

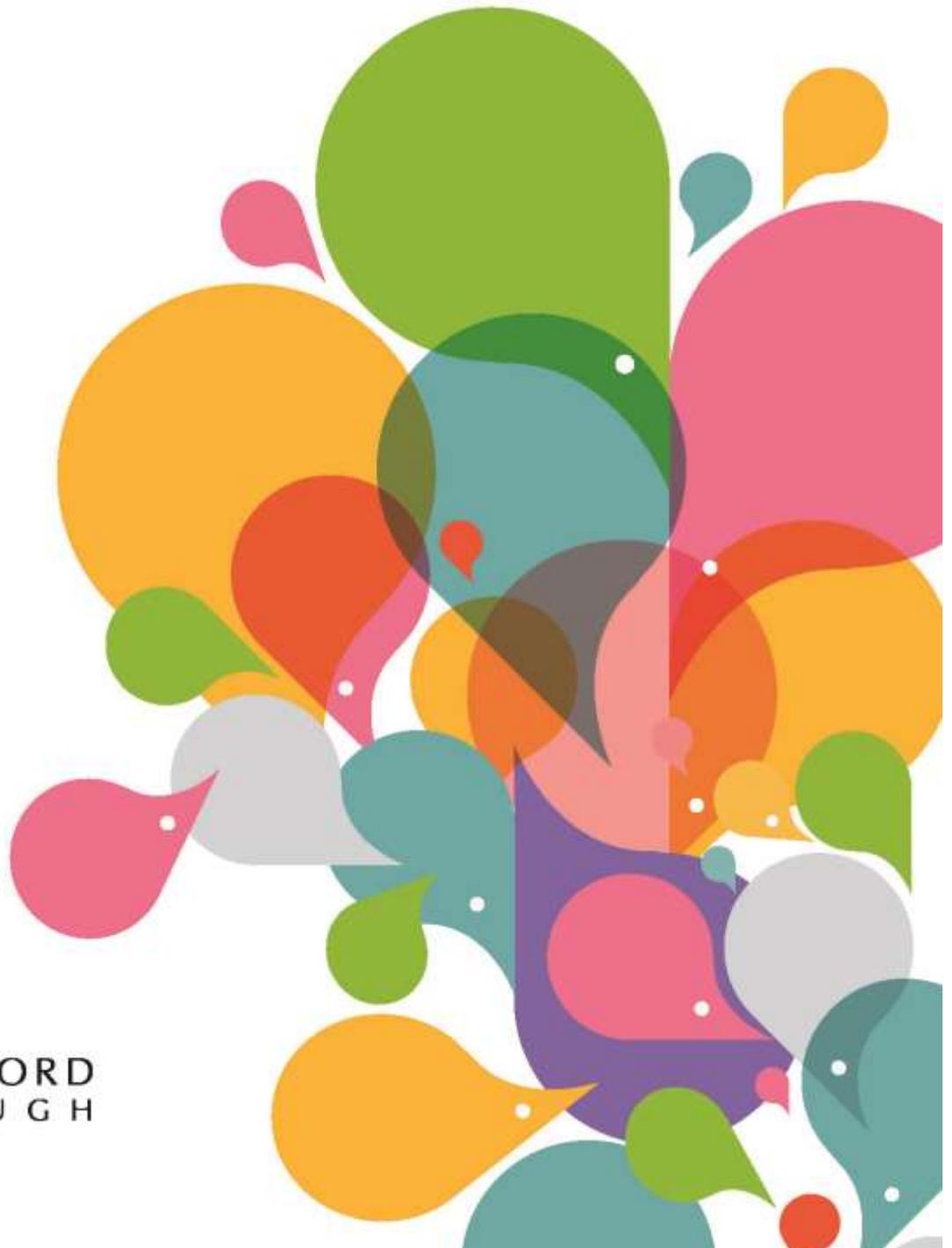
# Draft Guildford Borough Local Plan: Development Management Policies

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## Proposed Submission Local Plan

November 2021

Consultation under Regulation 19 of the Town and Country Planning (Local  
Planning) (England) Regulations 2012



## **Alternative formats**

If you would like to read this consultation document in a different format such as large print or a different language, please contact Planning Policy:

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Email: [Planningpolicy@guildford.gov.uk](mailto:Planningpolicy@guildford.gov.uk)

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# 1. Introduction

## Summary

- 1.1 The Council adopted the Local Plan: strategy and sites in 2019. We are now working on the second part of the Local Plan, the Guildford borough Local Plan: development management policies. The policies are consistent with and build upon the strategic policies and will help when determining planning applications.
- 1.2 The **Local Plan: strategy and sites** (LPSS 2019<sup>1</sup>) planning document sets out our vision, objectives and approaches to development (our strategy) and the location of key development sites in our borough. The **Local Plan: development management policies** (LPDMP) document will provide further and more detailed planning policies to use in determining planning applications.
- 1.3 We consulted on the LPDMP issues and preferred options document from 3 June to 22 July 2020. We carefully considered the comments submitted and have now drafted the development management policies. This document invites you to comment on the draft development management policies for the borough. You are welcome to comment on every policy in the document or just the ones that you are specifically interested in.
- 1.4 This is an opportunity for you to have your say on planning in the borough. The diagram after paragraph 1.21 shows the key stages of the LPDMP progress. In addition, our Local Development Scheme (LDS)<sup>2</sup> sets out the detailed timetable for the development of the Local Plan and provides further information on the consultation stages.

## How to read this plan

### Blue boxes

contain the drafted POLICY

### Green boxes

contain important information sources that support the POLICY

### Pink boxes

contain information on how the POLICY will be monitored

<sup>1</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>2</sup> Available online at: <https://www.guildford.gov.uk/newlocalplan/lds>

## Introduction

1.5 Guildford Borough Council (GBC) is preparing a new document called 'Local Plan: development management policies' for the Borough and this is your second opportunity to provide comment as part of its preparation.

1.6 The Guildford borough Local Plan will consist of two parts:

**Part 1:** The Local Plan: strategy and sites<sup>3</sup>. This sets out our vision, aims and strategy for the borough up to 2034. The document contains key facts about our borough, our spatial vision, strategic objectives, overarching planning policies and allocates land for housing, employment, community facilities and other types of development. This document was adopted on 25th April 2019.

**Part 2:** The Local Plan: development management policies. This document will have detailed development management policies which will be used to determine planning applications in the borough. We are currently inviting your comments on this document.

1.7 The Local Plan should be read as a whole. This includes both the strategy and sites and the development management policies. Each policy is accompanied by a reasoned justification to explain its context and how it should be applied.

## About this consultation

1.8 This consultation aims to gain your views on the drafted development management policies for Guildford borough. This is sometimes referred to as a Regulation 19 consultation<sup>4</sup>. The document provides an introduction to each policy and the policy itself is set out in a blue box. Any definitions needed and a reasoned justification is set out below the policy. Important information sources are listed in the green boxes, and information on how the policy will be monitored is in the pink boxes.

1.9 Once you have considered the draft policies you can submit your feedback by completing this form online at:

**<https://guildford.inconsult.uk/LPDMP21>**

1.10 Alternatively, you can email your comments to:

**Email: [localplan@guildford.gov.uk](mailto:localplan@guildford.gov.uk)**

1.11 If it is not possible to use electronic communication, send your comments by post to:

Planning Policy (Local Plan: DMP consultation)  
Guildford Borough Council  
Millmead House, Millmead  
Guildford, Surrey  
GU2 4BB

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<sup>3</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>4</sup> Available online at: <https://www.legislation.gov.uk/uksi/2012/767/regulation/19/made>

Please return your comments to Guildford Borough Council by **XX MONTH 2021**.

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## Plan- making

- 1.12 Local Plans must comply with the law as set out in the Localism Act 2011<sup>5</sup> (covering the Duty to Cooperate and Neighbourhood Planning) and the Planning and Compulsory Purchase Act 2004<sup>6</sup> (and amendments in subsequent Acts). Specific plan-making requirements are set out in The Town and Country Planning (Local Planning) (England) Regulations 2012<sup>7</sup>. Other legal frameworks are also currently relevant to the plan-making process.
- 1.13 The Local Plan must be consistent with the National Planning Policy Framework<sup>8</sup> (NPPF). The NPPF instructs us to prepare a plan that is positive about development and requires councils to cooperate with neighbouring authorities when producing their plan, alongside more detailed requirements. National Planning Practice Guidance<sup>9</sup> (NPPG) also guides us in the plan-making process.
- 1.14 The Localism Act 2011<sup>10</sup> and Local Plan Regulations 2012<sup>11</sup> introduced the Duty to Cooperate<sup>12</sup>. This requires us to engage in constructive, active and ongoing dialogue with neighbouring local authorities and other relevant organisations during the plan-making process.
- 1.15 The NPPF requires that plans make explicit which policies are ‘strategic’ and which are ‘non-strategic’. This is set out in Appendix C.

## Neighbourhood planning

- 1.16 England and Wales operate a ‘plan-led’ planning system. This means that the development plan is the first consideration in determining planning applications. Our LPSS 2019<sup>13</sup> also sets out allocated sites for development in the borough across the plan period and provides an up-to-date framework for local communities who are preparing Neighbourhood Plans<sup>14</sup>. Parish Councils or Neighbourhood Forums can create Neighbourhood Plans to set out a local vision and planning policies for a designated neighbourhood area. Neighbourhood Plans must have regard to national policies and guidance, and be in general conformity with the strategic policies of our Local Plan. Once adopted they form part of the statutory development plan. Planning decisions must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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<sup>5</sup> Available online at: <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>6</sup> Available online at: <https://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>7</sup> Available online at: <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>8</sup> National Planning Policy Framework 2021 at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>9</sup> Available online at: <https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>10</sup> Available online at: <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>11</sup> Available online at: <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>12</sup> Section 33A of the Planning and Compulsory Purchase Act 2004 at: <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>

<sup>13</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>14</sup> Available online at: <https://www.guildford.gov.uk/neighbourhoodplanning>

## The Local Plan: development management policies document

- 1.17 The LPDMP must go through several stages and meet many criteria before it can be adopted. The current document reflects the drafted development management policies that are proposed to help manage development across Guildford borough.
- 1.18 The previous consultation document<sup>15</sup> focussed on a series of key issues for the borough and the various options that could help address them, highlighting the Council's preferred option. This document includes the draft development management policies and their supporting information and we are now seeking your comments on them.

### Next steps

- 1.19 As part of the next stage, we will analyse all the responses we receive. We will consider many factors such as public and specialist feedback, evidence base, national policy & guidance and planning law and regulations. The draft policies must be informed by the Council's strategic visions and plans including the Corporate Plan<sup>16</sup>, Economic Strategy<sup>17</sup>, Housing Strategy<sup>18</sup> and the LPSS 2019<sup>19</sup>.
- 1.20 We will then update where appropriate and submit the plan to an independent planning inspector (who is appointed by the Secretary of State) for examination. The inspector is there to make sure we have met the legal requirements in preparing the plan, including working with others such as neighbouring councils and service providers. The plan must be considered by the Council to be sound when it is submitted to the Planning Inspectorate<sup>20</sup>. For this Local Plan to be found sound by the Inspector it must be positively prepared, justified, effective and consistent with national policy. The Local Plan can only formally be adopted once it has been found sound by a Planning Inspector. The Planning Inspector will recommend any main modifications that are necessary to make the plan sound.
- 1.21 Many of the policies contained within this plan will (after adoption) supersede all the remaining saved policies of the Guildford Local Plan 2003. In some cases, supplementary planning documents (SPDs) will be produced to expand upon and support the policies contained within the LPSS 2019<sup>21</sup> and the future LPDMP. SPDs provide more detailed guidance to build upon planning policies and help guide planning applications and decisions.

### Key stages in preparing this document

- 1.22 The key stages in preparing this document are set out in the following diagram. More detailed timings are set out in the latest Local Development Scheme<sup>22</sup>, available to view on the Council's

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<sup>15</sup> Available online at: <https://guildford.inconsult.uk/LPDMIO/consultationHome>

<sup>16</sup> Available online at: <https://www.guildford.gov.uk/corporateplan>

<sup>17</sup> Available online at: <https://www.guildford.gov.uk/ruraleconomy>

<sup>18</sup> Available online at: <https://www.guildford.gov.uk/housingstrategy>

<sup>19</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>20</sup> Available online at: <https://www.gov.uk/guidance/local-plans>

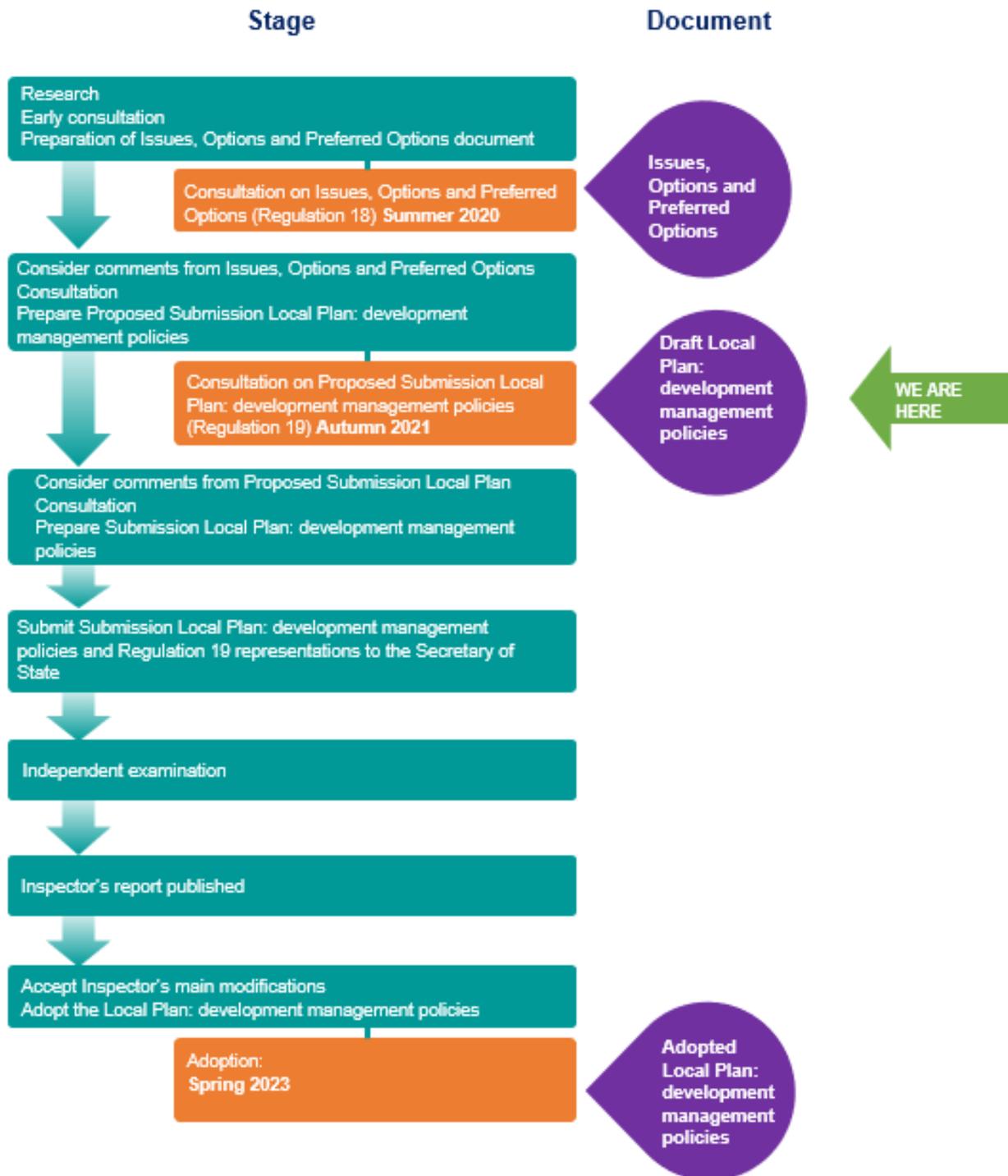
<sup>21</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>22</sup> Available online at: <https://www.guildford.gov.uk/lds>

website. This consultation is your opportunity to get involved in policy formulation.

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## Key Stages in preparing the Local Plan: development management policies document



## Monitoring indicators

- 1.23 We need to assess whether this Local Plan is meeting its aims and objectives and have appropriate mechanisms in place so that we can recognise if it is not and actions can be taken accordingly. To help achieve this, each policy in this document is accompanied by monitoring indicators. Where policies are failing to deliver against the strategic objectives of the Local Plan, necessary actions will be identified in our Authority Monitoring Report<sup>23</sup>.

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<sup>23</sup> Available online at: <https://www.guildford.gov.uk/localplan/monitoring>

## 2. Housing chapter

### Policy H4: Housing Density [Deleted]

This policy has been deleted.

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## Policy H5: Housing Extensions and Alterations including Annexes

### Introduction

- 2.1 Extensions to homes can be a convenient way of providing additional living space for growing households or to adapt homes to meet changing needs. High house prices in a competitive housing market have had the impact of people choosing to remain in their existing home and extend, renovate or improve it to meet their needs rather than move. Grown-up children now tend to live in the family home for longer due to the unaffordability of owner occupation, ineligibility for social housing or high renting costs. This can lead to a demand for loft or basement conversions to increase living space. Older people are more likely to have a long-term health problem or disability and consequently may need to adapt their home or move into accommodation with their family. The necessity to work from home in recent years has also led to rethinking and reconfiguring how we use our homes. Our housing stock therefore needs to be flexible to adapt to the occupant's changing needs and this planning policy will guide household improvements.

### Policy H5: Housing Extensions and Alterations including Annexes

- 1) Development proposals for residential extensions and alterations are required to have regard to the impact on the street scene, neighbouring properties and the existing property such that they:
  - a) respect the existing context, scale, design, appearance and character of the adjacent buildings and immediate surrounding area;
  - b) have no unacceptable impact on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight; and
  - c) take into account the form, scale, height, character, materials and proportions of the existing building.

#### Basement extensions

- 2) Development proposals for basement extensions are required to:
  - a) be proportionate and ensure that their potential impact on the local environment, trees, tree roots, garden area, architectural character of the property, neighbouring properties and residential amenity is acceptable;
  - b) have clear internal access to upper floors;
  - c) have no unacceptable impact on local ground water conditions, flooding or drainage issues; and
  - d) include a structural impact report from a certified structural engineer. The report should show that there is no unacceptable impact to land and the structural stability of the application site and adjacent properties during construction and once built.

