

Executive Report

Ward(s) affected: all

Report of Director of Planning and Regeneration

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Date: 26 September 2017

Guildford Borough Planning Contributions Supplementary Planning Document update 2017

Executive Summary

Guildford Borough Planning Contributions Supplementary Planning Document (SPD) update 2017 has been prepared to supersede the Planning Contributions SPD 2011, which is now dated due to changes in national law and policy since its adoption. The SPD provides guidance on application of the Local Plan 2003 policies that relate to planning contributions.

Recommendation to Executive

That the Guildford Borough Planning Contributions Supplementary Planning Document (SPD) update 2017, as set out in **Appendix 1**, be adopted as an update and replacement for the 2011 SPD, which is hereby revoked.

Reason for Recommendation:

To provide up-to-date advice to applicants for planning permission in order to assist in securing supporting infrastructure and mitigate any harm arising from planned developments through determining planning applications or appeals.

1 Purpose of Report

- 1.1 This report requests that the Executive adopts the Planning Contributions SPD 2017. The report summarises the reasons for updating the Planning Contributions SPD 2011, which include aligning it with current national legislation and planning policy, as well as other Guildford Borough Council (GBC) strategies.

2 Strategic Priorities

- 2.1 The adoption of an updated Planning Contributions SPD will help increase transparency and certainty for people in making planning applications. The updated SPD will help to ensure that developments contribute to all Corporate Plan themes, particularly focusing on delivering “Our Infrastructure”, in securing sustainable transport, utilities connections, and affordable housing to accompany new development. These benefits provide clear justification for the adoption of this updated SPD, in line with paragraph 153 of the National Planning Policy Framework.

3 Background

- 3.1 Most developments place additional pressure on the infrastructure of an area. As local planning authority for the vast majority¹ of developments in the borough, the Council must ensure that it only grants planning permission for new development where potential harm, which would otherwise result from the proposal will be alleviated. In granting planning permission, the Council must also ensure that the development will comply with the Council’s policy requirements. The most common mechanisms that can be used to secure planning contributions from developers are conditions attached to the planning permission, planning obligations (secured through section 106), and highways agreements.
- 3.2 The Planning Contributions SPD 2011 provides guidance to developers and landowners on how the Council applies the Guildford Borough Local Plan 2003 policies that relate to planning contributions. This guidance is needed to ensure that developers are clear on the Council’s policy compliance requirements (such as specifying a number of homes as affordable housing), and/or mitigating harm that would otherwise result from a proposed development (for example ensuring that new homes do not put additional pressure on protected bird habitats that the Council is obliged to protect).
- 3.3 Following changes to national legislation, policy, and written ministerial statements made since 2011, the 2011 SPD required an update to ensure that it continues to reflect the current planning framework.

4 Key changes

- 4.1 As the Local Plan 2003 provides the policy basis for this SPD, proposed changes to the 2011 SPD as reflected in the draft 2017 update are necessarily limited in scope. Changes are focused on addressing the implications for the SPD of relevant revised or new legislation, policy and guidance across government since 2011.
- 4.2 The changes include relatively minor material changes to thresholds / obligations in relation to:

¹ With the exception of minerals and waste and extensions to existing schools

- Affordable housing (inclusion of reference to the “vacant building credit” in line with national policy).
 - Sustainable design and construction (in response to updated adoptable national building standards and the fact that the National Code for Sustainable Homes was revoked);
 - Open space (which references the Written Ministerial Statement relating to tariff-style contributions in developments of 10 or fewer homes);
 - Public Art (change to case-by-case from size threshold basis for considering contributions);
 - SANG (alignment to the adopted Thames Basin Heaths SPA Avoidance Strategy SPD, 2017);
 - CCTV (change to case by case from threshold basis for considering contributions);
 - Education (inclusion of threshold of over 10 homes net for which contributions may be sought, recognising the impact that smaller / medium sized development has on areas where there is already limited school capacity).
- 4.3 The changes also ensure that up to date reference is made in the SPD to legislation, policy and guidance across government, for example:
- Legislative changes that prevent collection of more than five “tariff” type contributions into a pooled “pot” for a particular type of infrastructure or infrastructure project;
 - Updated guidance on flood risk tests;
 - Updated GBC Guidance on waste and recycling storage and collection;
 - National policy on sustainable transport.

