to be updated more easily in the future should circumstances change. This is because an SPD only requires a single consultation and can be adopted by the Council without having to be submitted to the Secretary of State for examination.
- 6.2 Whilst the SPD will undergo consultation alongside the draft Local Plan, it is not proposed to be adopted until after the examination on the draft Local Plan is complete. The reason for doing so is to establish from the Inspector whether Policy ID11 is sound in relation to its reference to the Parking SPD and the standards being proposed to be included in the Parking SPD are appropriate to include as SPD rather than policy within the emerging Local Plan. Should the Inspector consider that some of the content within the SPD is straying beyond

guidance and should instead be included with the Local Plan, then the plan could be amended to reflect this approach as a main modification.

## **7. Internal Consultations**

- 7.1 In producing this draft document, the Planning Policy team has worked closely with the Development Management team (DM) in seeking to understand issues that have arisen in the regular use of the 2003 policies and to identify any gaps in the policy framework that need to be filled. DM officers have been an integral part of considering how to respond to the representations received as part of the Regulation 18 consultation. A significant role has also been played by officers within the Council including Housing, Parks, Climate Change and Regulatory Services.
- 7.2 Officers have also undertaken an extensive series of Local Plan Panel meetings over a four-month period. The Panel comprises cross party representation of members and is designed to act as a sounding board in the development of the Local Plan. These meetings have facilitated discussion between officers and members regarding the scope of the document and the wording of policies within the draft Plan.
- 7.3 The document has also been considered by the Joint Executive Advisory Board on 20 September 2021.
- 7.4 This report seeks authority to commence a further statutory consultation that will engage with all stakeholders and help to inform the Submission Local Plan that will be tested at Examination by an independent Inspector.
- 7.5 In light of the ongoing uncertainty in relation to the COVID pandemic, the consultation will not include any face-to-face events. There will be the opportunity for use of Teams meetings throughout the consultation period for anyone who wishes to discuss the policies with the Planning Officers. This approach is also seen as appropriate given both the technical nature of the document and the absence of any spatial or geographic element to the document. Such an approach would also be consistent with the Council's adopted Statement of Community Involvement which is a requirement of the plan making legislation.

## **8. Key Risks**

- 8.1 Planning decisions should be based on up-to-date Local Plans. Delays in completing the second part of the Guildford Borough Local Plan would mean decision makers still being reliant on the extant policies contained in the 2003 Local Plan.
- 8.2 Adopting a new set of development management policies provides an opportunity of securing higher quality sustainable development in the borough and an opportunity to contribute positively to the climate change emergency. (see Climate Change/sustainability below).

## **9. Financial Implications**

- 9.1 Costs in 2021-22 are estimated at £95,000 (legal support, consultants, Regulation 19 consultation) which can be met from the existing budget. Additional budget of £89,000 will be needed in 2022-23 (mainly programme officer, legal and inspector's costs) and a growth bid will therefore be required. There is, however, a budget in this financial year for inspector's costs of £50,000 that will not be used and which could be carried forward making the growth bid request £39,000.

## **10. Legal Implications**

- 10.1 The current system of plan making is contained in the 2004 Act and the Town & Country Planning (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') and supported by the NPPF and NPPG. This report seeks authority to undertake consultation as prescribed by Regulation 19 of the Local Planning Regulations. That consultation is a preparatory step for the production of a draft Local Plan. Following completion of the Regulation 19 consultation process (including the potential making and consultation upon modifications to the draft Local Plan), the Proposed Submission Plan shall be prepared and submitted to the Secretary of State in accordance with the requirements of the Local Planning Regulations. As stated in paragraph 4.2 above, should the Council wish to make main modifications following consultation, a further Regulation 19 consultation/ targeted Regulation 19 consultation would need to be carried out prior to submission.
- 10.2 Under the Council's Constitution and in accordance with the statutory provisions contained the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, full Council has the power to make decisions in relation to the preparation and adoption of the Development Plan.

## **11. Human Resource Implications**

- 11.1 The production of a development planning document is lengthy and costly. Following consultation there will be a process of recording and evaluation the responses received. In past consultations this has involved employing additional temporary staff to help with the administration involved in processing a significant number of representations. The anticipated scale of representations is such that this is unlikely to be necessary with this consultation.

## **12. Equality and Diversity Implications**

- 12.1 All public authorities are required by the Equalities Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in the society.
- 12.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council 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.

- 12.3 An EqIA screening was carried out for this Draft Local Plan (Appendix 5). It is not considered necessary to carry out a full EqIA. This document will be published on the Council's web site alongside the consultation document. Accordingly, it is considered that in approving this report, the Council will be acting in accordance with the public sector equality duty contained in section 149 of the Equality Act 2010.

### **13. Climate Change/Sustainability Implications**

- 13.1 The timely adoption of the Local Plan: Development Management Policies will enable the policies proposed to carry full weight as part of the development plan. The emerging policies in the Draft Local Plan supplement those in the LPSS and provide further detailed requirements. The proposed suite of policies covers a range of topics that will all contribute towards the achievement of Climate Change objectives and sustainable development.
- 13.2 The policies proposed in the Draft Local Plan will have a positive impact in helping to secure sustainable and low impact development, Climate Change resilient development, and renewable and low carbon energy schemes. It will also contribute towards securing improvements in air and water quality, and biodiversity.
- 13.3 The Draft Local Plan is accompanied by a Sustainability Appraisal (SA) (Appendix 6). The SA is an iterative process that is prepared to accompany each version of the Local Plan. It incorporates the requirement for Strategic Environmental Assessment (SEA) and assesses each policy against environmental, social and economic objectives. The Council has also produced a SA Scoping Report. This identifies the scope and level of detail of the information to be included in the sustainability appraisal report. It sets out the context, objectives and approach of the assessment; and identifies relevant environmental, economic and social issues and objectives.
- 13.4 A Habitats Regulations Assessment (HRA) (Appendix 7) has also been prepared. This ensures that the Draft Local Plan conforms with the Habitats Regulations and will not adversely affect any European protected habitats or species.

### **14. Executive Advisory Board comments**

- 14.1 The draft Local Plan was put before the Joint Executive Advisory Board (EAB) on 20 September 2021. A summary of EAB comments together with a response is provided at Appendix 8.

### **15. Conclusion**

- 15.1 Publishing the draft Proposed Submission Local Plan for public consultation is a key stage of the Local Plan making process and will enable the Local Plan part 2

to progress towards full adoption following an Examination in Public carried out by a Planning Inspector.

- 15.2 Completing and adopting this document will result in a fully up to date local plan and enable decision makers to assess planning applications against policies designed to achieve high standards of design and levels of sustainability contributing positively to the Council's climate change emergency declaration.

**16. Background Papers**

None.

**17. Appendices**

Appendix 1: Summary of changes between Regulation 18 and Regulation 19  
Appendix 2: Draft Local Plan Updated Pages  
Appendix 3: Draft Consultation Statement  
Appendix 4: Draft Parking SPD  
Appendix 5: Equalities Impact Assessment (EqIA) screening  
Appendix 6: Sustainability Appraisal (SA)  
Appendix 7: Habitats Regulations Assessment (HRA)  
Appendix 8: Joint EAB comments and responses