## Annexes

- 3) Development proposals for a residential annex are required to demonstrate that:
  - a) it is an extension that would be subordinate in scale to the main residence;
  - b) it is functionally integrated with the main dwelling;
  - c) it clearly and unequivocally shares either bathroom or kitchen facilities with the main dwelling; and
  - d) it would share the vehicular access and garden area.

## Definitions

- 2.2 *Annex* - is additional accommodation for dependents and family members which must remain ancillary to the main house. One main facility, usually the kitchen, is shared with the main dwelling.
- 2.3 *Dwelling* - is a single self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use. Non self-contained household spaces at the same address should be counted together as a single dwelling.
- 2.4 *Extensions and Alterations* - include roof extensions of dwellings.
- 2.5 *Subordinate* - means smaller scale, subservient and dependant on the main dwelling, with a shared facility. It is not self-contained.
- 2.6 *Immediate surrounding area* - relates to nearby properties within the street scene.

## Reasoned Justification

- 2.7 When proposing extensions and alterations to a property, consideration must be given to other relevant Local Plan Strategy and Sites policies and Neighbourhood Plan<sup>24</sup> policies. Regard must also be had to the Guildford Borough Council Residential Extensions and Alterations SPD 2018<sup>25</sup> (or any document which replaces it) which gives additional detailed guidance. It is particularly important that special care and attention is taken when altering a listed building or building in a conservation area, as addressed by other policies within this plan.
- 2.8 Development proposals (including extensions and alterations<sup>26</sup>) in areas at medium or high risk of flooding, as identified on the latest Environment Agency flood risks maps and the Councils Strategic Flood Risk Assessment<sup>27</sup>, must comply with Policy P4: Flooding, flood risk and groundwater protection zones. Attention is drawn to the need to provide a site-specific flood risk assessment.
- 2.9 New development should always be rooted in the local context, respect the local character and

<sup>24</sup> Available online at: <https://www.guildford.gov.uk/neighbourhoodplanning>

<sup>25</sup> Available online at: <https://www.guildford.gov.uk/boroughwideplanningguidance>

<sup>26</sup> The Town and Country Planning Act 1990 Section 55. Available online at: <https://www.legislation.gov.uk/ukpga/1990/8/section/55>

<sup>27</sup> Available online at: <https://www.guildford.gov.uk/localplan/strategicfloodriskassessment>

build on the existing natural and built environment. Well-designed extensions and alterations to a property can enhance the living accommodation of a home whilst respecting the existing and neighbouring properties and the character and context of the immediate surrounding area.

#### *Extensions and alterations*

- 2.10 An extension or alteration can spoil an existing dwelling by poor attention to detail and materials. Careful consideration should be given to items such as doors, windows, gutters, pipes, ironmongery and decorative features. The texture, colour, grain and dimensions of materials will need careful consideration. It is important to consider how details and materials come together to form the whole dwelling and to examine carefully the 'joins' between the existing and the new.
- 2.11 It is important where possible to retain garden trees that make a positive contribution to the residential environment. Trees can help to integrate and soften the visual impact of a new extension. Trees and gardens create a pleasant residential environment and contribute towards biodiversity, health and well-being.

#### *Basement extensions*

- 2.12 High residential land values and development constraints within Guildford borough have led to more planning applications for basement development beneath existing houses. The construction of basements needs careful consideration as it can cause disturbance and disruption and can impact on land and structural stability as well as causing local flooding or drainage issues. Factors to consider include impact on local environment, trees and roots, garden areas, landscape, biodiversity, architectural character of property, neighbouring properties and amenity, residential amenity, local ground water conditions, flood risk and drainage impacts, land and structural stability, archaeology and heritage assets, air and light pollution and the impacts of noise, vibration, dust and site waste.
- 2.13 By virtue of their low lying and subterranean nature basements are vulnerable to many types of flooding and in particular sewer flooding. To avoid flooding, all new basements that include a waste outlet (for example those with a toilet, bathroom or utility room) should install a suitable (positively) pumped device. Applicants should show the location of the device on the drawings submitted with the planning application.
- 2.14 Any exposed areas of basement should be sub-ordinate to the original property and respect the original dwelling's design and proportions. The loss of more than 50% of the amenity space (garden or front courtyard) will be resisted. Further details are in the Guildford Borough Council Residential Extensions and Alterations SPD 2018<sup>28</sup>.

#### *Annexes*

- 2.15 The Council anticipates a rise in the demand for residential annexes in the future as intergenerational living increases, people live longer and high costs continue to be associated with residential care in later life. To help support families and an ageing population, well-designed development which helps households to adapt to changing circumstances is supported provided it has a degree of dependency on the main dwelling house to ensure the

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<sup>28</sup> Available online at: <https://www.guildford.gov.uk/boroughwideplanningguidance>

retention of a single planning unit. An annex must be ancillary to an existing dwelling and clearly and unequivocally share either a bathroom or kitchen.

### Key Evidence

- West Surrey Strategic Housing Market Assessment (Guildford Borough Council, 2015) and Guildford Addendum Report 2017.

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy H5.	N/A	Planning appeals.

## Policy H6: Housing Conversion and Sub-division

### Introduction

- 2.16 National policy and the Council's priorities recognise the importance of access to suitable housing, which includes a variety of types of housing. Smaller housing units, such as flats, studio flats and bedsits can provide a valuable source of accommodation to meet the needs of some of the local population. They can offer a more affordable way to live in Guildford borough, particularly for students, young adults, low paid workers or key workers. However, it is important to get the balance of housing types right in an area to ensure it remains a vibrant and mixed community and maintains the character of the area. The conversion or sub-division of houses is a popular and efficient way to provide additional, smaller living units. For a material change of use and alterations that require planning permission they will be considered against the policy below.

### Policy H6: Housing Conversion and Sub-division

- 1) Development proposals involving the conversion and/or sub-division of buildings into houses, flats, studios or bedsits are required to ensure that:
  - a) there would not be an unacceptable impact on the character of the immediate locality;
  - b) there would not be an unacceptable impact on the amenity of neighbouring residents; and
  - c) sufficient amenity space, parking, bin storage and cycle parking is available.

### Definitions

- 2.17 *Amenity space* – is the outside space associated with a home or homes. It may be private or shared.
- 2.18 *House, flat and studio* - a single self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use. A 'bedsit' is a one-roomed unit of accommodation typically consisting of combined bedroom and sitting room with cooking facilities; it normally has a shared bathroom. Non self-contained household spaces at the same address should be counted together as a single dwelling.
- 2.19 *Immediate locality* - relates to nearby properties within the street scene and reflects the area that could be impacted by the proposal.

### Reasoned Justification

- 2.20 As set out in the National Design Guide<sup>29</sup>, well-designed homes provide good quality internal and external environments which promote health and well-being. They relate positively to the

<sup>29</sup> Available online at: <https://www.gov.uk/government/publications/national-design-guide>

private, shared and public spaces around them, contributing to social interaction and inclusion, and they resolve the details of servicing so that they are unobtrusive and well-integrated into their neighbourhoods.

- 2.21 The Guildford Borough Council Residential Extensions and Alterations Supplementary Planning Document 2018<sup>30</sup> sets out good design principles and gives detailed guidance to help guide new development proposals. A well designed and executed scheme benefits not only the property and its occupants but the locality. It is particularly important that special care and attention is taken when altering a listed building or a building in a conservation area.
- 2.22 For building sub-divisions and conversions in an area of medium to high flood risk (flood zones two and three) you will require a site-specific flood risk assessment in accordance with paragraph 167 of NPPF<sup>31</sup>. This must explain how the development will be safe to its users and occupiers throughout its lifetime and must include the consideration of safe access and egress.
- 2.23 The appearance and use of a building can impact on the character of an area. A conversion or sub-division is an intensification of the use and can have a wider impact on the locality. A concentration or cluster of Houses in Multiple Occupation, subdivided or converted dwellings can impact more significantly on the public environment, character and amenity of an area compared to a dispersed pattern. This can be particularly noticeable if there is a diminishing proportion of family homes on a street, the loss of which is undesirable where it adversely affects the balance of housing types.
- 2.24 A conversion or subdivision of a building must not be detrimental to the amenity of neighbouring properties. This includes the loss of privacy and access to sunlight and daylight. Having sufficient amenity space for the occupiers of the new dwellings is important. Garden area, landscaping and open space all contribute to both private and local amenity. These issues are covered in more detail in Policy D5: Protection of Amenity and Provision of Amenity Space.
- 2.25 Well-designed homes and communal areas within buildings should provide a good standard and quality of internal space. This includes consideration of features such as accessibility, privacy, room sizes, floor-to-ceiling heights, separation between functions such as kitchens, living rooms and bedrooms, adequate noise insulation, internal and external storage, sunlight, daylight and ventilation. All new residential development must conform to the nationally described space standards<sup>32</sup> as set out by the Ministry of Housing, Communities and Local Government and required by LPSS 2019<sup>33</sup> Policy H1(3): Homes For All. To be clear, new development includes conversions and subdivisions which must comply with the nationally described space standards.
- 2.26 Providing sufficient well sited parking is an important consideration and the requirements are addressed in greater detail in LPSS 2019<sup>34</sup> Policy ID3: Sustainable Transport for New Developments. The benefits of having sufficient parking need to be balanced with the impact of proposed parking spaces, for example converting the front garden to parking may have an

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<sup>30</sup> Available online at: <https://www.guildford.gov.uk/boroughwideplanningguidance>

<sup>31</sup> Available online at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>32</sup> Available online at: <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

<sup>33</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>34</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

unacceptable impact on the character and appearance of the area.

- 2.27 The servicing of dwellings such as the storage of bicycles and bins, access to meter boxes, space for drying clothes or places for deliveries should be carefully considered. Cycle parking is addressed in greater detail in Policy ID11: Parking Standards. External servicing, including bin storage, is addressed in more detail in Policy D5a: External Servicing Features and Stores.

### Key Evidence

- West Surrey Strategic Housing Market Assessment (Guildford Borough Council, 2015) and Guildford Addendum Report 2017.

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy H6	N/A	Planning appeals

## Policy H7: Review Mechanisms

### Introduction

- 2.28 The Council want to ensure policy compliant development, which maximises public benefits in line with the policies of the Local Plan. This includes provisions for contributions to affordable housing in line with LPSS 2019<sup>35</sup> Policy H2: Affordable homes, Policy H8: First Homes as well as the intent of the Authority's corporate plan and housing strategy.
- 2.29 In this regard, where proposals are being considered that at the outset may not meet Local Plan affordable housing requirements, the Council will seek a review of viability of the scheme with the aim of achieving policy compliance over time. This review will allow for any improvements in scheme viability between the date that the planning permission was granted and that established at (a) later date/s during the implementation of the scheme to contribute toward meeting minimum policy requirements that were not possible the point that the scheme was consented.

### **POLICY H7: Review Mechanisms**

- 1) If a reduced contribution to affordable housing than that which is required by the Local Plan is proposed and justified on viability grounds, the Council will, where it considers appropriate, require a viability review mechanism to be secured.
- 2) Based on the outcome of the review/s of viability, the Council will seek to recover in full or in part any affordable housing contributions that would otherwise have been secured under the Local Plan affordable homes policy.
- 3) The viability review mechanism will specify a trigger point or points for undertaking viability review which will reflect:
  - a) a late stage review which should be undertaken prior to the sale or lease of 75% of market homes, or at an agreed similar point; and
  - b) for large-scale phased development, an additional mid-stage review prior to implementation of the second half or later phase/s of the development.
- 4) In the case of a late stage review, the contribution will be by payment in lieu, unless otherwise agreed. Should an additional mid-stage review be agreed, the Council will seek any additional affordable housing provision on-site unless it is satisfactorily demonstrated to be impractical.
- 5) Any further contributions secured via this review mechanism will be capped at the extent of additional contribution necessary to meet the minimum Local Plan affordable housing policy requirement considering what was already secured at the time of determining the planning application.

<sup>35</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

## Definitions

- 2.30 *Large-scale phased development* - refers to schemes (residential or mixed use) that deliver 500 or more residential units in a number of phases.

## Reasoned Justification

- 2.31 In general, the Council expect development proposals to be compliant with the Local Plan policies including achieving the standards set and meeting the required planning contributions in full, considering that viability assessment has occurred at plan-making stage. The NPPF reflects that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- 2.32 The weight given to such a viability assessment is a matter for the Council. However, as part of decision-making, LPSS 2019<sup>36</sup> Policy H2 (6) allows for the Council to consider certain mechanisms to assist with delivering a scheme in cases where developers satisfactorily demonstrate that providing affordable housing in line with the policy would not be economically viable. This may include reducing the overall number of affordable homes.
- 2.33 In such circumstances, and to ensure that the maximum reasonable contribution to affordable housing is realised over time in line with LPSS 2019 Policy H2: Affordable homes, the Council will generally require a review mechanism to be secured through legal agreement for relevant residential and residential / mixed use schemes. This will most likely be via Section 106 agreement but may also be reflected within a Unilateral Undertaking. The Council may choose not to impose a requirement for a viability review mechanism where the developer demonstrates, and the Council is satisfied that the potential for additional contributions is likely to be limited by the circumstances of the case. This could include cases involving smaller scale development where the likelihood of an increased contribution (including offsetting the costs associated with further viability review) is diminished.
- 2.34 The Council recognises that the property market fluctuates over time. Changes to costs and values may result in scheme viability being different from what was considered at the planning application stage. This is particularly the case for schemes that deliver over a number of years where viability may be more likely to differ with what was originally reflected at the planning application stage. This presents an opportunity for schemes with improved viability to achieve a greater contribution toward the Council's affordable housing requirement than was the case at the point of determination of the application.
- 2.35 National planning guidance<sup>37</sup> recognises the potential for changes in viability and the potential for reassessment of scheme viability to further assist in achieving policy compliance. In this regard, it indicates that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and

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<sup>36</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>37</sup> Available online at: <https://www.gov.uk/guidance/viability>

optimal public benefits through economic cycles<sup>38</sup>.

- 2.36 It is important to be clear that the implementation of viability review cannot result in the scheme providing a reduced level of planning obligations from that of the originally permitted scheme. It is a means to ensure full/er policy compliance over time, optimising benefits for contributions to affordable housing.
- 2.37 In terms of the timing of potential viability review/s, the Council has sought an approach which is most likely to reflect an accurate assessment of the actual viability of schemes. Thus, with regard to informing the setting of trigger points, a late-stage review is considered appropriate across all development schemes that engage this policy as this provides for up to date and accurate viability assessment including actual sales values and costs, whilst retaining the opportunity to secure additional affordable housing contributions in line with policy requirements. The outcome of this review will typically be in the form of a financial contribution (payment in lieu) toward off-site affordable housing provision, as inclusion of further on-site units is likely to be impractical at this point in the development process. However, there is flexibility in this regard and the Council would encourage its preference for on-site affordable housing to be considered.
- 2.38 It is recognised that in certain cases it may be appropriate to include provision for further trigger points for viability review in legal agreements. This is considered to be relevant to large-scale phased development where delivery will occur across different stages in an economic cycle, justifying additional points where viability could be reviewed. A further viability review may thus be sought at a mid-stage in the delivery of schemes before the later phases are implemented. This provides an opportunity to secure additional affordable housing on-site as part of the later phases of the development.
- 2.39 At the point of review, applicants would be required to submit an updated viability assessment consistent with the format submitted at planning application stage and any supplementary information that the Council requires. The Council's costs associated with commissioning an independent review of this assessment will be met by the applicant. The approach should be agreed with the Council prior to submission of an updated viability assessment.
- 2.40 The review will assess changes to gross development value and development costs, (the key variables that are most likely to be subject to change) at the review stage, from what were assumed to be the case at the planning application stage, allowing for developer profit on any changes in value (consistent with the allowance at planning application stage). It should assess the entire development, taking into account values, build costs that have been realised in the initial stages of the development as well as estimates for the subsequent stages to identify any surplus that exists.
- 2.41 Should a surplus be identified through a review, the level of affordable housing contributions that will need to be provided will be capped at the minimum Local Plan affordable housing policy requirement. Viability reviews should be prepared on the basis that will be made publicly available, other than commercially sensitive or personal information in line with National Planning Guidance.

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<sup>38</sup> See National planning guidance: Viability, Paragraph: 009 Reference ID: 10-009-20190509 Revision date: 09 05 2019.

## Key Evidence

- No key evidence to support this policy

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy H7	N/A	Planning appeals
Percentage of permissions subject to viability review mechanism where provision of below min. affordable housing requirement has been permitted.	100%	Planning permissions and appeals

## Policy H8: First Homes

### Introduction

- 2.42 Ensuring wider access to home ownership is a key central government priority and is in line with our policy for affordable housing (LPSS 2019<sup>39</sup> Policy H2: Affordable Homes). First Homes are now the Government's preferred discounted market tenure and are required under national Planning Practice Guidance (PPG) to account for a minimum of 25% of all affordable homes delivered by developers through section 106 planning obligations, on new planning applications received after 28 June 2021. This includes at least 25% of financial contributions secured in lieu of on-site affordable housing under local authorities' housing policies<sup>40</sup>.
- 2.43 The PPG indicates that local and neighbourhood plans should include policies for First Homes<sup>41</sup>, taking into account the national requirements for them<sup>42</sup>. These policies should indicate the contributions expected from development, including the levels and types of affordable housing provision required.
- 2.44 First Homes is a specific type of discounted market sale housing and meets the definition of 'affordable housing' for planning purposes, required to meet the following criteria under the PPG:
- must be sold at a discount of at least 30% against market value;
  - may be sold only to purchaser(s) who are first-time buyers<sup>43</sup> and whose annual household income (combined if more than one purchaser) in the tax year immediately preceding the purchase did not exceed £80,000 (outside Greater London), with purchasers also required to have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price;
  - on their first sale, will have a restriction registered on the title at HM Land Registry to ensure the discount is passed on at each subsequent title transfer<sup>44</sup>; and,
  - must be sold at a price no higher than £250,000 (outside Greater London)<sup>45</sup> (initial sale, after the market discount has been applied).
- 2.45 Developers are required to be able to show that the homes they intend as First Homes meet the above criteria.
- 2.46 The PPG also makes provision for the development of First Homes exception sites (on land which is not already allocated for housing). These sites should be adjacent to existing

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<sup>39</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>40</sup> PPG: First Homes, Paragraph 012: Reference ID: 70-012-20210524. (<https://www.gov.uk/guidance/first-homes>).