5 Consultations

- 5.1 Several GBC officers were involved or consulted in preparing the draft SPD for consultation. These officers are listed in the initial Consultation Statement that accompanied the draft SPD for consultation. Further non-material comments and amendments were received from the Council’s Legal Services team during the consultation period. The final version of the SPD has been updated to take these amendments into account.
- 5.2 The Council held a four-week consultation between midday 19 September 2016 and 11.59pm 17 October 2016. We received 28 consultation responses from consultees, as well as comments received from GBC officers. All responses can be viewed in full at getinvolved.guildford.gov.uk.
- 5.3 A summary of the main issues raised and the responses is included in the Consultation Statement at **Appendix 2**. Many respondents referred to their comments raised in relation to the 2016 proposed submission Local Plan. The main issues raised were:
- All three of the Consultation Bodies (i.e. Natural England, Heritage England and the Environment Agency) have confirmed the SEA and HRA screenings, that full assessments are not required.

- The Environment Agency suggested amendments to the guidance on preparing flood risk sequential and exception tests.
 - Need for all contributions to take into account the “pooling” restrictions in the CIL regulations.
 - Concerns around viability of development in the light of obligations (such as SANG and affordable housing) reflected in the SPD (e.g. in relation to assisted living and student accommodation).
 - Prematurity of seeking contributions to public art before the evidence is prepared, also in principle objection to requiring developers to contribute to public art.
 - Caution urged to ensure that the SPD guidance takes into account the need to be consistent with the development plan. Furthermore, concern in relation to how the draft SPD relates to the GBC submission Local Plan and its provisions.
- 5.4 The now adopted Thames Basin Heaths SPA Avoidance Strategy SPD was also subject to consultation at the same time. The comments received for that consultation have informed the chapter in this SPD. Those comments can also be viewed in full at the website getinvolved.guildford.gov.uk.
- 5.5 The comments received have been taken into account in finalising the SPD, as evidenced in Table 2 of the Consultation Statement. This includes revisions to the document, where appropriate.

6 Equality and Diversity Implications

- 6.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. This includes having due regard to potential implications for all protected characteristics of the community.
- 6.2 Although this SPD update is guidance, and does not set new policy, the Council prepared an Equalities Impact Assessment screening (Background paper 3) based on the draft document. The assessment concludes that the proposed strategy does not have implications for equality and diversity.

7 Financial Implications

- 7.1 There are no financial implications to the Council arising directly from this report. Developer contributions are ring fenced capital receipts, which are held in the Council’s earmarked reserves until plans are put forward to spend the contributions in line with SPD policy and relevant agreements with developers.

8 Legal Implications

- 8.1 The requirement to update the Planning Contributions SPD is in part due to changes to national law and policy since the original SPD was adopted in 2011. Details of these changes are set out in the SPD Update, provided at **Appendix 1**.

- 8.2 This SPD update provides guidance on implementing existing Local Plan policies. A Strategic Environmental Assessment and Habitats Regulations Assessment (SEA / HRA) screening has been undertaken, and has concluded that there is no need for a full SEA / HRA. This opinion has been confirmed for both SEA and HRA by the three statutory consultation bodies.
- 8.3 This is a matter properly falling within sections 23 and 22 of the Planning and Compulsory Purchase Act 2004 respectively; and Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012).

9 Human Resource Implications

- 9.1 There are no implications for Council staff arising from this updated SPD.

10 Summary of Options

- 10.1 Officers are recommending that the Executive adopts the updated SPD. The alternative option is to continue using the existing SPD, which was adopted in 2011. As explained earlier in this report, the existing SPD is now dated, and does not provide the most robust guidance possible.

11 Conclusion

- 11.1 Officers recommend adopting the proposed updated Planning Contributions Supplementary Planning Document (SPD), and formally revoking the Planning Contributions SPD 2011, under sections 23 and 22 of the Planning and Compulsory Purchase Act 2004 respectively. Officers further recommend revoking the Planning Contributions SPD, 2011 under Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012).
- 11.2 This updated guidance is considered preferable, as the current SPD does not reflect the most up-to-date national legislation, policy and guidance. Whilst officers are confident that the existing SPD continues to carry weight (as referred to in planning appeal decisions), they consider that the updated SPD would be more robust.

12 Background Papers

Background paper 1: [Guildford borough Planning Contributions SPD 2011](#)

Background paper 2: [SEA / HRA screening](#)

Background paper 3: Equalities Impact Assessment screening

13 Appendices

Appendix 1: Guildford Planning Contributions Supplementary Planning Document, 2017

Appendix 2: Consultation Statement

Appendix 3: Adoption Statement