

Council Report

Ward(s) affected: All

Report of Director of Planning and Regeneration

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Proposed Submission Local Plan

Executive Summary

The Proposed Submission Local Plan: strategy and sites (“the draft Local Plan”) outlines the spatial development strategy for the borough up to 2034. The draft Local Plan 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 conclusion reached is that appropriate sustainable sites can be allocated within the plan to meet the OAN for both housing and employment.

The draft 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.

This draft Local Plan contains minor corrections and suggested minor amendments as tracked changes, which will be put before the Inspector for consideration at the forthcoming Examination.

It is proposed to submit this plan to the Secretary of State by 15 December 2017.

This report will also be considered by the Executive at its special meeting to be held on Monday 20 November 2017. Any comments or recommendations will be set out in the Order Paper for the extraordinary Council meeting.

Recommendation to Council:

- (1) That the draft Local Plan: strategy and sites document, together with all relevant associated documentation referred to in Appendix 4 to this report, be approved for submission to the Secretary of State for the purpose of proceeding to and through the Examination in Public process.

- (2) 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 submission documents as she may deem necessary.

Reasons for Recommendation:

- The draft 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 document is considered to be positively prepared, justified, effective and consistent with national policy.
- The recommendations above will enable an Inspector to test the plan in terms of its legal compliance and 'soundness' to enable the Council to move a step closer to adopting an up-to-date Local Plan.

1. Purpose of Report

- 1.1 An examination in public is the final stage in the process of producing a Local Plan prior to adoption. This report seeks authority to submit the draft Local Plan document (see Appendix 1) to the Secretary of State and to allow for any minor amendments or typographical changes to be made following the extraordinary meeting of the Council.

2. Strategic Priorities

- 2.1 The production of the draft Local Plan is a statutory requirement and will help the Council meet its strategic priorities. Once adopted, the Local Plan will 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. The Plan is therefore vital to achieving the Council's ambition to improve our society for the benefit of all residents. Whilst seeking to meet needs we have applied appropriate constraints and will ensure that growth is conditional upon the delivery of all crucial infrastructure, without which it would be unsustainable.
- 2.2 The draft Local Plan sets out a vision for the borough closely aligned to that included within the Council's Strategic Framework. The draft 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. It 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 build upon the five fundamental themes identified in the Council's Strategic Framework.

3. Background

- 3.1 The current Local Plan – the Guildford Borough Local Plan 2003 – was adopted in January 2003. Policies from the 2003 Local Plan were saved for development

- management purposes pursuant to the transitional provisions set out in the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). Once the new Local Plan: strategy and sites is adopted, it will, where relevant, supersede the various saved policies from the 2003 Local Plan. The second part of the new Local Plan, Development Management Policies, will provide policies that relate to development management matters. The two constituent development plan documents of the new Local Plan – ‘strategy and sites’ and ‘development management’ – will, once adopted, supersede all of the saved 2003 policies.
- 3.2 The policies of the draft Local Plan have been prepared to accord with the National Planning Policy Framework (NPPF), Planning Policy for Traveller Sites (PPTS) and the Localism Act 2011 (including the Duty to Cooperate). In preparing the draft Local Plan, officers have also had regard to requirements of the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”). The National Planning Practice Guidance (NPPG) has also been used as a guide throughout the plan-making process.
- 3.3 There are significant challenges in preparing a new Local Plan and the statutory process is complex and lengthy. It will also require some difficult decisions and choices; however, preparing a new Local Plan that is capable of being found sound will enable us to plan positively for our future and ensure that the borough remains successful and vibrant.
- 3.4 It is also important that we maintain progress on the Local Plan. This will ensure a greater level of certainty for service providers, residents and developers. Any significant delays would also lead to a greater risk of Government intervention and material changes in legislation. The recent consultation including the proposed approach to calculating the local housing need is a case in point. There are transitional arrangements envisaged that will enable a plan to progress based on the old methodology but this period will expire at the end of March 2018. The consequences of delay beyond this deadline will be an increased housing need figure and significant delay to the Local Plan.
- 3.5 Whilst maintaining good progress, it is imperative that we prepare a plan that is capable of being found sound at examination by an independent planning inspector. We will also need to demonstrate that we have met our legal Duty to Cooperate. This requires that we have engaged constructively, actively and on an ongoing basis with our neighbours and a set of prescribed bodies on cross boundary strategic matters. Should we fail this legal test, it cannot be rectified through the examination process. The plan would therefore be found unsound and we would need to restart the local plan process.
- 4. Changes to the Draft Plan**
- 4.1 The Executive adopted a new Local Development Scheme (LDS) on 21 February 2017. This document sets out the stages and timetable for plan preparation. A targeted Regulation 19 consultation was undertaken on changes to the Proposed Submission Local Plan (2017) for a period of six weeks in June/July 2017. The targeted consultation supplements the Regulation 19 Local Plan (2016)