<sup>41</sup> PPG: First Homes. Paragraph: 013 Reference ID: 70-013-20210524. This applies to any plans not subject to the transitional arrangements in Paragraph 018: Reference ID: 70-018-20210524.

<sup>42</sup> First set out in the Written Ministerial Statement: Affordable Homes Update, made on 24 May 2021 (<https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hcws50>).

<sup>43</sup> As defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers. See Paragraph: 007 Reference ID: 70-007-20210524.

<sup>44</sup> When the home is resold in future, the seller should secure a valuation from a registered valuer which is in accordance with RICS red-book valuation guidance for new-build homes

<sup>45</sup> See PPG: First Homes, Paragraph: 001 Reference ID: 70-001-20210524.

settlements and proportionate in size to them<sup>46</sup>. They cannot come forward in areas designated as Green Belt, or designated rural areas, and should comply with any local design policies and standards. A small proportion of market homes may be allowed to make the scheme viable.

## Policy H8: First Homes

### Minimum requirements

- 1) A minimum of 25% of affordable homes provided either on-site or off-site or as a financial contribution in lieu of on-site provision in line with the Council's adopted affordable housing requirements are required to be First Homes.
- 2) First Homes are required to be sold at a minimum discount of at least 30% of the market value of homes available for sale locally of the same size and type as those proposed. The minimum discount will be secured in perpetuity.
- 3) Where the affordable housing contribution for a proposed development comprises a mixture of homes and financial contributions towards affordable housing, First Homes are required to form 25% of the overall monetary value of affordable housing contributions.

### First Homes Exception Sites

- 4) Residential development proposals on qualifying small sites comprising primarily First Homes will be permitted where they are:
  - a) adjacent to existing settlements; and
  - b) proportionate in size to them.
- 5) The minimum number of market homes required to make delivery of a First Homes Exception Site viable without grant funding will be permitted where:
  - a) an applicant demonstrates that the scheme would be unviable without the inclusion of market housing;
  - b) inclusion of market housing does not inflate the threshold land value<sup>47</sup>; and
  - c) any market housing is suitably integrated into the First Homes development.
- 6) Small quantities of other forms of affordable housing may also be permitted on a First Homes exception site where the applicant demonstrates evidence of significant local need for that type of housing.

### Definitions

- 2.47 *First Homes* – First Homes are a specific form of discounted market sale housing which are discounted by a minimum of 30% against the market value and are sold to first-time buyers

<sup>46</sup> Written Ministerial Statement: Affordable Homes Update, made on 24 May 2021 (<https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hcws50>).

<sup>47</sup> This is the minimum land value likely to trigger an owner to sell the land.

meeting the eligibility criteria set out in the PPG<sup>48</sup>. On their first sale, First Homes have a restriction registered on the title at HM Land Registry to ensure the discount is passed on at each subsequent title transfer. The initial sale after the discount has been applied must be at a price no higher than £250,000 (outside Greater London). First Homes are considered to meet the Government's definition of 'affordable housing' for planning purposes.

- 2.48 *First Homes Exception Sites* – Small sites used predominantly for First Homes, which are not allocated in the Local Plan, adjacent to existing settlements and proportionate in size to them. First Homes Exception Sites are not permitted within the Green Belt or in a designated rural area<sup>49</sup>, where rural exception sites are the only type of exception sites that may be permissible<sup>50</sup>. A small proportion of market housing or other types of affordable housing may be allowed at the local authority's discretion, for example where essential to enable the delivery of First Homes without grant funding.

### **Reasoned justification**

- 2.49 The minimum discount for First Homes should help to make home ownership more affordable for a greater number of first-time buyers than other affordable housing products such as Discounted Market Sales (DMS) and shared ownership, which are both required to be sold at a minimum of just 20% below market value<sup>51</sup>.
- 2.50 The high cost of homes in expensive areas such as Surrey means that DMS and shared ownership properties are likely to remain beyond the reach of many residents/prospective buyers with this level of market discount, however the price cap of £250,000 for a First Home will ensure that this tenure of home is likely to be a realistically affordable option for many potential first-time buyers in the borough.
- 2.51 The discount for First Homes is also required to be applied in perpetuity each time a First Home is resold (subject to certain specific exclusions) and should ensure that the discounted cost built into this tenure is retained in the value of the property in perpetuity. This will be secured by means of a planning obligation in line with national guidance.

### *Local eligibility criteria*

- 2.52 The PPG allows local authorities to set their own local eligibility criteria in addition to the national criteria (see First Homes definition). The sale of First Homes in the borough will therefore be restricted during the first three months of marketing to households who are current or recent former residents of the borough or that have a current employment or family connection to it. If a suitable buyer has not reserved a home after this period, then, in accordance with the PPG and

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<sup>48</sup> Restricted to purchaser(s) who are first-time buyers and whose annual household income (combined if more than one purchaser) in the tax year immediately preceding the purchase did not exceed £80,000 (outside Greater London). See PPG: First Homes. Paragraph: 001 Reference ID: 70-001-20210524.

<sup>49</sup> Designated rural areas are those areas referred to in Section 157 of the Housing Act 1985 and designated by the Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997.

<sup>50</sup> PPG: First Homes. Paragraph: 025 Reference ID: 70-025-20210524. Note that other housing proposals are not generally permitted outside of a defined settlement boundary or Local Plan allocation under LPSS Policy P3: Countryside.

<sup>51</sup> See the National Planning Policy Framework (2021), Annex 2 glossary entry for Affordable housing, under Discounted market sales housing and Other affordable routes to home ownership.

to widen the consumer base, this local restriction will fall away, and eligibility will revert to the national criteria<sup>52</sup>.

*Relationship between Policy H8 and the LPSS 2019 policy for affordable housing*

- 2.53 The requirement for First Homes delivery will not impede the requirement in LPSS 2019 Policy H2: Affordable Homes and the Council's Housing Strategy that 70% of all affordable homes delivered through affordable housing contributions will be for affordable rent, with First Homes requirements being delivered within the 30% required under the policy as being for other forms of affordable housing within the NPPF definition.

*First Homes Exception Sites*

- 2.54 First Homes Exception Sites are a potential option for developers wishing to build affordable homes on sites beyond the borough's existing built up area where certain planning constraints may make approval of an open market housing scheme less likely. However, they should not be viewed as an alternative to rural exception housing (which is delivered by Registered Providers) as the PPG does not permit First Homes Exception sites within the Green Belt or in a designated rural area<sup>53</sup>.
- 2.55 To ensure applicants take account of the criteria under paragraph (5) (a) and (b) of the policy, where it is proposed that a scheme requires market housing to be included to make an exception site viable, a development appraisal will be required to be submitted to demonstrate that this is the case.
- 2.56 In considering the land value, the threshold land value of the site will be limited to no more than ten times the agricultural land value at the time of application submission. Where agreement cannot be reached, external consultants will be appointed at the applicant's cost to provide an independent assessment of the scheme's viability.
- 2.57 Paragraph (6) of the policy is in line with the PPG, which allows the proportion of affordable housing on a First Homes exception site to be altered to include small quantities of other affordable housing products. The evidence that applicants will be required to provide will need to be in the form of a Local Housing Needs Assessment, local authority Housing Register, or other sufficiently rigorous local evidence<sup>54</sup>.

## Key Evidence

- New-build sale prices in Guildford, HM Land Registry.
- West Surrey Strategic Housing Market Assessment (Guildford Borough Council, 2015) and Guildford Addendum Report 2017.

<sup>52</sup> See PPG: First Homes. Paragraph 008 Reference ID: 70-008-20210524

<sup>53</sup> Designated rural areas are designated under Section 157 of the Housing Act 1985 and include all parishes in Guildford except for East Horsley and Send.

<sup>54</sup> See PPG: First Homes. Paragraph: 029 Reference ID: 70-029-20210524

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of qualifying schemes providing 25% First Homes as a proportion of their affordable housing contribution.	100%	Planning applications

Draft

### **3. Economy chapter**

#### **Policy E10: Rural Development (including agricultural diversification) [Deleted]**

This policy has been deleted.

Draft

## Policy E11: Equine-related Development

### Introduction

- 3.1 The keeping of horses, ponies, donkeys and hybrid breeds is a popular leisure activity in the borough and also provides an additional source of business income to farmers and others. Whilst these activities may generate rural economic benefits, poorly designed and/or sited developments can, either individually or cumulatively, adversely affect the countryside's openness and rural character with the introduction of stables, hay stores and tack rooms, paddocks, fencing and on-site riding facilities such as jumps and fences. Horse keeping can also lead to the erosion of paths and bridleways, fragmentation of viable agricultural holdings, reduced pasture quality and reduced opportunities for recovery of biodiversity. On sites close to existing residential uses, unless designed carefully, horse related developments may also lead to amenity and disturbance impacts for owners and occupants of neighbouring properties.
- 3.2 These same concerns apply to commercial equestrian developments, such as riding schools (manèges) and livery/boarding stables, which have the potential for even greater adverse impact due to their greater intensity of use and potential for increased traffic generation.
- 3.3 It is also in the interests of animal welfare that equine related developments adhere to latest national standards for the design of stable buildings, fencing and pasture.

### Policy E11: Equine-related Development

- 1) Development proposals for private and/or commercial horse or other equine-related development are required to:
  - a) provide adequate stabling, fencing and land for grazing and exercise is available to ensure the proper care of the animals, in compliance with the latest Government-published guidelines and standards;
  - b) be of a scale, location, design and layout that is acceptable in relation to its intended use and in terms of its impact on the character of the built environment and surrounding landscape;
  - c) have no unacceptable impact on the nature conservation or biodiversity value of the site and the quality of pasture, by reason of overgrazing or otherwise;
  - d) re-use existing buildings where feasible, or, in the case of a new facility, is satisfactorily integrated with existing buildings, avoiding isolated or otherwise visually prominent locations; and
  - e) have no unacceptable impact on the amenity of neighbouring or nearby properties by reason of noise, smell, overlooking, lighting of external areas or other general disturbance.
- 2) Particular consideration will be given to the cumulative adverse impacts of equine related development proposals in the vicinity of the proposed site and the wider area and may impose appropriate planning conditions where necessary.

### **Commercial developments**

- 3) Commercial equine-related development is also required to meet the following criteria:
  - a) Development proposals are required to ensure that they do not prejudice the agricultural operation of any holding.
  - b) Development proposals likely to generate a significant number of vehicular trips are required to be accompanied by a transport assessment to show that there will be no unacceptable impacts on highway safety and that the safety of horses, riders and other road users will not be compromised.

### **Reasoned justification**

- 3.4 Equine related development, if it requires planning permission, should be designed and sited sensitively to ensure it does not lead to unacceptable visual, amenity and biodiversity impacts, or adverse impacts on highway safety.
- 3.5 In regard to point 1) a) of Policy E11, the Department for Environment, Food and Rural Affairs' (Defra) *Equine Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids*<sup>55</sup> (December 2017) sets out a comprehensive range of welfare standards covering provision of stabling, pasture quality and the appropriate minimum amount of space per animal for exercise and grazing. The British Horse Society has also published recommended minimum standards for stabling on its website<sup>56</sup>, alongside other pointers on horse care, behaviour and management.
- 3.6 We will assess development proposals according to the standards in Defra's Code of Practice, or any Government-published standards that may supersede these in future.
- 3.7 The reasons for requiring provision of minimum amount of land for pasture are for animal welfare to ensure that the land is not overgrazed and subsequently becomes degraded. Defra's Code of Practice states that horses generally require approximately 0.5 to 1 hectares (or 1.25 to 2.5 acres) per animal where no supplementary feed is provided, and more if the land is also used for exercise and/or hay production. Anything below this is not considered to provide adequate grazing unless the horse is principally stabled with supplementary feeding.
- 3.8 The assessment of whether an equine-related development's scale is acceptable will be considered as a planning judgement on an individual application basis. In particular, the amount of pasture that may be considered suitable is not an exact science and proposals will be assessed on an individual basis taking into account the published standards and guidelines referred to above.
- 3.9 We will also take account of constraints on the use of the land such as existing or proposed buildings and landscape features e.g. access tracks, trees or watercourses, which would reduce

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<sup>55</sup> Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700200/horses-welfare-codes-of-practice-april2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700200/horses-welfare-codes-of-practice-april2018.pdf)

<sup>56</sup> Available online at: <https://www.bhs.org.uk/advice-and-information/horse-care>

the total amount of 'useable' pasture available.

- 3.10 Applications for stables or loose boxes on land below 0.5 hectares may only be considered acceptable where the applicant demonstrates adequate provision of accessible, available land to allow for the proper care (exercise and grazing) of the proposed number of animals. This might take the form of long-term agreements for the use of adjoining land not under the direct ownership of the applicant (i.e. leased or rented land). If there is uncertainty that adequate land will be available over the longer period, then permission may not be granted. General advice on grazing agreements and other useful information is available from Surrey County Council's website<sup>57</sup>.
- 3.11 The second part of Policy E11 requires that commercial equine related development proposals do not prejudice the agricultural operation of any holding. Such developments may be applied for as a permanent means of diversification of the existing agricultural business to a non-agricultural commercial use, which could include uses such as boarding stables or riding schools. These may involve subdividing the land and could potentially have an adverse impact on the ongoing agricultural operation, rather than helping to support it.
- 3.12 Farmland is a vital local and national resource, the loss of which has economic, environmental and social costs. To address point a) of this part of the policy, landowners or their planning agents are therefore advised to provide some form of evidence with their planning application to demonstrate that the loss of any land in existing agricultural use that could occur as the result of a proposed commercial equine related development would not have adverse impacts for the viable operation of the farm business.

### Key Evidence

- Defra (2017) Equine Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids
- British Horse Society: Horse Care, Behaviour and Management Standards

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy E11.	N/A	Planning Appeals

<sup>57</sup> Available online at: <https://www.surreycc.gov.uk/land-planning-and-development/countryside/advice/horse-care>

## 4. Protecting chapter

### Introduction

- 4.1 Biodiversity (biological diversity) refers to the variety of life, encompassing all plants, animals, other organisms and the ecological relationships between them. Maintaining biodiversity is important to ensure healthy and resilient species communities, habitats and ecosystems, both natural and human-made.
- 4.2 Biodiversity is declining globally at a rate unprecedented in human history, with around one million animal and plant species threatened with extinction<sup>58</sup>. The UK is recognised as one of the most biodiversity depleted countries. The abundance and distribution of UK species has declined over recent decades with many species experiencing rapid population contractions. This severe decline driven by agricultural intensification, land use change and development, climate change, pollution and other factors is set to continue. There is a national ambition to reverse the decline.
- 4.3 Surrey is a comparatively biodiverse county and Guildford is one of its most biodiverse districts<sup>59</sup>. Our borough is home to areas of internationally and nationally restricted habitats of importance such as lowland heath, and chalk and neutral grassland, and it has a large number of sites designated nationally and locally for their nature conservation importance.
- 4.4 This natural richness is an asset that provides many direct benefits for human health and wellbeing, and for our economy through leisure, tourism and agriculture, and more broadly from the ecosystem services that support all our economic activities and sustain our lives. Biodiversity and landscapes are inextricably linked, with features like woodlands, shaws and hedgerows integral to the character of our rural areas. At a global scale, ecosystems and soils play an important role in carbon sequestration so help to mitigate climate change.
- 4.5 However, the decline in local biodiversity is even more pronounced than the national decline; the county has historically suffered a high degree of habitat loss and fragmentation. The Surrey Nature Partnership's (SyNP) report, "The State of Surrey's Nature"<sup>60</sup>, estimates that 12% of the County's species have been lost, 21% are in decline and heading for local extinction, 15% are rare but stable and only 3% of rare species are recovering.
- 4.6 In order to coordinate the protection and recovery of the county's natural environment, the SyNP is working with Surrey local authorities to set out a county-wide approach that operates at a landscape scale. The strategies and other documents can be seen on the SyNP website at <https://surreynaturepartnership.org.uk>. The Surrey Biodiversity Information Centre provides information about known populations of protected and other locally present priority species.
- 4.7 The government has made reversing the decline in biodiversity a national priority. This recognises that just by continuing to simply *protect* important and declining species and habitats we can never hope to recover former levels of diversity, and that significant enhancements to

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<sup>58</sup> UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services 2019.

<sup>59</sup> Available online at: [Biodiversity & Planning in Surrey, Appendix II Revised October 2018 v.1](#), sheets 15-18 (Surrey Nature Partnership)

<sup>60</sup> Available online at: [https://surreynaturepartnership.files.wordpress.com/2014/11/state-of-surreys-nature\\_web.pdf](https://surreynaturepartnership.files.wordpress.com/2014/11/state-of-surreys-nature_web.pdf)

biodiversity are also necessary. This, combined with Surrey's poor and worsening biodiversity situation, provides a strong rationale for urgent and robust action.

- 4.8 A central theme of the national approach to biodiversity recovery is to work with, and to restore, natural processes and ecosystem services through measures such as rewilding, appropriate management of habitats, naturalisation of developed land and the use of natural flood management in place of engineered solutions. This approach can provide multiple benefits alongside biodiversity improvements such as reducing the costs and carbon emissions that result from managing open spaces, improving resilience to surface water and river flooding and creating habitats that have a high carbon sequestration capacity, like wetlands.

### **Policy P6/P7: Biodiversity in New Developments**

- 4.9 The majority of developments that are larger than householder scale include open land for recreation, landscaping, flood alleviation and other purposes. These spaces form part of the borough's network of green infrastructure and national policy expects them to fulfil a variety of functions and deliver a wide range of environmental and quality of life benefits.
- 4.10 Open spaces can be designed to benefit biodiversity without compromising their primary purpose, and the biodiversity benefit can be maximised by taking account of relevant biodiversity strategies and guidance. Conversely, space can be set aside for biodiversity, but can also provide further benefits such as improvements to visual amenity. New buildings and other structures can also play a role in helping to reverse the decline in biodiversity through the integration of appropriate biodiversity measures.

### **Policy P6/P7: Biodiversity in New Developments**

#### **General principles**

- 1) Development proposals, including those exempt from minimum biodiversity net gain standards, are required to seek maximum biodiversity gain and to follow the mitigation hierarchy.
- 2) Development proposals within or adjacent to a Biodiversity Opportunity Area (BOA) are required to:
  - a) contribute towards the achievement of the objectives of the BOA as set out in the relevant BOA policy statement<sup>61</sup> (and its successor revision documents);
  - b) protect and enhance designated and priority habitats and species within the BOA; and
  - c) improve habitat connectivity across and/or into the BOA.

<sup>61</sup> SyNP (2019) Biodiversity Working Group. [Online]. Available online at <https://surreynaturepartnership.org.uk/our-work>.

- 3) In addition to the BOAs, biodiversity measures are required to align with and deliver the Local Nature Recovery Strategy (to be prepared) and take account of other national, regional and local biodiversity strategies.
- 4) Major development proposals are required to set out plans for long term management and maintenance of on-site biodiversity.

#### **Planting schemes, landscaping and water management**

- 5) Planting and landscaping schemes, open spaces, Sustainable Drainage Systems (SuDS) and Natural Flood Management measures are expected to incorporate species, habitats and management regimes that provide best biodiversity benefit as set out in BOA policy statements and other strategies.
- 6) Tree canopies are expected to be retained and new tree planting is expected to focus on the creation of new connected tree canopies and/or the extension of existing canopies, unless doing so would adversely impact on sensitive species or habitats. Tree planting schemes are expected to provide resilience in terms of climate, disease and ageing, incorporating large species with long lifespans where opportunities arise.
- 7) Planting schemes are expected to use UK sourced, native species, unless imported strains of native species would offer greater resilience and are free from disease.

#### **Measures on building structures**

- 8) Development proposals are required to include appropriate features in or on building structures that support nature, will last for the lifetime of the development and will cater for appropriate species and habitats.

#### **Site design**

- 9) Development proposals are expected to be designed to create areas of new habitat and provide appropriate links and corridors between new and existing habitats, avoiding and reversing fragmentation and species isolation. Development sites and built features are expected to be permeable for wildlife.
- 10) In areas where invasive species are present, site design should not facilitate their spread. Where invasive species are present on development sites, they should be eradicated, or controlled where eradication is not possible. Planting schemes must not include invasive plants.
- 11) Major development proposals are expected, and minor development proposals are encouraged, to deliver measures that promote a sense of community ownership of green spaces and habitats.

#### **Biodiversity Net Gain**

- 12) Qualifying development proposals are required to achieve a biodiversity net gain of at least 20 per cent, or the advised national minimum amount, whichever is greater, measured using the national biodiversity net gain calculation methodology.

- 13) Biodiversity net gain is not a requirement on previously developed land, unless it supports at least one protected or priority species population or habitat, or an assemblage of species with an otherwise demonstrably high biodiversity value<sup>62</sup>. Where these are present, a measurable net gain for those features is required.
- 14) Biodiversity gains are required to be delivered in a manner that is consistent with the biodiversity policies in this plan and LPSS 2019 Policy ID4: Green and Blue Infrastructure so that measures are focused on local priorities and will provide the best biodiversity value.
- 15) New habitats and habitat improvements that contribute towards the achievement of biodiversity net gain are required to be secured and maintained for at least 30 years, or a period of time set out in national policy or legislation if this is greater.
- 16) Where the applicant is unable to provide the gains on-site, provide the gains off-site or fund gains off-site on third-party sites, a justified and proportionate financial contribution to fund off-site measures will be secured.
- 17) Development proposals for the creation of biodiversity sites will be supported where these are well located and will be appropriately managed in order to align with local, regional and national strategies and provide best biodiversity value.

### **Definitions**

- 4.11 *Biodiversity Opportunity Area (BOA)* - extensive areas where improved habitat management, as well as efforts to restore and re-create priority habitats, will be most effective in enhancing connectivity to benefit the recovery of priority species in the borough's fragmented landscape. Surrey BOAs and their boundaries are established by SyNP.
- 4.12 *Invasive species* - any non-native species that spreads aggressively, including (but not limited to) those identified in Schedule 9 of the Wildlife and Countryside Act.
- 4.13 *Qualifying development (for biodiversity net gain)* - any development that is not exempted from the requirement to achieve a biodiversity net gain by national policy or legislation. Where sites contain a mixture of land that is exempt because it is previously developed land and other land, the exemption will only be applied to the previously developed land.
- 4.14 *Biodiversity site* – a site that hosts habitats and/or species for the purposes of providing biodiversity net gain, compensation for biodiversity loss or for the general purpose of nature conservation including sites that form components of Local Nature Recovery Strategies.

### **Reasoned Justification**

- 4.15 The health of our society and economy is directly linked to the health of the natural environment. Therefore, the severe, indicative decline in biodiversity seen in Surrey over recent decades demands a strong and effective response. It is imperative that the decline is reversed and not

<sup>62</sup> For example, identified through Natural England's IUCN Species Status Review project. Available online at: <http://publications.naturalengland.org.uk/category/4707656804597760> and <http://archive.incc.gov.uk/default.aspx?page=3352>).

just arrested in order to safeguard the long-term prosperity of our borough, to align with national biodiversity objectives and to deliver development that is environmentally, socially and economically sustainable.

#### *Maximum biodiversity gain*

- 4.16 Maximum biodiversity gain means that opportunities for enhancing and supporting biodiversity have been fully explored and implemented wherever possible. In practice, this means that biodiversity should be considered from the outset of design work.
- 4.17 All open land should be multi-functional and provide the best biodiversity benefit achievable while still meeting its primary function. Landscaping and open spaces should cater for a range of species by providing a variety of habitats appropriate for the site location, size and characteristics. Where open spaces are primarily lower value habitats like mown grass, low growing pollinator species can be mixed in and more valuable habitats should be provided around their margins wherever possible.
- 4.18 Greenfield development sites are frequently highest in biodiversity value at their margins where there may be hedgerows, patches of woodland or other habitats that have been subject to less disturbance. These features should be retained and habitat fragmentation should be reduced by connecting up hedgerows, providing stepping-stones between areas of habitat, and by providing green corridors of more varied, mosaic habitats to allow wildlife to move through the site.

#### *Mitigation hierarchy and net gain*

- 4.19 The mitigation hierarchy is set out below. Measures at each stage of the hierarchy must be maximised before moving on to the next stage:
1. Avoid adverse impacts on habitats.
  2. Minimise habitat damage and loss where it cannot be avoided.
  3. Restore/remediate any damaged or lost habitats.
  4. Offset/compensate losses through habitat enhancement or creation. Where adverse impacts cannot be avoided, and retained habitats cannot be wholly restored, rehabilitated or enhanced to deliver the required level of biodiversity net gain, new habitat should be created (including off-site in the locality of the development or elsewhere within the Borough, preferably within BOAs).
- 4.20 Development proposals are required to demonstrate clearly how, in the first instance, they have retained the most important habitat(s) on site; that any loss of remaining habitat(s) has next been mitigated using all measures available; and after this, how any (net) remaining habitat loss is to be compensated, that will result in an actual net gain of biodiversity.

#### *Biodiversity Opportunity Areas*

- 4.21 “Biodiversity Opportunity Areas: the basis for realising Surrey’s ecological network” (SyNP, revised 2019)<sup>63</sup> sets out the role and function of the BOAs in detail. The appendices contain a ‘Policy Statement’ for each BOA which includes a profile, the aims, objectives and targets, and a list of the priority species and habitats for the BOA. Where a development falls within or adjacent

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<sup>63</sup> Available online at: <https://surreynaturepartnership.org.uk/our-work>.

to a BOA, the scheme's biodiversity measures are required to be consistent with these statements.

- 4.22 The boundaries of the Biodiversity Opportunities Areas (BOA) are shown on the policies map. These boundaries will be updated if amended by SyNP.
- 4.23 Individual sites will differ in character and site-specific characteristics should be considered alongside the BOA policy statements when designing proposals.

*National, regional and local biodiversity strategies*

- 4.24 The BOAs set a strategic framework for improving habitat connectivity at a landscape scale. When considering how schemes can provide the best biodiversity benefit, further sources of strategy and information should be considered alongside the BOA policy statements and Local Nature Recovery Strategy (to be prepared). The Council will produce a Green and Blue Infrastructure Supplementary Planning Document (the SPD) that will signpost the relevant strategies and sources of information that should be considered. The following list is not exhaustive and will be updated through the SPD.

- 4.25 Sources of strategy and information include:

- The Council's Countryside Strategy<sup>64</sup>;
- Data and strategies from nature conservation organisations such as Buglife's 'B-lines' network of insect pathways, Hedgehog Street's hedgehog maps and the Royal Society for the Protection of Birds' swift maps;
- Sites identified as containing priority species or habitats by the Surrey Biodiversity Information Centre;
- Planning designations that may help guide planting schemes in order to address local issues (e.g. Air Quality Management Areas);
- Biodiversity policies and strategies in neighbourhood plans.

*Long term management and maintenance of on-site biodiversity*

- 4.26 Major development proposals are required to set out how on-site biodiversity will be managed and maintained in the long term. An ecological management plan should be provided that is proportionate to the scale of the development and the nature of the existing and proposed on-site biodiversity. In the case of larger developments of over 100 dwellings and/or 10,000 square meters of non-residential floor space a landscape management plan may also be necessary, and can be combined with that for biodiversity<sup>65</sup>. The plans should include details of how habitats will be monitored and managed to ensure their continued protection and enhancement, and details of adequate financial provision, whether this is to be maintained by the developer, a third party or given as a commuted sum to the Council.
- 4.27 Details of the ecological management plan should be provided at the submission of an application to enable it to be considered before determination, and conditions/legal agreements may be used to secure the implementation of measures and management. Where a commuted

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<sup>64</sup> Available online at: <https://www.guildford.gov.uk/countryside>.

<sup>65</sup> This document may be referred to as a Landscape Environmental Management Plan (LEMP) or a Landscape and Biodiversity Environmental Management Plan (LBEMP).

sum is offered to the Council, the full management proposals will need to have been identified and agreed so the Council can be sure the costings are accurate.

*Planting schemes, landscaping and water management measures*

- 4.28 Proposals should demonstrate that best biodiversity benefit will be achieved by designs that maximise opportunities to support local species; nectar, nuts, seeds, native vegetation and berries along with trees and shrubs, logs and stones. A mix of native species that cater for a range of local species and provide year-round benefit should be used. Water management should use natural forms and avoid hard engineering wherever possible.
- 4.29 Planting schemes are expected to demonstrate resilience and be designed to last for the life of the development so that the biodiversity benefits are retained in the long term. The climate is changing, and planting schemes will need to take into account the shift toward hotter, drier summers and warmer, wetter winters. Guidance on selecting species for climate resilience is available from a number of bodies such as the Trees and Design Action Group.
- 4.30 Some species in the UK are under threat from disease (e.g. elm, ash and oak trees). Proposals should commit to the use of disease-resistant stock of these threatened species where these are available to ensure the new plants are resistant to attack and to help self-generation of future local populations from resistant strains. The risk of future disease outbreaks among trees should be reduced by planting a mix of tree species. Trees of different ages or species with different lifespans should be used so the trees do not die at the same time.

*Tree canopies*

- 4.31 Trees and woodlands are under increasing threat from climate change, changes in land use and tree pests and diseases. In the last 25 years there has been a 76% loss of small woodlands of less than two hectares nationally, and today an estimated 6 million ash trees within the county are 'at risk' from ash dieback. Retaining and increasing tree canopy cover while improving the resilience of woodlands are therefore priorities.
- 4.32 Tree planting schemes should create connected canopies as well as extend existing canopies as this provides greater biodiversity benefit than the same number of trees planted separately. Biodiversity benefit should be considered in terms of canopy area rather than simply the number of trees. Grouped trees should be adequately spaced at maturity.
- 4.33 However, the creation of new canopies should avoid adverse impacts on sensitive habitats and species e.g. by replacing or fragmenting important habitats such as acid grassland or lowland meadow, reducing the availability of water locally or preventing the movement of wildlife, and there may be cases where a greater benefit can be achieved through a more even distribution of trees throughout new greenspaces.

*Measures on building structures*

- 4.34 Degradation of the natural environment is leading to a rapid reduction in the habitats of many species. Some species commonly live on or within built structures (e.g. swifts, house martins, house sparrows and many bats) but modern construction techniques and energy efficient design have eliminated many of the features and gaps in building structures that these species exploit. To reverse the decline, these losses must be replaced.

- 4.35 Proposals that include new building structures should incorporate measures that provide opportunities for species to grow, nest, roost and forage such as integrated roosting and nesting boxes, bee bricks and green and brown roofs and walls that provide foraging and nesting habitats for birds and insects. The measures should be built into the structure of the building and composed of enduring materials so that they will last for the lifetime of the building.
- 4.36 In order to be considered appropriate, the measures chosen should cater for the right species taking into account the BOAs, other biodiversity strategies and the proximity to different types of foraging habitat. The measures should be placed in appropriate locations on buildings with the right height and orientation to ensure that they will be effective for the target species. The location should also take account of building features that can discourage the target species, like external lighting, windows or noisy service equipment.

#### *Site design*

- 4.37 Public and private open spaces within development sites can provide foraging, roosting and nesting opportunities for wildlife, but only if the spaces are accessible. New areas of habitat will provide greater benefit if they connect to other habitats.
- 4.38 Development proposals should incorporate green links and wildlife corridors between habitats inside and outside of the site in order to enable animals to travel between them and plant species to disperse. Development curtilages should be permeable for wildlife and allow creatures to safely travel into and around the development. Site boundaries should be permeable to connect up with the wider environment, ideally by linking up corridors and habitats. New developments should not reduce permeability through existing corridors.
- 4.39 Built features such as walls, fences and other barriers should incorporate gaps that allow wildlife to pass through (e.g. hedgehog highways). Garden ponds and other surface water features are important habitats for amphibians, and it is important that these residents can move between ponds. Culverts under paths and roads should be incorporated to provide a means for amphibians, reptiles and mammals to safely cross, and road drains should be fitted with amphibian ladders. Where roads cross watercourses, passage for water mammals such as otters should be provided. For very large developments and infrastructure developments, green bridges that connect habitats across roads should be considered.

#### *Invasive species*

- 4.40 Invasive species can disrupt aquatic and terrestrial ecosystems and habitats, out-compete or prey on native species, and some invasive plants can damage buildings. Some invasive species, such as Japanese knotweed and Himalayan balsam, are already established in Surrey and may be present on development sites, so it is important that developers are alert to the possibility and take appropriate action when they are found.
- 4.41 Where invasive species are present on a development site, these should be eradicated or, where this is not possible, controlled through the implementation of a management regime. Site design should take into account the need to prevent invasive species from spreading through the site, including when improving habitat connectivity.
- 4.42 Some invasive plants are available in garden centres and nurseries and many, such as buddleia

and non-native cotoneaster varieties, are commonly seen in British gardens. However, despite this widespread availability, planting schemes must not include any invasive species. Organisations such as Plantlife and the Royal Horticultural Society identify plant species that should be considered invasive.

#### *Community ownership*

- 4.43 Habitats are likely to be more valued when the local community is engaged and develops a sense of ownership. Major developments are expected to implement measures to assist this, and smaller development are encouraged to do so where possible. Habitats of all scales can be addressed, whether a single veteran tree or a substantial area. The measures used should be proportionate to the scale and type of the habitat(s) and can include interpretation boards that provide information about on-site and local habitats and species, bespoke 'blinds' or hides for observing (especially wetland) wildlife, supporting educational engagement and the involvement of local volunteer groups in ongoing management decisions. Access arrangements should be designed to comply with established accessibility and Disability Discrimination Act standards and good practice guidance such as the 'Countryside for All' guide<sup>66</sup>.

#### *Biodiversity Net Gain*

- 4.44 The NPPF has always incorporated the principle that new developments should achieve biodiversity net gain and since 2019 required plans to identify and pursue opportunities for securing measurable net gains for biodiversity. The policy therefore requires a minimum 20% biodiversity net gain using the Defra Biodiversity Metric. This level is higher than the proposed 10% net gain recommended nationally but reflects the fact that Surrey has suffered a severe biodiversity decline which is significantly worse than the country as a whole, and is more consistent with the NPPF as the higher figure provides greater certainty that a genuine net gain will be achieved.
- 4.45 The methodology used to calculate net gain will be the Defra Biodiversity Metric version that is in use nationally at the time the planning application is considered, or an alternative methodology if the Defra Biodiversity Metric is replaced nationally. Implementation should conform to 'BS 8683: Process for designing and implementing biodiversity net gain' produced by the British Standards Institution.
- 4.46 The Environment Act and associated regulations exempt some types of development from the national biodiversity net gain (BNG) requirement. The same exemptions apply for the biodiversity net gain requirement in this policy. However, the remainder of the policy applies to all developments.
- 4.47 Biodiversity gains may be achieved through habitat restoration and/or creation on-site. Where the full required net gain cannot be achieved on a development site, the remaining gain may be achieved outside the development site, either by the developer or by a third party. In the unlikely event that the required gains cannot be provided through these routes, the Council may negotiate a justified and proportionate financial contribution which will be used to secure the required gain by obtaining credits from a 'habitat bank'.