consultation. All comments made to the previous consultation, alongside the comments on changes from this summer's consultation, will be submitted to the Planning Inspectorate for examination. The LDS states that the draft Plan will be submitted in December 2017.

- 4.2 Approximately 3,300 individuals or groups responded to the targeted consultation generating approximately 9,500 representations. Of these, approximately 2,300 were considered to be not duly made as they made reference to parts of the plan that had not been changed. In making this decision, we have given the benefit of the doubt to the objector and treated comments as duly made as the default. This represents a significant reduction in the representations made to the first Regulation 19 consultation which is to be expected for a number of reasons:
- The consultation was limited to changes to the plan from the first Regulation 19 consultation and these changes in the main represent minor changes designed to improve the clarity of the plan and were in response to comments received in the previous consultation. This included useful comments from the prescribed bodies.
 - The context within which these changes have been made was a reduction in housing numbers as a result of the reduced OAN. Only two 'new' sites were added, one being the reintroduction of Burnt Common (A58) and the other the allocation of a new railway station at Park Barn (A59).
 - The plan responded to changes in legislation such as the new requirement for Self-build units, which have proved to be uncontroversial.
- 4.3 As a result, the changes were designed to produce a better, clearer document but did not seek to change the overall strategic or spatial approach set out in the previous 2016 version of the Plan.
- 4.4 There are no major changes recommended to the plan as a result of the 2017 consultation. The major objections raised as part of the 2017 consultation will be combined with the major objections raised in the 2016 consultation within the Consultation Statement (Appendix 2) and presented to the Inspector as part of the submission documents.
- 4.5 A list of proposed minor modifications is contained in Appendix 3. These are recommendations of a minor nature that, whilst not going to the heart of its soundness, will improve the clarity and usability of the Plan. These recommendations will also be put before the Inspector as part of the submission documents.
- 4.6 It is worth noting that there have been discussions on highway infrastructure at the recent Wisley Inquiry. Work is ongoing between ourselves, Surrey County Council, consultants and Highways England. We have considered the issues raised and do not see any reason to delay submission. We continue to work towards a Statement of Common Ground with Highways England.
- 4.7 In conclusion, all the duly made representations have been considered but they have not resulted in the need to make any major changes to the draft Plan. As a

result, it is not considered necessary to consult further on amendments to the Plan. The officers are of the view that the Plan is now ready to be submitted to the Secretary of State.

Submission Documents

- 4.8 The Submission documents are defined in the planning regulations and are those documents that must be formally submitted to the Secretary of State to begin the Examination process. They comprise:
- the Local Plan itself,
 - the Submission Policies Map,
 - the Sustainability Appraisal,
 - the Consultation Statement covering all aspects of the consultation process and a summary of the main issues raised and how those issues have been addressed,
 - a copy of the representations themselves and ‘such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.’
- 4.9 A list of the documents the Council intend to submit is contained in Appendix 4. Included within this list are a set of Topic Papers covering a variety of policy areas designed to explain the evolution of the policies and the reasoning behind the decisions taken. They are documents that have been in draft form throughout the Local Plan making process, but will be finalised as part of the submission.