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<sup>66</sup> Available at <https://www.pathsforall.org.uk/resource/countryside-for-all>

- 4.48 BNG measures may be acceptable on SANGs (see LPSS 2019 policy P5) where they would complement the recreational purpose and uses of the SANG, and where new or enhanced BNG habitats and the species they are intended to benefit would not suffer as a result of SANG uses. Habitat creation or enhancement on SANGs will only be considered BNG measures (rather than ordinary SANG works) where they provide measurable additionality over and above the minimum requirements of the SANG, demonstrated through use of the Biodiversity Metric, using the SANG quality requirements set out in Natural England’s SANG guidelines as the baseline. In order to demonstrate this, it will be necessary for the management plans for SANGs to clearly differentiate between SANG works and BNG measures so that decision makers are able to judge whether the SANG works alone enable the site to meet SANG quality standards. For the purposes of the BNG calculation, the baseline value of the SANG is the site with the Habitat Regulation key required habitat features incorporated as set out in the SANG guidelines. BNG calculations should be done from this baseline in order to clearly demonstrate the additional biodiversity unit uplift beyond the minimum SANG requirements. The revision of previously consented SANGs to alter approved landscaping or planting schemes, mitigation works, or habitat or landscape management plans is likely to require an application to amend the scheme or a new planning application. Such applications should use the initially proposed outcomes for biodiversity as the baseline for BNG calculations.
- 4.49 All habitat that is created or enhanced in order to meet the net gain requirement is required to be secured and maintained for at least 30 years in order to ensure that it is able to reach maturity and attain a sufficient quality. This figure is consistent with the proposed national approach at time of writing. However, the national approach may be subject to change as the Environment Bill passes through parliament. If a longer time period is specified nationally, the policy required the longer period to apply. The Council encourages longer time periods including maintenance in perpetuity.
- 4.50 The biodiversity value of a development site must not be artificially reduced before the baseline for the net gain is set. Where the Council considers that on-site habitat has been degraded or removed intentionally, it will require the baseline to reflect at least the full biodiversity value of the site before the degradation occurred and will apply any punitive measures set out in legislation. Biodiversity sites must likewise not be intentionally cleared or degraded in order to increase the potential for biodiversity gain.

### Key Evidence

- Biodiversity Opportunity Areas: the basis for realising Surrey’s ecological network (Surrey Nature Partnership, 2019)
- Biodiversity Opportunity Area Policy Statements (Surrey Nature Partnership, 2019)
- State of Surrey’s Nature; lists of Species of Conservation Concern (Surrey Nature Partnership, 2017)
- A Vision for Guildford Borough’s Countryside Sites 2017 – 2027 (Guildford Borough Council, 2017)

## Monitoring Indicators

Indicator	Target	Data Source
Gains in biodiversity provided by development on sites of 25 homes or greater	All qualifying developments to provide a minimum 20% net gain	Planning applications

Draft

## Policy P8/P9: Protecting Important Habitats and Species

- 4.51 National and local ambitions for the restoration of our nature cannot be achieved if important habitats and species continue to decline. As a result, it is imperative that development proceeds in a way that preserves important components of the natural environment, some of which are irreplaceable.

### Policy P8/P9: Protecting Important Habitats and Species

- 1) Development proposals for sites that contain or are adjacent to irreplaceable habitats, priority habitats, habitats hosting priority species, sites designated for their biodiversity value and all aquatic habitats are required to preserve the relevant ecological features through the application of the mitigation hierarchy, and to deliver enhancements to the ecological features in line with Policy P6/P7. The habitats should be protected by appropriate buffers and, if necessary, barriers in order to prevent adverse impacts, including those resulting from recreational use.

#### **Irreplaceable habitats**

- 2) Irreplaceable habitats will be protected. Development proposals that result in the loss, damage or deterioration of irreplaceable habitats will be refused, unless there are wholly exceptional reasons and the exceptional benefits of the development proposal outweigh the loss of the habitats. Proposals for compensation will not form part of this assessment. However, if wholly exceptional reasons have been demonstrated, a suitable compensation strategy to address the level of harm predicted will be required that delivers appropriate and proportionate compensation in terms of quality and quantity. Proposals for compensation will be additional to other requirements relating to biodiversity, including biodiversity net gain requirements.
- 3) A habitat will be considered to be irreplaceable if it meets the definition in the NPPF glossary or guidance issued by the Surrey Nature Partnership, or if it is identified as irreplaceable in the Local Nature Recovery Strategy, or it is on land identified in an established inventory, such as the Revised Ancient Woodland Inventory (RAWI).

#### **Ancient woodland and significant trees**

- 4) Where ancient woodland falls within or adjacent to a development site, the following measures are required.
  - a) The submission of information setting out the location of all significant ancient or veteran trees (a BS5837 Survey).
  - b) An appropriate buffer around the ancient woodland of a minimum of 15 metres.
  - c) A clear separation between the woodland and the rest of the development, delineated by a physical feature such as a wildlife permeable barrier, a cycle lane, path or lightly trafficked road.

- d) Site design that discourages harmful activities such as the use of the woodland as a cut-through where well-used paths do not currently exist.
- 5) Development proposals for sites that contain significant trees, including ancient and veteran trees and ancient woodland, are expected to incorporate them and their root structures and understorey in undeveloped land within the public realm, and to provide green linkages between them.
- Priority species and habitats**
- 6) Development proposals are required to protect and enhance priority species and habitats. They include:
- a) Species and Habitats of Principal Importance for Conservation (of biological diversity in England);
  - b) species and habitats identified as priorities in the Local Nature Recovery Strategy and strategies produced by Natural England and the Surrey Nature Partnership;
  - c) wildlife corridors and stepping-stones as defined by the NPPF or identified in the Local Nature Recovery Strategy, in Development Plan Documents, by Natural England, in Supplementary Planning Documents and in Surrey Nature Partnership documents; and
  - d) compensatory habitat sites and biodiversity net gain sites.

## Definitions

- 4.52 *Mitigation hierarchy* – see policy P6/P7.
- 4.53 *Irreplaceable habitats* - habitats that meet the NPPF definition of “habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity”, and/or meet the locally specific guidance issued by the SyNP<sup>67</sup>.
- 4.54 *Species and Habitats of Principal Importance* - the ‘habitats of principal importance for the conservation of biological diversity in England’ and ‘species of principal importance for the conservation of biological diversity in England’ as listed under Section 41 Natural Environment and Rural Communities Act 2006 (or any successor legislation).
- 4.55 *Compensatory habitat sites* - sites where habitat has been created in order to offset harm to habitats elsewhere.
- 4.56 *Biodiversity net gain sites* - sites that host habitat creation or enhancement for the purpose of providing offsite biodiversity net gains for developments on other sites.
- 4.57 *Ancient woodland* - woodland that meets the NPPF definition of “an area that has been wooded continuously since at least 1600 AD” and any woodland identified on Surrey’s Revised Ancient Woodland Inventory (2011). The PPG clarifies that “‘wooded continuously’ does not mean

<sup>67</sup> Currently “Irreplaceable habitats guidance for Surrey (2020)”, available at: <https://surreynaturepartnership.org.uk/our-work/>

there's been a continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands.”

- 4.58 *Lightly trafficked road* - a minor road that would have traffic levels low enough to avoid harm to ancient woodland and its ecology through pollution, noise or light.
- 4.59 *Significant trees* – all ancient and veteran trees, ancient woodland, trees that are special because of a special heritage, recreational, social or aesthetic value, and trees covered by a Tree Protection Order (TPO) or are of TPO quality.
- 4.60 *Ancient or veteran trees* - defined in the NPPF glossary as “a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but they are old relative to other trees of the same species.” Additionally, a veteran tree does not have to be very old but could have decay features such as branch death and hollowing which contribute to its biodiversity, cultural and heritage value.

#### **Reasoned justification**

- 4.61 It is essential to protect important habitats and species in order to preserve the environmental, social and economic health of the borough. Additionally, national and local ambitions for reversing the decline in biodiversity will not be achievable if these key features are lost.

#### *Barriers*

- 4.62 Barriers should be used to protect habitats where necessary but only where alternative options should not be effective. They should prevent harmful activity but not impede the spread of plants and wildlife. Consideration should be given to the use of soft measures such as dense planting rather than fences and walls, especially where this can also provide biodiversity benefit.

#### *Irreplaceable habitats*

- 4.63 The NPPF protects irreplaceable habitats as follows: “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists” (NPPF 180c). It is important that compensation measures do not form part of an assessment to determine whether the “wholly exceptional reasons” for a development proposal outweigh the loss as compensation cannot replace irreplaceable habitats. However, should a development proposal that is detrimental to irreplaceable habitats be approved then compensation measures will still be sought.
- 4.64 Compensation measures must not overlap with other biodiversity measures, or measures delivered for biodiversity net gain must be truly additional to compensation measures. This preserves the disincentive for harming irreplaceable habitats and to reflect the very high value placed on irreplaceable habitats, and preserves the principle embedded in the national approach to biodiversity net gains which is that the measures must be truly additional to other works.
- 4.65 The evidence needed to justify any harm or loss to irreplaceable habitats must be robust. The compensation measures that are necessary will be established in part through the use of an

appropriate net gain to loss ratio.

- 4.66 Irreplaceable habitats include, but are not limited to, the following habitats.
- a) Ancient woodland and replanted ancient woodland.
  - b) Ancient and veteran trees.
  - c) Ancient wood pasture and historic parkland (including the open space between trees).
  - d) Unimproved grassland.
  - e) Stretches of river that have had little historic modification.
  - f) Heathland and associated mires (including bogs).
  - g) Ancient hedgerows, and 'important' hedgerows that contain protected, endangered, vulnerable or rare species.

*Ancient woodland*

- 4.67 Development can affect ancient woodland through direct loss and also through changes to drainage and damage to root systems. Development can also have impacts on the ecosystem of an ancient woodland through pollution, recreation pressure, fly-tipping, and changes to noise and lighting that can affect its unique wildlife. The Council has experienced problems in the past where residents come to regard nearby woodland as an extension of their private curtilage and cleared it for access or used it for disposal of garden waste; activities that can be harmful to woodland ecology. Therefore, it is important that areas of valuable ancient woodland are protected by an appropriate buffer, and that the border between private space and ancient woodland on public land is clearly delineated, for example by running a physical feature such as a path, low-use road or ditch between the built development and the woodland.
- 4.68 Surrey's Revised Ancient Woodland Inventory 2011 (RAWI) provides a well-documented and consistent approach to establish whether land is ancient woodland. Natural England and the Forestry Commission will sometimes provide bespoke advice on whether woodland qualifies as ancient and have produced standing advice for planning authorities which includes an assessment guide which can be completed by those with suitable specialist knowledge of woodland ecology in order to determine whether a woodland is ancient. Challenges to a listing on the RAWI should be made prior to a planning application, and the listing amended with agreement provided in writing by the relevant authority.
- 4.69 Some areas of ancient woodland may appear not to qualify as such, or may appear to be of lower value e.g. due to limited flora. For example, PAWS are areas of ancient woodland (or within ancient woodland) that may have been clear or partly-felled and replanted, often with commercial stands of timber (typically fast growing softwoods) so they may not appear to be an irreplaceable habitat. However, much of the value of ancient woodland lies in their soils and many remnants of the ancient habitat will remain. Consideration of the value of the habitat will take into account the potential of the land for ancient woodland species to migrate and young featureless trees to eventually become veterans.
- 4.70 An appropriate buffer of a minimum of 15 metres around ancient woodland should be set at a distance necessary to preserve the nature, health and setting of the ancient woodland, taking into account the nature and area of proposed development.

#### *Ancient wood pasture and historic parkland*

- 4.71 Ancient wood pasture and historic parkland are often forms of ancient woodland. They are areas of land that have been historically managed through grazing, have a very open structure, a tree canopy cover generally above 20 per cent (though possibly with considerable variation), and where the habitat type has been in continuous existence since at least 1600. Ancient wood pasture and historic parklands may not be included in the Ancient Woodland Inventory if their low tree density failed to register them as woodland on historical maps. The presence of ancient and veteran trees is a key indicator but other factors including the presence of historic features, permanent pasture and scrub will also be taken into account. Ancient wood pasture and historic parkland habitats may have been altered by activities such as sward improvement, overgrazing and tree felling, or become in-filled with secondary woodland. However, associated indicative species will remain present and, as with ancient woodland, the habitat can be effectively restored. The protection of the whole habitat is necessary even though tree cover may be comparatively sparse, so open space between trees in an area of ancient wood pasture or historic parkland is also subject to the same protections as ancient woodland.

#### *Ancient and veteran trees*

- 4.72 Where ancient and veteran trees exist within a development site, they should be incorporated into the public realm where they can be appropriately managed and will not be vulnerable to damaging operations carried out by a private landowner. Additionally, this means that these often-attractive trees remain visible for all to enjoy.

#### *Hedgerows*

- 4.73 Hedgerows are some of the most important habitats in parts of Britain, providing marginal connective habitat for a large number of threatened species. They provide a refuge for creatures displaced by the incremental destruction of more natural habitats to make way for increasingly intensive agriculture, and can act as dispersal corridors allowing movement of important pollinating invertebrates through farmland areas. They also provide breeding, nesting and feeding habitat for many birds. Ancient hedgerows tend to be the most biodiverse in terms of both plants and animals and where an 'important' hedgerow contains protected, endangered, vulnerable or rare species, the assemblage of species is such that replacing the hedgerow would be technically difficult or take a very significant time. These types of hedgerows therefore meet the NPPF definition for irreplaceable habitat.
- 4.74 Ancient hedgerows are those that existed before the Enclosures Acts (mainly passed between 1720 and 1840). All ancient hedgerows are considered to be irreplaceable habitats.
- 4.75 'Important' hedgerows are hedgerows that are at least 30 years old and meet at least one other criteria, set out in national guidance<sup>68</sup>.
- 4.76 For the purposes of the policy, an important hedgerow will be considered an irreplaceable habitat if it qualifies as 'important' because it contains protected species listed in the Wildlife and Countryside Act 1981 (or successor legislation) and/or threatened species as identified in Red Data lists and reviews. Any hedge that supports or is associated with populations of these

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<sup>68</sup> Available at <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

species will be considered to 'contain' them.

#### *Priority species and habitats*

- 4.77 Pressures on many of Surrey's priority habitats are already close to critical levels and small changes can represent tipping points for flora and fauna, or result in increased management costs for priority habitat sites. Priority should be given to conserving species that are locally rare and in decline, even if the national population elsewhere is apparently stable.
- 4.78 The species and habitats identified as priorities in strategies produced by Natural England and the Surrey Nature Partnership include the priority species and habitats relevant to each BOA set out in the relevant BOA policy statement in the appendices of the SyNP document 'Biodiversity Opportunity Areas: the basis for realising Surrey's ecological network'. SyNP has set out priority habitats and species that are extant or have at least been recorded in the recent past across Surrey, and a longer, categorical list of recorded species that have importance locally as Surrey's 'Species of Conservation Concern'.
- 4.79 Defra's Magic map service<sup>69</sup> sets out areas where national priority species and habitats are known to occur. Natural England's associated Habitat Network dataset<sup>70</sup> suggests areas where the enhancement and creation of specific habitats may be appropriate.

#### *Aquatic habitats*

- 4.80 All aquatic habitats, including watercourses and areas of standing water like lakes and natural and/or historic ponds, should be treated as priority habitats. Watercourses frequently function as highly important green corridors that link habitats and allow species to disperse, so play a vital role in the health and recovery of our natural environment. Areas of standing water frequently support a diverse range of aquatic and terrestrial species, provide storage for environmental water stocks and contribute to visual amenity and leisure opportunities. Almost 70% of the UK's natural ponds have been lost and populations of water dwelling insects and amphibians have dwindled as a result.

### **Key Evidence**

- Irreplaceable habitats guidance for Surrey (Surrey Nature Partnership, 2020)
- Biodiversity Opportunity Areas: The basis for realising Surrey's ecological network (Surrey Nature Partnership, 2019)
- Biodiversity Opportunity Area Policy Statements (Surrey Nature Partnership, 2019)

<sup>69</sup> Available at <https://magic.defra.gov.uk/>

<sup>70</sup> Available at <https://data.gov.uk/dataset/0ef2ed26-2f04-4e0f-9493-fbdfbaeb159/habitat-networks-england>

## Monitoring Indicators

Indicator	Target	Data Source
Developments resulting in loss or harm to irreplaceable habitats, priority species and habitats, sites designated for their biodiversity value and aquatic habitats	N/A	Planning applications

Draft

## Policy P10: Land Affected by Contamination

### Introduction

- 4.81 Contributing to the delivery of sustainable development is the primary purpose of the planning system. In achieving this, the NPPF is clear that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses:
- [giving] substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate spoiled, degraded, derelict, contaminated or unstable land<sup>71</sup>.*
- 4.82 Historic land contamination, involving a complex range of substances, effects land throughout England. Background levels of substances are present on all land. However, there are greater concentrations of contaminants on some land, often associated with historic industrial land use or waste disposal, that may present sufficient risk to the health of sensitive receptors to be considered contaminated<sup>72</sup>.
- 4.83 The historic, industrial nature of Guildford borough's town and villages has given rise to contamination, or potential contamination, in some areas. Failing to adequately deal with contamination on proposed development sites can cause harm to the health of sensitive receptors, including people, wildlife and the natural environment, including sensitive habitats and sites designated for their nature conservation value.
- 4.84 Contaminated land is a material consideration for the purposes of the Town and Country Planning Act 1990. Therefore, in the determination of planning applications, consideration will be given to the impact of the proposed development in terms of the risk that is presented to sensitive receptors, both on-site and off-site, from exposure to the identified harmful contaminants.
- 4.85 Part 2A of the Environmental Protection Act (1990) provides Local Authorities with a duty to investigate and regulate contaminated land. The Council's Contaminated Land Strategy (2001), alongside further information on contaminated land within Guildford borough is available on the Council's website<sup>73</sup>. In accordance with the Council's Contaminated Land Strategy, the redevelopment of contaminated sites comprises the primary mechanism for dealing with contaminated land in the borough.
- 4.86 Where land contamination is identified as part of a development proposal, remediation of the land will be required to ensure that the proposed development does not present an unacceptable risk the health of sensitive receptors, including the present and/or future occupants or users or the development, from harmful hazardous materials either on-site or off-site.

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<sup>71</sup> National Planning Policy Framework (2021), paragraph 120(c).

<sup>72</sup> Department for Environment, Food & Rural Affairs (2012) Contaminated Land Statutory Guidance. Available online at: [www.gov.uk/government/publications/contaminated-land-statutory-guidance](http://www.gov.uk/government/publications/contaminated-land-statutory-guidance).

<sup>73</sup> Available online at: [www.guildford.gov.uk/article/18349/Contaminated-land](http://www.guildford.gov.uk/article/18349/Contaminated-land).

## Policy P10: Land Affected by Contamination

- 1) Development proposals that comprise or include land that is known or suspected to be affected by contamination are required to submit appropriate Site Risk Assessments, which establish the full nature and extent of any land contamination that may adversely affect sensitive receptors, both on-site and in the surrounding area.
- 2) Where evidence of contamination is identified, an Options Appraisal and Remediation Strategy are required to be submitted, which must demonstrate that the land is to be made fit for its intended purpose, detailing:
  - a) the appropriate sustainable remediation measures that will be implemented in order to prevent and/or avoid significant harm to sensitive receptors, both on-site and in the surrounding area, including future users of the site; and
  - b) the appropriate mitigation measures that will be implemented in order to reduce to a minimum any risks presented to the health of sensitive receptors from land contamination.
- 3) A verification report must be submitted to the Council and approved prior to either occupation or use, which demonstrates the agreed remediation measures have been implemented effectively.
- 4) Where insufficient information is provided, or the relevant reports indicate that there will be an unacceptable adverse impact on sensitive receptors which cannot be adequately prevented, avoided, and/or mitigated through appropriate remedial measures, the planning application will be refused.

### Definitions

- 4.87 *Contamination* – The presence of naturally occurring and/or manufactured hazardous substances. The source-pathway-receptor conceptual model will help to identify where contamination exists.
- 4.88 *Land Affected by Contamination* – As defined at paragraph 78A(2) of the Environmental Protection Act (1990) – Land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that:
- a) significant harm is being caused or there is a significant possibility of such harm being caused; or
  - b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.
- 4.89 *Remediation* - The action required to prevent, minimise, remedy, or mitigate the effects of the unacceptable risks presented by hazardous substances.
- 4.90 *Sensitive Receptors* – Features that are prone to damage from pollution, such as living organisms, ecological systems, land use, controlled waters, and the natural environment.

## Reasoned Justification

- 4.91 For general guidance on the consideration of land affected by contamination within the development management process, applicants should refer to national Planning Practice Guidance<sup>74</sup>.
- 4.92 The Environment Agency (2020) has published detailed guidance on the assessment and management of the risks from land contamination. Development proposals for which land contamination is a relevant concern are expected to demonstrate compliance with the Environment Agency's Land Contamination Risk Management (LCRM) strategy<sup>75</sup>. The LCRM presents a risk-based approach to the assessment and management of land contamination, comprising three stages;
1. Risk Assessment;
  2. Options Appraisal; and
  3. Remediation and verification.
- 4.93 At each stage of the LCRM process, the development proposal must demonstrate compliance with relevant British Standards. Relevant British Standards are noted in the Environment Agency's guidance. The general site investigation standards are:
- a) BS 10175: Investigation of potentially contaminated sites – code of practice
  - b) BS 5930: Code of practice for ground investigations
- 4.94 The Department for Environment, Food and Rural Affairs (2012) has published detailed statutory guidance that sets out the process of identifying and dealing with land that poses an unacceptable level of risk under the Part 2A of the Environmental Protection Act 1990 regime for remediating statutorily defined contaminated land<sup>76</sup>. The guidance also elaborates on the remediation provisions of Part 2A, such as the goals of remediation, and how regulators should ensure that remediation requirements are reasonable. Where land contamination is a relevant concern, as defined under Part 2A specifically, prospective applicants are required to refer to the statutory guidance.

### *Site Risk Assessment*

- 4.95 In order to satisfy paragraph (1) of this policy, development proposals that include or comprise land that is known or suspected to be affected by contamination are required to submit a Site Risk Assessment. Site Risk Assessments must be completed in accordance with the Environment Agency's LCRM guidance and should be appropriate for the scale of the likely risk presented by the potential contamination.
- 4.96 Where land contamination is suspected, a Preliminary Site Risk Assessment may be required, in order for the Council's Environment and Regulatory Services to make an informed decision. Where a Preliminary Site Risk Assessment indicates that the proposed development site may present any potentially unacceptable risks to sensitive receptors, detailed Site Risk

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<sup>74</sup> Available online at: [www.gov.uk/guidance/land-affected-by-contamination](http://www.gov.uk/guidance/land-affected-by-contamination).

<sup>75</sup> Available online at: [www.gov.uk/government/publications/land-contamination-risk-management-lcrm](http://www.gov.uk/government/publications/land-contamination-risk-management-lcrm).

<sup>76</sup> Available online at: [www.gov.uk/government/publications/contaminated-land-statutory-guidance](http://www.gov.uk/government/publications/contaminated-land-statutory-guidance).

Assessments will be necessary.

- 4.97 Where required, the Site Risk Assessment must be completed during the early stages of the design and preparation of the development proposal. If the Site Risk Assessment indicates that the proposed development site would present an unacceptable risk to the health of sensitive receptors as a result of land contamination, the applicant must continue to progress through the Environment Agency's LCRM strategy. Where the applicant has engaged the Council's pre-application service, the Site Risk Assessment should be submitted and reviewed as part of this process.

*Options Appraisal and Remediation Strategy*

- 4.98 Where the Site Risk Assessment process identifies evidence of land contamination, an Options Appraisal and Remediation Strategy will be required in order to satisfy paragraph (2) of this policy. The Options Appraisal and Remediation Strategy must be produced in accordance with the Environment Agency's LCRM guidance.
- 4.99 Detailed guidance covering the development of an appropriate remediation strategy is available in the CL:AIRE Water and Land Library (INFO-OA3)<sup>77</sup>.
- 4.100 Remediated land must, as a minimum, not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. In all cases, the remediation of contaminated land must be sufficient to ensure that sensitive receptors are prevented from exposure to unacceptable risk from hazardous materials, whether through avoidance or mitigation measures, implemented as part of the remediation strategy.
- 4.101 Where a Remediation Strategy cannot demonstrate that the proposed development site would be remediated appropriately, or if insufficient information is provided to make this determination, the planning application will be refused.

*Verification Report*

- 4.102 A verification plan is required to be submitted and agreed by the Council's Environment and Regulatory Services as part of the Remediation Strategy, in accordance with the Environment Agency's LCRM strategy.
- 4.103 The verification report is required to demonstrate that any risk of significant harm to sensitive receptors have been prevented, avoided, and/or mitigated as appropriate and that the remediation objectives and criteria have been met. Verification reports are required to implement a quantitative assessment of the remediation performance using the lines of evidence approach as set out in the verification plan. The verification report will need to provide a complete record of all remediation activities and evidence that the remediation has been successful.

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<sup>77</sup> Available online at: [www.claire.co.uk/useful-government-legislation-and-guidance-by-country/200-developing-the-remediation-strategy-info-oa3](http://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/200-developing-the-remediation-strategy-info-oa3).

## Key Evidence

- Department for Environment, Food & Rural Affairs (2012) Contaminated Land Statutory Guidance.
- Environment Agency (2018) Groundwater Protection Position Statements.
- Environment Agency (2021) Land Contamination Risk Management Guidance.
- Guildford Borough Council (2001) Contaminated Land Inspection Strategy.
- Guildford Borough Council (2007) A Developer's Guide to Contaminated Land.

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P10	N/A	Planning Appeals

## Policy P11: Air Quality and Air Quality Management Areas

### Introduction

- 4.104 Clean air is vital for environmental and human health. Poor air quality represents the largest environmental health risk in the UK. It shortens lives and contributes to chronic illness. Health can be affected both by short-term exposure to high-pollution episodes and by long-term exposure to lower levels of pollution.
- 4.105 Similarly, air pollution also negatively impacts plants and animals, natural habitats, ecosystems, and environmental processes. Serious environmental impacts of air pollution occur as a result of nitrogen (NO<sub>2</sub>) deposition, acid deposition, and direct toxic effects of pollutants in the air.
- 4.106 Air pollution comes from many sources. Emissions from distant and local sources can build up into high local concentrations of pollution. Although there are legally-binding limits, there are no 'safe' levels. Therefore, it is essential that any new development within Guildford borough avoids creating, or contributing to, poor air quality levels both within and outside the Borough boundary.
- 4.107 The NPPF<sup>78</sup> is clear that:
- Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.*
- 4.108 Therefore, in the determination of planning applications, consideration will be given to the impact of development in terms of the impacts on air quality caused both by the operational characteristics of the development and the vehicular traffic generated by it. Consideration will be given to the impacts of all sources of emissions to air, but particular attention should be provided to the most damaging air pollutants (fine particulate matter, ammonia, nitrogen oxides, sulphur dioxide, non-methane volatile organic compounds).
- Air Quality Management Areas*
- 4.109 Local Authorities are required to periodically review and assess the current, and likely future, air quality in their area against national air quality objectives, as set out by the Environment Act 1995<sup>79</sup> and the UK's Air Quality Strategy<sup>80</sup>. Where an objective is unlikely to be met by the relevant deadline, Local Authorities are required to designate those areas as Air Quality Management Areas ('AQMAS') and take action to work toward meeting those objectives. Development within, and in close proximity to, AQMAS will therefore require careful consideration to ensure that a positive contribution is made towards the Council's Air Quality Strategy and the relevant Air Quality Action Plan.

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<sup>78</sup> National Planning Policy Framework (2021), paragraph 186

<sup>79</sup> See Part IV. Available online at: <https://www.legislation.gov.uk/ukpga/1995/25/contents>.

<sup>80</sup> Available online at: <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-1>.

## Policy P11: Air Quality and Air Quality Management Areas

- 1) Development proposals should have regard to the need to improve air quality and reduce the effects of poor air quality.
- 2) Development proposals must not result in significant adverse impacts on sensitive receptors, including human health, sensitive habitats and any sites designated for their nature conservation value, from any sources of emissions to air.
- 3) Development proposals are required to include a detailed Air Quality Assessment, where:
  - a) major development is proposed and has the potential, including when combined with the cumulative effect of other approved developments and site allocations, to have significant adverse impacts on air quality;
  - b) the proposed development has the potential to result in significant adverse impacts and is within, and in close proximity to, a sensitive habitat, including any site designated for its nature conservation value;
  - c) development would introduce or intensify sensitive uses within an area that is known to experience existing poor air quality conditions, including an Air Quality Management Area (AQMA); and/or
  - d) the proposed development would be likely to result in the increase of air pollution levels within an Air Quality Management Area (AQMA).
- 4) Where an Air Quality Assessment identifies potential significant adverse impacts on sensitive receptors from any source of emissions to air, the applicant must submit an Emissions Mitigation Assessment, detailing the appropriate avoidance and mitigation measures that will be implemented to prevent significant adverse impacts on sensitive receptors, including future occupiers or users of the site, from any sources of emissions to air.
- 5) Proposed avoidance and mitigation measures are expected to follow the 'Air Quality Avoidance and Mitigation Hierarchy' and be designed to maximise their ecological and aesthetic value.
- 6) Development proposals within, and in close proximity to, Air Quality Management Areas (AQMAs) are required to demonstrate how the proposed avoidance and mitigation measures would make a positive contribution towards the aims of the Council's Air Quality Strategy and the appropriate Air Quality Action Plan.
- 7) A 'Verification Report' must be submitted to the Council and approved prior to the development's occupation or use, which demonstrates the agreed avoidance and mitigation measures have been implemented effectively.
- 8) Where required, planning obligations will be used to secure contributions to tackle poor air quality and/or for air quality monitoring.

- 9) Where there will be significant adverse impacts that cannot be effectively mitigated, the planning application will be refused.

### Definitions

- 4.110 *Sensitive Receptors* - Features that are prone to damage from pollution, such as living organisms, including humans and animals, ecological systems, sensitive habitats, and the natural environment.
- 4.111 *Sensitive Uses* – Land uses where sensitive receptors are concentrated, including residential properties, schools and nurseries, hospitals, care facilities, and public amenities.

### Reasoned Justification

- 4.112 For general guidance on the consideration of air quality within the development management process, applicants should refer to national Planning Practice Guidance<sup>81</sup>.
- 4.113 Further guidance on the consideration of air quality within development is available on the Institute of Air Quality Management's (IAQM's) website<sup>82</sup>. In having regard to the need to improve air quality and reduce the effects of poor air quality, applicants should demonstrate that the proposed development has been designed and will be implemented in accordance 'good practice' principles outlined in the IAQM guidance – 'Land-Use Planning and Development Control: Planning for Air Quality' (2017)<sup>83</sup>, or any updated published guidance that replaces or supplements this.
- 4.114 Detailed guidance in relation to the assessment of air quality impacts on sensitive habitats and sites designated for their nature conservation value has also been published by the Institute of Air Quality Management (2020)<sup>84</sup>. The effects of poor air quality on ecosystems and their function have been documented comprehensively within the scientific literature. As a result, air quality is a pathway of impact that requires considered assessment within the determination of a planning application.
- 4.115 The Chartered Institute of Ecology and Environmental Management (CIEEM) have published a detailed 'Advisory Note: Ecological Assessment of Air Quality Impacts' (2021)<sup>85</sup> that complements the IAQM guidance cited above, providing further detail. The guidance sets out the serious adverse biochemical impacts that various air pollutants may have on sensitive habitats. The document details the serious impacts of excessive nitrogen deposition on many of the sensitive habitats present within Guildford borough, including Ancient Woodland.
- 4.116 Although average NOx concentrations are reducing in most of the UK, atmospheric concentrations of ammonia are continuing to increase in many areas, or remain stable in excess of 'critical load' levels for many of the borough's sensitive habitats. Emissions of ammonia from vehicular traffic contributes to roadside nitrogen deposition, which must be considered within Air

<sup>81</sup> Available online at: [www.gov.uk/guidance/air-quality--3](http://www.gov.uk/guidance/air-quality--3).

<sup>82</sup> Available online at: [www.iaqm.co.uk/guidance/](http://www.iaqm.co.uk/guidance/).

<sup>83</sup> Available online at: [www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf](http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf).

<sup>84</sup> Available online at: <https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2020.pdf>.

<sup>85</sup> Available online at: <https://cieem.net/wp-content/uploads/2020/12/Air-Quality-advice-note.pdf>.

## Quality Assessments.

- 4.117 Planning applications for particular large-scale ammonia-emitting developments, such as for intensive livestock units, within 5km of Ancient Woodland sites, must demonstrate that the development would not have significant adverse impacts on Ancient Woodland habitats. The Department for Food and Rural Affairs (2018) has published the Code of Good Agricultural Practice (COGAP), which provides best-practice guidance for reducing ammonia emissions from farms in England<sup>86</sup>.

### *Air Quality Management Areas*

- 4.118 Currently, two AQMAs have been declared within Guildford borough, due to exceedances of the annual mean Air Quality Strategy ('AQS') objective for NO<sub>2</sub> of 40µgm-3 (micrograms per cubic metre). In each case, road traffic emissions comprise the primary source of NO<sub>2</sub>. Further AQMAs may be designated during the lifetime of this Plan. Applicants are advised to check for the status of AQMAs on the Council's website. Additional detail on those AQMAs detailed above, including a map of each area, is available online:
- The Street, Compton: [https://uk-air.defra.gov.uk/aqma/details?aqma\\_ref=1731](https://uk-air.defra.gov.uk/aqma/details?aqma_ref=1731)
  - A281, The Street, Shalford: [https://uk-air.defra.gov.uk/aqma/details?aqma\\_ref=3358](https://uk-air.defra.gov.uk/aqma/details?aqma_ref=3358)
- 4.119 The Council has developed an Air Quality Action Plan ('AQAP') for each AQMA, which sets out a strategy for improving the air quality conditions for that area, to fulfil its duties under the Local Air Quality Management framework. These are available on the Council's website<sup>87</sup>.
- 4.120 The Council has a statutory duty to work toward the UK's Air Quality Objectives. In fulfilling this duty, the Council has developed an Air Quality Strategy (2017 – 2022), which identifies key air quality issues within the borough and sets out an approach toward maintaining and improving air quality, including specific actions that will be undertaken to achieve this.

### *A3 Guildford trunk road*

- 4.121 Highways England, which is responsible for the Strategic Road Network, has identified that a section of the A3 Guildford trunk road is experiencing exceedances of the limit value for annual mean NO<sub>2</sub> air pollution which are adversely affecting sensitive receptors including residents and users of a footpath.<sup>88</sup> The section of the road is, for Highways England's air quality assessment work, known as Pollution Climate Mapping link number 17736. This is located between the left in/out junction of Wilderness Road with the southbound carriageway to the west and Dennis interchange to the east. Highways England's forecast is that, by 2030, the limit value will continue to be exceeded, including with a potential barrier which is under consideration by Highways England.

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<sup>86</sup> Available online at: [www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions](http://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions).

<sup>87</sup> Available online at: [www.guildford.gov.uk/article/21335/Guildford-air-quality-management-areas](http://www.guildford.gov.uk/article/21335/Guildford-air-quality-management-areas).

<sup>88</sup> See Air Quality on England's Strategic Road Network: Progress Update (Commission No. 1 - 101 Pollution Climate Mapping links on the SRN - Analysis of potential non-compliance with limit values for Nitrogen Dioxide, as identified by Government's Pollution Climate Mapping Model) (Highways England, July 2021). Available at <https://highwaysengland.co.uk/our-work/environment/air-quality-and-noise/air-quality/air-quality-reports/>. Accessed 23 July 2021.