5. Equality and Diversity Implications

- 5.1 All public authorities are required by the Equality Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in society.
- 5.2 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.
- 5.3 An EqIA screening was carried out for the Draft Local Plan (July 2014). This document has been reviewed in light of the further changes to the Local Plan. It is not considered necessary to carry out a full EqIA.

6. Financial Implications

- 6.1 Since 2009, the Council has spent £2.382 million on developing the draft Local Plan. We anticipate expenditure in 2017-18 to be £249,000, which will ensure

that the Local Plan continues to develop in line with the timetable in the Local Development Scheme. We estimate a budget of £437,190 for 2018-19 to support the Strategy and Sites Development Plan document. This includes £125,000 for inspectors' fees, £36,000 for a programme officer, £65,000 for consultants and £130,000 for legal advice. The total costs to this stage are therefore £3.068million. The costs associated with the production of the Development Management DPD will occur in the main in the financial year 2019-20 and will be approximately £312,700. This brings the total costs to £3.38 million.

7. Legal Implications

- 7.1 After submission to the Secretary of State, the draft Local Plan will be examined by an independent planning inspector. The inspector will consider whether we have fulfilled our legal Duty to Cooperate and whether the plan meets the tests of soundness set out in paragraph 182 of the NPPF. There are various potential risks to the plan being found sound, and it may be vulnerable to a legal challenge by way of judicial review on grounds such as procedural defect or flaw, or failure to take into account any relevant material consideration. In either case, it is essential that we can show that we have observed the procedural steps and requirements set out in the relevant regulations. These include not only the 2012 Regulations, but also the Environmental Assessment of Plans and Programme Regulations 2004 and possibly also the Conservation of Habitats and Species Regulations 2010 (as amended).
- 7.2 We will need to show that we have observed the current NPPF and the newer NPPG, as well as creating and maintaining an up to date and proportionate evidence base to inform its policy decisions. The evidence base includes the documents that show objectively assessed need within the borough. The NPPF makes it clear that one of the Government's objectives is to boost significantly the supply of housing. Without a housing target that the Planning Inspector considers satisfactory, it is unlikely that the draft Local Plan would be found sound.
- 7.3 The failure to adopt a new local plan and the reliance on a dated plan makes the borough council less able to focus development in areas that meet wider strategic objectives. Furthermore, the Government has announced that where Local Plan progress is not considered acceptable, the Secretary of State for Communities and Local Government may intervene.
- 7.4 The Town and Country Planning Act 1990 places a duty on local planning authorities to produce and adopt a Local Plan. The Plan will ultimately replace the current Guildford Borough Local Plan adopted in 2003.

8. Human Resource Implications

- 8.1 There are no HR implications associated with submitting the Plan to the Secretary of State. However, the Examination itself that will follow a few months later will result in a significant workload for the planning policy team and for the legal support team. Potential overtime is made available in the budget.

9. Conclusion

- 9.1 Following a further targeted Regulation 19 consultation, it is not considered necessary to make any major changes to the draft Local Plan. A number of minor amendments to improve the plan are recommended to the Inspector (see Appendix 3). The document is considered to meet the test of soundness of the NPPF, provide a strong overarching framework for development in the borough up to 2034 and reflect local circumstances. The plan is now ready to be submitted to the Secretary of State. The Examination is the final stage of the Local Plan making process prior to adoption and will enable the Local Plan to progress towards full adoption.

10. Background Papers

The Council's Issues and Options document, the Draft Local Plan (2014) and the Proposed Submission Local Plan 2016 can be accessed via the Council's website:

www.guildford.gov.uk/newlocalplan/previousconsultations

The Proposed Submission Local Plan 2017 can be accessed via the Council's website:

www.guildford.gov.uk/newlocalplan/proposedsubmission

All evidence base documents are available to view at

www.guildford.gov.uk/newlocalplan/evidencebase

Topic papers are available to view at

www.guildford.gov.uk/newlocalplan/topicpapers

11. Appendices

Appendix 1: The draft Local Plan

Appendix 2: The Consultation Statement

Appendix 3: Proposed minor modifications for the Secretary of State

Appendix 4: List of documents to be submitted to the Secretary of State