### *Air Quality Assessments*

- 4.122 Air Quality Assessments may be required for the reasons outlined in paragraph (3) of this policy. In accordance with paragraph 3(c) specifically, the Council's Environment and Regulatory Services will confirm whether the available evidence demonstrates the proposed development would introduce or intensify sensitive uses within an area that is known to experience existing poor air quality conditions. Where it is demonstrated that ambient pollutant levels may cause significant adverse effects on the health of sensitive receptors in the area, an Air Quality Assessment will be required.
- 4.123 Where an Air Quality Assessment is required, the applicant should seek confirmation from the Council's Environment and Regulatory Services on the appropriate approach and methodology to be used in conducting the assessment. The specific approach and methodology required for each assessment should be tailored to address the key issues driving the need for the assessment. In all cases, the Air Quality Assessment should be undertaken using an approach that is appropriate to the scale of the likely adverse impacts.
- 4.124 Air Quality Assessments must be completed during the early stages of the design and preparation of the development proposal. If the applicant has engaged the Council's pre-application service, the Light Impact Assessment should be submitted and reviewed as part of this.
- 4.125 In order to ensure that a consistent approach is used in producing Air Quality Assessments, all assessments are expected to be prepared in accordance with guidance provided by Environmental Protection UK and the Institute of Air Quality Management: 'Land-Use Planning & Development Control: Planning For Air Quality' (2017)<sup>89</sup>. Specifically, the report detailing the results of the assessment is expected to contain the information set out at paragraph 6.22 (a) – (m) of that guidance.
- 4.126 Once the report has identified the magnitude of potential adverse impacts and described these for each relevant source and/or sensitive receptor, the applicant must seek agreement from the Council's Environment and Regulatory Services as to the 'significance' of those impacts. As a discipline, assessment of Air Quality impacts does not benefit from the rigid application of a significance matrix. The determination of 'significance' must therefore be made by the Council's Environment and Regulatory Services on a case-by-case basis, in agreement with the air quality professional that conducted the assessment. Further guidance on the determination of 'significance' within air quality assessment is available from the Institute of Air Quality Management (2009)<sup>90</sup>.
- 4.127 Where an Air Quality Assessment identifies potential significant adverse impacts on sensitive receptors, an Emissions Mitigation Assessment must be completed. The Emissions Mitigation Assessment must detail the appropriate avoidance and mitigation measures that will be implemented to prevent significant adverse impacts on sensitive receptors, including future occupiers or users of the site, from any sources of emissions to air. Emissions Mitigation Assessments should normally be submitted as part of the overall Air Quality Assessment and

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<sup>89</sup> Available online at: <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

<sup>90</sup> Available online at: [www.iaqm.co.uk/text/guidance/iaqm\\_significance\\_nov09.pdf](http://www.iaqm.co.uk/text/guidance/iaqm_significance_nov09.pdf)

inform the conclusions made within it.

*Air Quality Avoidance and Mitigation Hierarchy*

- 4.128 The 'Air Quality Avoidance and Mitigation Hierarchy', as set out below, is based on published guidance by the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>91</sup>. Development proposals are required to incorporate appropriate avoidance and mitigation measures in the design of the scheme, in accordance with the preferences set out in the hierarchy. Emissions Mitigation Assessments are required to set out how the proposed measures have been incorporated in relation to the order of preference established in the hierarchy.
- 4.129 In accordance with the Air Quality Avoidance and Mitigation Hierarchy, development proposals should seek to avoid exposure to the pollutant in the first instance. Having implemented avoidance measures as far as is reasonably practicable, both technically and economically, development proposals should then implement appropriate mitigation measures in order to reduce the potential effects of exposure.

**Table P11a: Air Quality Avoidance and Mitigation Hierarchy**

<b>Approach</b>	<b>Notes</b>
Avoid	1) Eliminate or isolate sources of emissions. 2) Replace sources with lower-emission alternatives. 3) Maximise distance between sources and sensitive receptors.
Mitigate	4) Mitigation measures that act on the source. 5) Mitigation measures that act on the pathway. 6) Mitigation measures at or close to the point of exposure that address impacts upon the receptor.

- 4.130 In each case that an avoidance or mitigation measure is implemented, measures that are designed to operate passively should take preference over measures that require management or maintenance.

*Verification Report*

- 4.131 Prior to the occupation or use of the development, a Verification Report is required to be submitted and approved by the Council. The Verification Report is required to confirm that the avoidance and mitigation measures that are set out in the Air Quality Assessment have been implemented as described. The report must be completed by an independent and suitably qualified individual.

<sup>91</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management.

## Key Evidence

- Institute of Air Quality Management (2017) Land-Use Planning and Development Control: Planning for Air Quality.
- Guildford Borough Council (2017) Air Quality Strategy (2017 – 2022).
- Guildford Borough Council (2019) Air Quality Action Plan – Compton Village.
- Guildford Borough Council (2020) Air Quality Action Plan – Shalford.
- Highways England (2021) Air Quality on England’s Strategic Road Network: Progress Update (Commission No. 1 - 101 Pollution Climate Mapping links on the SRN - Analysis of potential non-compliance with limit values for Nitrogen Dioxide, as identified by Government’s Pollution Climate Mapping Model)

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P11	N/A	Planning Appeals

## Policy P12: Water Quality, Waterbodies and Riparian Corridors

### Introduction

- 4.132 The provisions of the EU Water Framework Directive have been retained in domestic law through The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WER) following the UK's exit from the EU. The Water Environment Regulations set a methodology for measuring ecological health across a river catchment ecosystem and chemical health based on the presence of 'priority substances' such as mercury. All surface waterbodies are required to achieve 'good' ecological and chemical status (or 'good' ecological potential for heavily modified and artificial waterbodies), and all groundwater bodies are required to achieve 'good' quantitative and chemical status.
- 4.133 The majority of watercourses in the borough fail to achieve 'good' ecological status or 'good' ecological potential. Much of the River Wey in the borough currently achieves 'moderate' with some tributaries achieving only 'poor' or 'bad'. The River Wey carries high levels of phosphate and has many reaches that are heavily modified. The national picture is similar with just 16% of English waters (14% of rivers) meeting the criteria for 'good' ecological status. Around three fifths of groundwater bodies within the Thames Basin catchment (which covers Guildford borough) achieve 'good' chemical or quantitative status.
- 4.134 Watercourses are subject to pollution from a number of sources including sewage, agriculture, Nitrogen Oxide (NOx) from traffic exhaust fumes and plastic particles from tyre road wear, and are subject to further harm through water shortage, which is likely to become an increasing problem due to climate change. Improving the flow and water quality of rivers is necessary in order to restore their biodiversity value.
- 4.135 The Environment Agency has published the River Basin Management Plan (RBMP) for the Thames river basin district. This statutory document sets objectives and identifies projects and measures in order to achieve WER targets.
- 4.136 The borough supports important resources that supply our drinking water, identified as Drinking Water Protected Areas (DrWPAs). They include a Groundwater Safeguard Zone (GSZ), which protects the chalk aquifer (defined as a 'Principal' aquifer) beneath the North Downs. Additionally, there is a wider-ranging Surface Water Safeguard Zone extending across most of the Borough north of the Downs that protects surface waterbodies from which drinking water is routinely abstracted including the lower River Wey and its tributaries. The Environment Agency's 'Approach to groundwater protection' sets out position statements for different types of development in areas designated as Groundwater Source Protection Zones or identified as Drinking Water Protection Areas.
- 4.137 The River Wey & tributaries (R04) and River Blackwater (R03) Biodiversity Opportunity Areas set a framework for habitat recovery for those two rivers. The Basingstoke Canal is designated as a Site of Special Scientific Interest (SSSI) for much of its length, and the section that runs through Guildford Borough is largely within Biodiversity Opportunity Area TBH04: Ash, Brookwood & Whitmoor Heaths.
- 4.138 LPSS 2019 Policy ID4: Green and Blue Infrastructure sets a requirement for development to

protect and enhance the ecological, landscape and recreational value of watercourses, to avoid adverse impacts on the functions (including across their catchments) and setting of watercourses and their corridors, to demonstrate how they will support the achievement of Water Framework Directive objectives (now WER objectives) and to follow guidance from the Environment Agency regarding the River Basin Management Plan and flood risk management, and guidance in local catchment management plans.

- 4.139 LPSS 2019 Policy P4: Flooding, Flood Risk and Groundwater Protection Zones requires development within Groundwater Source Protection Zones (the Principal Aquifer of the North Downs) to avoid adverse impacts on the quality of the public water supply.

### **Policy P12: Water Quality, Waterbodies and Riparian Corridors**

- 1) Development proposals that would result in a deterioration in the chemical or ecological status/potential of a waterbody, or prevent improvements to the chemical or ecological status/potential, will not be permitted.
- 2) Development proposals that contain or are in the vicinity of a waterbody are required to demonstrate that they have explored opportunities to improve its chemical and ecological status/potential. Where a waterbody is covered by the Water Environment Regulations, proposals are required to align with the objectives of the Thames river basin district River Basin Management Plan<sup>92</sup>.
- 3) Non-residential developments, excluding essential infrastructure, that would have a very high water usage are expected to include water collection and storage measures sufficient to avoid, or significantly reduce if avoidance is not possible, abstraction from existing surface-level and groundwater resources or recourse to the public water supply.

#### **Development affecting watercourses**

- 4) Development proposals are required to explore opportunities to improve and/or restore the flow and functioning of a watercourse.
- 5) Development proposals are required to retain or reinstate an undeveloped buffer zone on both sides of a main river measuring a minimum of 10 metres from the top of the riverbank that is supported by a working methods statement detailing how the buffer zone will be protected during construction, and a Landscape and Ecological Management Plan detailing how it will be enhanced in the long-term. For ordinary watercourses, an appropriate buffer is expected that is sufficient to protect and enhance the biodiversity and amenity value of the watercourse.
- 6) Development proposals that include the culverting of watercourses, hard bank revetment or which prevent future opportunities for de-culverting and naturalisation of watercourse banks will not be permitted. Development proposals are expected to return banks to a natural state.

<sup>92</sup> Available online at <https://www.gov.uk/government/publications/thames-river-basin-district-river-basin-management-plan>

- 7) Where barriers to fish movement (e.g. weirs) are present in a watercourse, proposals are expected to include the removal of that barrier, or measures to allow for the natural movement of fish within the watercourse where removal is not feasible.
  - 8) Development proposals are required to identify opportunities for Natural Flood Management, creating wetland features and reconnecting rivers with their floodplains in order to restore natural processes, enhance biodiversity and help manage flood risk.
- Ground and surface drinking water**
- 9) Development proposals within Source Protection Zones and Drinking Water Protected Areas are required to demonstrate that they have had regard to all Environment Agency position statements that are relevant to the proposals.

### Definitions

- 4.140 *Waterbody* – any body of water including groundwater, watercourses and standing water.
- 4.141 *Watercourse* – any natural or artificial channel that carries flowing water, such as a river, brook, ditch or stream, including culverted stretches.
- 4.142 *Main river* – larger rivers and streams designated as such by the Environment Agency<sup>93</sup>.
- 4.143 *Ordinary watercourse* – a watercourse other than a main river.

### Reasoned Justification

#### *WER and RBMP objectives*

- 4.144 Development proposals that would harm the WER status of a waterbody, or would hinder the achievement of WER targets, will not be permitted. There are very limited circumstances where such developments may be permitted, set out in WER regulation 19<sup>94</sup>. In the event that such a development is proposed, the Council will seek legal advice on the application of the legislation.
- 4.145 Development proposals that contain or are in the vicinity of a waterbody covered by the WER should work with the relevant catchment partnership to identify measures that will help to deliver WER and RBMP objectives. The SyNP maintains a list of catchment partnerships on its website.
- 4.146 Paragraph 174e of the NPPF states that development should, wherever possible, help to improve local environmental conditions, taking into account relevant information such as river basin management plans. Alongside this, the protection and enhancement of aquatic habitats and their associated green corridors is fundamental for habitat recovery and the achievements of national biodiversity targets.
- 4.147 The River Wey & Godalming Navigations are owned and managed by the National Trust. Parts of the Wey Navigation are waterbodies that are subject to the WER. The National Trust places a priority on the conservation of the historic environment whilst respecting the needs of those

<sup>93</sup> The environment agency maintain a map available online at:

<https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

<sup>94</sup> Available online at: [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

using or wishing to use the Navigations for leisure purposes. There may be instances where this priority conflicts with achieving WER objectives, for example where the conservation of historic wharves and artificial moorings prevents the naturalisation of riverbanks, or where improvements to recreational access may have impacts on ecology. Decision makers will take this situation into account when considering applications for development within the vicinity of the Wey Navigation, alongside the legal obligations surrounding WER targets.

*Development with high water usage*

- 4.148 Some developments, such as golf courses, can have a very high water usage. Guildford borough is within a region of serious water stress and the Environment Agency is seeking to reduce the amount of water abstracted from environmental water stocks in order to improve environmental health. At the same time, climate change will significantly increase water stress. Placing unnecessary further pressure on water stocks would prevent the achievement of WER targets and inhibit biodiversity recovery. As a result, it is important that such developments with high water usage include water storage facilities so that they can meet their need for non-potable water from natural rainfall and do not abstract water from the environment or use public water supplies for non-potable uses. The developments that would be covered by this requirement will be considered on a case-by-case basis.

*Development affecting watercourses*

- 4.149 The borough's watercourses and their corridors are an important resource that provide multiple benefits including green space and water for leisure and recreation, flood mitigation, walking and cycling links, habitats of high ecological value, wildlife corridors and a contribution to landscape character.
- 4.150 Development can negatively impact watercourses in many ways including through encroachment/loss of river corridor habitat, pet predation, disturbance, pollution, impacts on hydromorphology and river processes, culverting and increased pressure on sewage treatment works. However, it can also be a mechanism for bringing about improvements to riparian environments. The Environment Agency and Wey Landscape Partnership (WLP) are updating the Wey Catchment Plan and producing a Habitat Restoration Strategy for the Wey catchment which identifies actions needed to bring the River Wey into good ecological status. The RBMP also identifies beneficial projects for rivers. New development should support the delivery of these improvements.
- 4.151 Floodplains should be reconnected to their river to restore lost habitat and floodwater storage. Around 90% of the UK's floodplains have been lost or degraded, which has resulted in habitat fragmentation, the disruption of fluvial ecosystems and has exacerbated flooding problems. As a result, it is necessary to treat remaining floodplains as an integral part of riparian corridors and seek their improvement and restoration.

*Watercourse buffers*

- 4.152 In order to protect and enhance main rivers, a minimum 10-metre undeveloped buffer on both sides provides the minimum width of habitat needed to provide for the functioning of wildlife habitats while being able to facilitate informal access for enjoyment of the river. Such a buffer

can make a contribution to the borough's green infrastructure providing wildlife corridors that connect larger areas of habitat, space for recreation and leisure, areas of natural flood management and it can reduce pollution reaching aquatic habitats. This buffer zone should be considerably larger on previously undeveloped land.

- 4.153 This width also ensures that the river is buffered from land-based activities, thereby avoiding shading from buildings, reducing the levels of diffuse pollution reaching the watercourse, which can degrade water quality, and allowing the watercourse to adjust its alignment as it naturally erodes and deposits without the need for damaging bank protection. These processes of erosion and deposition are essential to the ecological functioning of a watercourse.
- 4.154 Ordinary watercourses are expected to be provided with a buffer of an appropriate width on both sides. The extent of the buffer will be decided on a case-by-case basis but must be adequate to enable the protection and enhancement of the watercourse, riparian environment and water quality in line with the policies in this plan. Where possible, a 10 metre buffer should be provided.
- 4.155 The buffer zone must be free from all built development and light intrusion in line with policy D10a: Light Impacts and Dark Skies. Domestic gardens and formal landscaping should not be incorporated into the buffer zone as this would preclude the benefits listed above. The buffer zone should be planted with locally native species of UK genetic provenance and appropriately managed under an agreed scheme. The buffer zone and river corridor should become or continue to be a valued part of the green infrastructure network.
- 4.156 The buffer forms part of the watercourse corridor (which is protected by policy ID4: Green and Blue Infrastructure) but should not be considered the extent of the corridor. A river or riparian corridor will be considered to constitute a stretch of watercourse, its banks, neighbouring land that forms an integral part of the functioning of the river and/or river habitat and all land that functions as flood plain.

#### *Natural rivers and riverbanks*

- 4.157 The loss of natural banks resulting from hard bank protection has negative impacts on ecology and hydromorphology. Hard bank protection alters a river's natural hydromorphological processes of erosion and deposition which are important for in-stream habitat creation. In addition, natural banks themselves provide habitat for a range of terrestrial and aquatic species (plants, invertebrates, birds, small mammals). Development proposals that seek to replace natural banks will not be considered to align with WER objectives. Aquatic habitats are considered important habitats while unmodified rivers are considered irreplaceable habitats (see policy P8/P9: Protecting Important Habitats and Species) and will be protected accordingly.
- 4.158 Notwithstanding the above, any modifications to an ordinary watercourse require consent from the Lead Local Flood Authority. Modifications to a main river require consent from the Environment Agency.
- 4.159 Where watercourses have been historically modified, the watercourse should be restored. This includes the de-culverting of watercourses, re-naturalisation of riverbanks and restoring the natural width/depth of a watercourse where it has been degraded. Opportunities for Natural Flood Management, creating wetland features and reconnecting rivers with their floodplains

should be fully explored wherever possible in order to restore natural processes, enhance biodiversity and reduce flood risk downstream.

*Ground and surface drinking water*

- 4.160 The Environment Agency’s ‘Approach to groundwater protection’ (February 2018)<sup>95</sup> contains Groundwater Protection Position Statements for specific developments that can have negative impacts on groundwater resources (such as ground source heat pumps, cesspits and cemeteries). Development proposals that may have an impact on, or are affected by, groundwater are required to refer to the position statements, and this includes all development proposals within Source Protection Zones and Drinking Water Protected Areas. The WER requires the input of hazardous substances into groundwater to be prevented (with some exemptions).
- 4.161 Defra’s Magic map<sup>96</sup> sets out ground and surface water protection designations within Guildford borough.

**Key Evidence**

- Biodiversity Opportunity Areas: The basis for realising Surrey’s ecological network Appendix 9: River Biodiversity Opportunity Area Policy Statements (Surrey Nature Partnership, 2019)
- Thames river basin district River Basin Management Plan (Defra, updated 2015)

**Monitoring Indicators**

Indicator	Target	Data Source
Progress towards Water Environment Regulations objectives.	N/A	Environment Agency
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P12	N/A	Planning Appeals

<sup>95</sup> Available online at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

<sup>96</sup> Available online at <https://magic.defra.gov.uk/MagicMap.aspx>

## Policy P13: Sustainable Surface Water Management

### Introduction

- 4.162 Development has tended to extend the amount of impermeable surfaces which inhibits the natural infiltration of surface-water and increases surface-water runoff rates and volumes. This can overload drainage infrastructure and increase local and downstream flood risk.
- 4.163 Conventional drainage infrastructure focuses on moving water away from a development as quickly as possible. Combined sewers, which collect both surface-water runoff and foul waste water, can be overwhelmed during heavy rain periods which increases the risk that polluted water is released into rivers. The increase in intense rainfall events expected to result from climate change will exacerbate this problem. Conventional drainage can also contribute to the deterioration of water quality through diffuse pollution.
- 4.164 Natural Flood Measures (NFM) use natural processes to deal with surface water. Sustainable Drainage Systems (SuDS) mimic natural drainage and focus on reducing the rate and quantity of surface water runoff by allowing it to infiltrate into the ground or attenuating rainfall close to where it falls. They can work alongside or replace conventional drainage methods and can provide benefits additional to flood risk reduction and such as groundwater recharge, enhancements to biodiversity and visual amenity and opportunities for leisure.
- 4.165 The NPPF (paragraphs 167 and 169) requires new developments to avoid increasing flood risk elsewhere, and major developments and developments in areas at risk of flooding to incorporate SuDS unless there is clear evidence that this would be inappropriate. SuDS proposals are required to take account of advice from the Lead Local Flood Authority (LLFA). The LLFA for Guildford is Surrey County Council.
- 4.166 LPSS 2019 Policy P4 Flooding, Flood Risk and Groundwater Protection Zones requires all development proposals to demonstrate that land drainage will be adequate and will not result in an increase in surface water runoff, and prioritises the use of SuDs to manage surface water drainage unless it can be demonstrated that they are not appropriate. Where SuDs are provided, arrangements must be put in place for their management and maintenance over their full lifetime.

### Policy P13: Sustainable Surface Water Management

#### All development proposals

- 1) Drainage schemes are required to intercept as much rainwater and runoff as possible, including runoff from outside the site.
- 2) Greenfield sites are required to achieve runoff rates and volumes consistent with greenfield conditions. Previously developed sites are required to achieve runoff rates and volumes as close as reasonably practicable to greenfield runoff rates. In any case, runoff rates and volumes must be no greater than the conditions of the site prior to the development.

- 3) Development proposals are required to maximise the use of permeable surfaces across the development site.
- 4) Drainage schemes are expected to avoid the use of boreholes or other deep structures for the discharge of surface water to ground, except for clean roof water.

#### **Major developments and developments in areas at risk of flooding**

- 5) Development proposals are required to follow the discharge hierarchy and prioritise the use of Natural Flood Management (NFM) and Sustainable Drainage Systems (SuDS) for all surface water that is not captured for later use. Alternative drainage systems may be used only if there is clear evidence that SuDS would be inappropriate.
- 6) SuDS are required to be considered from the earliest stage of site design to ensure they are fully integrated into the development and that the greatest multifunctional benefits are realised.
- 7) When designing SuDS, development proposals are required to:
  - a) follow the SuDS sustainability hierarchy;
  - b) comply with the technical standards and design requirements set out in Defra's non-statutory technical standards for sustainable drainage systems;
  - c) comply with guidance produced by the Lead Local Flood Authority;
  - d) ensure that surface water runoff is managed as close to its source as possible;
  - e) maximise biodiversity and amenity value, taking full advantage of opportunities for habitat creation and enhancement and improvements to water quality;
  - f) incorporate a management treatment train to minimise risk of pollution to ground and surface waterbodies; and
  - g) ensure that runoff from all hard surfaces receives an appropriate level of treatment.
- 8) Proposals for infiltration SuDS are required to:
  - a) provide evidence showing that there is at least 1 metre of vertical distance between the base of the infiltration system and the maximum likely groundwater level.
  - b) if located within Source Protection Zone 1, an area of known land contamination and/or an area with high seasonal groundwater, undertake a hydrogeological risk assessment where anything other than clean roof drainage is to be received.

#### **Definitions**

- 4.167 *Greenfield Runoff Rate* – The surface-water runoff rate from a site in its natural state, prior to any development. This should be calculated using one of the runoff estimation methods set out in Table 24.1 of CIRIA C753 The SuDS Manual.
- 4.168 *Permeable Surfaces* – Any surface that allows water to infiltrate including soft surfaces and pervious or permeable hard surfaces.

- 4.169 *Areas at risk of flooding* – Flood Zone 2, Flood Zone 3 and any area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.
- 4.170 *Natural Flood Management (NFM)* - the use of natural features and processes that help to alleviate flood risk. NFM primarily focusses on increased infiltration, water storage and slowing flows. Measures are often large scale (e.g. river naturalisation or restoring flood plans) but can operate at smaller scales (e.g. tree planting).
- 4.171 *Sustainable Drainage Systems (SuDS)* – Systems designed to reduce the rate of rainwater runoff from a development, mitigating the risk of flooding elsewhere whilst delivering benefits for biodiversity, water quality and amenity. SuDS cover a range of measures from permeable paving and green walls to soft engineered structures such as swales, infiltration basins and trenches.
- 4.172 *SuDS Management Treatment Train* – Drainage components used in a series to change the flow and quality characteristics of the runoff in stages, and to achieve a robust surface water management system that avoids an unacceptable risk of pollution to groundwater.
- 4.173 *Infiltration SuDS* - features where water is stored until it gradually infiltrates through the soil of the basin floor (as opposed to attenuation or slow conveyancing SuDS which store and/or slow down surface water).

#### **Reasoned Justification**

- 4.174 The Environment Agency discourages the use of boreholes or deep infiltration systems as these can significantly reduce the potential for natural attenuation in the soils and unsaturated zone, or may bypass them altogether and allow direct input of pollutants to groundwater. Such systems will only be acceptable where they will not result in pollution to groundwater, where there are clear and overriding reasons why the discharge cannot be made indirectly and where evidence shows the increased pollution risk from direct inputs will be mitigated<sup>97</sup>.
- 4.175 Soft surfaces provide biodiversity benefit, urban cooling and amenity as well as good infiltration and low runoff rates so should be used wherever possible. Where this is not possible, permeable or pervious surfaces that provide the best infiltration and lowest runoff rates should be used, with impermeable surfaces used only where necessary.
- 4.176 Defra's Non-statutory technical standards for sustainable drainage systems<sup>98</sup> sets a target for greenfield sites to achieve greenfield runoff rates and volumes and for previously developed sites to achieve rates and volumes as close to greenfield values as possible. It is important that development sites do not result in increased runoff rates and volumes as this would increase flood risk elsewhere and would therefore not comply with local policy or the NPPF (paragraph 167).

#### *SuDS prioritisation*

- 4.177 The NPPF (paragraphs 167 and 169) and Written Ministerial Statement HCWS161 require

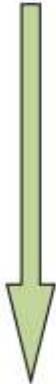
<sup>97</sup> These tests are set out in the Environment Agency's 'Approach to groundwater protection', Policy statement G1

<sup>98</sup> Available online at: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

major developments and all new developments in areas at risk of flooding to incorporate SuDS unless there is clear evidence that this would be inappropriate. As the most sustainable approach to drainage, the use of SuDS is necessary to achieve sustainable development and to deliver the multifunctional benefits called for by the NPPF. Major development proposals must be reviewed and agreed by the LLFA

*Discharge hierarchy and SuDS sustainability hierarchy*

- 4.178 Drainage schemes should be designed to manage surface water in accordance with the following discharge hierarchy.
1. At source reductions and reuse.
  2. Infiltration to ground.
  3. Attenuated discharge to a surface waterbody.
  4. Attenuated discharge to a public surface water sewer
  5. Attenuated discharge to other drainage system (approval for discharge to a highways drainage system is highly unlikely to be given).
  6. Attenuated discharge to a foul or combined sewer (only with the agreement of the sewerage undertaker).
- 4.179 Where SuDS are employed, the design of SuDS should provide the greatest multifunctional benefit by following the SuDS sustainability hierarchy.

Sustainability Level	SuDS Technique	Flood Reduction	Pollution Reduction	Wildlife & Landscape Benefit
<p><b>MOST SUSTAINABLE (PREFERRED)</b></p>  <p><b>LEAST SUSTAINABLE</b></p>	<b>Green/Living Roofs &amp; Walls</b>	✓	✓	✓
	<b>Infiltration:</b> Infiltration trenches & basins Soakaways: (standard or grate system)	✓	✓	✓
	<b>Filter strips and Swales</b>	✓	✓	✓
	<b>Basins and ponds:</b> Wetlands Balancing Ponds Detention Basins Retention Basins Conveyance swales	✓	✓	✓
	<b>Permeable Surfaces &amp; filter drains:</b> Gravelled areas Porous paving	✓	✓	
	<b>Tanks &amp; Piped Systems:</b> Crated Attenuation Tanks Oversize pipes	✓		

(Source: SuDS Design Guidance, Surrey County Council)

- 4.180 The capture and storage of rainwater for irrigation and other non-potable uses is prioritised due to the serious water stress within the South East region. By reducing pressure on environmental water stocks and the public supply, this helps to deliver climate change adaptation. Infiltration

helps to recharge environmental stocks and so delivers climate change mitigation and is therefore favoured above attenuation. After infiltration, attenuation helps to decrease the severity of flooding and can provide significant biodiversity benefits where it provides or enhances habitats of standing water. Attenuated discharge to a sewer or other artificial drainage system results in this benefit being lost and is therefore not favoured. Discharge to a combined sewer will not generally be acceptable, and may only be acceptable where the sewerage undertaker confirms that capacity is available such that discharge will not result in an increase in sewerage overflow to waterways. The discharge of surface waters to the foul sewer can be a major contributor to sewer flooding.

- 4.181 The application of both hierarchies will depend on site density, the position of watercourses, the ground conditions including permeability, contamination and the sensitivity of groundwater receptors. Proposals may diverge from the hierarchies where the particular conditions on the development site mean that an alternative approach would provide a greater sustainability benefit.

#### *SuDS Design*

- 4.182 Planning applications for major development and developments in an area of flood risk should be accompanied by a site-specific drainage strategy that complies with the NPPF, Defra's non-statutory technical standards for sustainable drainage systems and LLFA guidance.
- 4.183 SuDS need to be considered early in the design process to ensure that they are effective, work with the existing landform, integrate into the development and deliver of multi-functional benefits such as open space, biodiversity and visual amenity whilst ensuring land is used efficiently. Development proposals are required to demonstrate in their Design and Access Statement (DAS) and Flood Risk Assessment (FRA) that drainage has been addressed at an early stage of the design and preparation of the proposal, and that the work aligns with the discharge and SuDS sustainability hierarchies
- 4.184 SuDS proposals are required to comply with the SuDS design guidance produced by Surrey County Council as the Lead Local Flood Authority (LLFA)<sup>99</sup>. Pre-application advice should also be sought from the LLFA to discuss SuDS and surface water drainage matters.
- 4.185 SuDS proposals are also required comply with Defra's non-statutory technical standards for sustainable drainage systems which cover the design, maintenance, and operation of SuDS. The Association of SuDS Authorities (formerly the Local Authority SuDS Officer Organisation) has published practice guidance for meeting these standards<sup>100</sup>.
- 4.186 The Construction Industry Research and Information Association ('CIRIA') has published a collection of guidance documents that cover the opportunities and challenges related to general water management<sup>101</sup>. The 'C753 SuDS Manual' (2015) covers the planning, design, construction, and maintenance of SuDS, outlining how to maximise amenity and biodiversity benefits, and deliver the key objectives of managing flood risk and water quality.

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<sup>99</sup> Available online at <https://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice/more-about-flooding/suds-planning-advice>

<sup>100</sup> Available online at: <https://www.suds-authority.org.uk/knowledge-resources/>

<sup>101</sup> Available online at: <https://www.ciria.org/>

- 4.187 The Planning Practice Guidance provides guidance covering the design and implementation of SuDS in the sections 'Flood risk and coastal change' and 'Water supply, wastewater and water quality'.
- 4.188 The location and capacity of existing drainage should be considered to determine what infrastructure could or should be reused in a SuDS scheme. When building on brownfield or pre-developed sites, existing on-site infrastructure should be documented and mapped.
- 4.189 SuDS design should take into account the hydrology of the proposed development area, along with landform, geology, drainage and flood risk. This information will help to identify the form of SuDS that will work best. The design should aim for minimal disruption to the existing topography and site form, working with existing hydrological features and natural processes and taking a gravity drained approach. Pumped systems should not be used and will only be acceptable where it can be clearly demonstrated that no other practical alternative exists.

#### *Biodiversity*

- 4.190 The NPPF at paragraph 169 requires SuDS to provide multifunctional benefits where possible. SuDS are required to be designed so that they maximise opportunities for habitat creation and wildlife and provide an attractive setting and placemaking features for new development. The biodiversity policies set out in this plan provide a framework for achieving the best biodiversity benefit and it should be noted that standing water is a priority habitat in several Surrey Biodiversity Opportunity Areas, and that aquatic habitats are considered important for the ecological health of the borough. Existing networks of watercourses, ponds and natural drainage should be incorporated and enhanced as part of the overall strategy for surface water management, open space and biodiversity.
- 4.191 When discharging to a watercourse, outfalls should be via open-flow routes that have minimal impact on the receiving watercourse. Outfalls are expected to be set-back in order to reduce the loss of natural bank and the impact on the natural functioning of watercourses, and to allow additional backwater habitat to be created. Opportunities should be taken for opening up culverts, reinstating meanders and restoring and naturalising riverbeds and banks to benefit wildlife and improve public access and flood attenuation.

#### *Protecting water quality (paragraphs 7f, 7g and 8)*

- 4.192 Drainage systems are required to be designed and constructed so that discharged surface water does not adversely impact the water quality of receiving water bodies, both during construction and when operational. When considering the runoff destination, potential effects on water quality should be investigated taking account of the potential hazards arising from development and the sensitivity of the runoff destination. Applicants are required to establish that proposed outfalls are hydraulically capable of accepting the runoff from SuDS.
- 4.193 Development proposals are required to ensure that runoff from hard surfaces receives an appropriate level of treatment in order to reduce the risk of pollution to waterbodies or other habitats. The Construction Industry Research and Information Association's Sustainable Drainage Systems guidelines set out guidance on how this can be achieved.
- 4.194 A SuDS Management Treatment Train should be used to prevent pollution to groundwater or

surface waterbodies. The management train starts with prevention (preventing runoff by reducing impermeable areas) and progresses through local source controls to larger downstream site and regional controls. Only if the water cannot be managed on site should it be (slowly) conveyed elsewhere. This may be due to the water requiring additional treatment before disposal or the quantities of runoff generated being greater than the capacity of the natural drainage system at that point. Excess flows would therefore need to be routed off site.

- 4.195 Infiltration SuDS should provide at least 1 metre of vertical distance between the base of the infiltration system and the maximum likely groundwater level to ensure that the natural attenuation of any contamination being discharged is not significantly depth limited.
- 4.196 Developments within Source Protection Zone 1, an area of known land contamination and/or an area with high seasonal groundwater represent areas where the risk or impact of contamination to ground water is particularly severe. As a result, if anything other than clean roof drainage is to be received by infiltration SuDS in these zones, a hydrogeological risk assessment must be undertaken. Infiltration SuDS must not be used if the assessment indicates an unacceptable risk to groundwater.

### Key Evidence

- SuDS Design Guidance (Surrey County Council, undated)
- Non-statutory technical standards for sustainable drainage systems (Defra, 2015)

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P13	N/A	Planning Appeals

## Policy P14: Regionally Important Geological / Geomorphological Sites

- 4.197 Regionally Important Geological / Geomorphological Sites ('RIGS') are sites of regional or local importance for their educational, scientific, historical or aesthetic value.

### **P14: Regionally Important Geological / Geomorphological Sites**

- 1) Development proposals that are likely to materially harm the conservation interests of Regionally Important Geological/Geomorphological Sites (RIGS) as shown on the policies map, and any unmapped features that meet the definition of a RIGS, are required to demonstrate that the need for the development clearly outweighs the impact on the conservation interests.
- 2) Development proposals are required to make every effort to prevent harm to the conservation interests of the RIGS through avoidance measures. Where this is not possible, every effort is required be made to minimise harm through mitigation measures. The applicant is required to demonstrate that any necessary avoidance and mitigation measures will be implemented and maintained effectively.

### **Reasoned Justification**

- 4.198 RIGS quality geological and geomorphological features make an important contribution to the natural heritage of the borough and can be important for the Earth sciences. Such features must be protected in order to ensure that the specific value they hold is not lost. The NPPF requires policies to protect and enhance valued landscapes and sites of geological value (para. 174a), and to protect and enhance geodiversity (para. 179).
- 4.199 RIGS are designated because of<sup>102</sup>:
1. their value for educational fieldwork in primary and secondary schools, at undergraduate level and in adult education courses;
  2. their value for scientific study by both professional and amateur Earth scientists whereby the sites demonstrate, alone or as part of a network, the geology or geomorphology of an area;
  3. their historical significance in terms of important advances in Earth science knowledge; and/or
  4. their aesthetic qualities in the landscape, particularly in relation to promoting public awareness and appreciation of Earth sciences.
- 4.200 RIGS quality features that fall within SSSIs and SNCIs are protected by those designations so are not designated as RIGS.
- 4.201 The RIGS designation currently applies to the following ten sites:

<sup>102</sup> GeoConservationUK provides guidance for designating RIGS sites, available online at <http://adlib.eversite.co.uk/adlib/defra/content.aspx?id=2RRVTHNXTS.96YPDY342OCMF>

1. Earl of Onslow Pit (West Clandon Chalk Pit)
2. Newlands Corner Car Park
3. Albury Downs (Water Lane) Chalk Pit
4. Albury Sand Pit
5. Water Lane Sand Pit
6. Guildford Lane, Albury
7. Blackheath Lane, Albury
8. Compton Mortuary Pit
9. Wood Pile Quarry
10. Warren Lane, Albury

4.202 Designated RIGS are shown on the policies map. Unmapped features will be considered to be of RIGS quality where they meet one or more of the criteria at paragraph 4.199.

### Key Evidence

- GeoConservationUK RIGS Selection guidance

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P14	N/A	Planning Appeals

## 5. Design chapter

### Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

#### Introduction

- 5.1 The National Planning Policy Framework makes clear that creating high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve<sup>103</sup>. It goes on to say that planning policies should ensure that developments will function well over its lifetime, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible<sup>104</sup>.
- 5.2 Importantly NPPF paragraph 134 also states that:
- ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>105</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’*
- 5.3 The NPPF places great emphasis on delivering beauty through the use of design codes and guidance. These can be prepared at an area-wide, neighbourhood or site-specific scale. The Council will continue to prepare design guidance where it is considered that this will add value, and work with neighbourhood groups and developers to support them in developing any neighbourhood plan policies or site-specific design codes.
- 5.4 There is expected to be an increased level of development over the next 10-15 years as a result of the growth identified in the LPSS 2019. It is crucial that the anticipated development is of the highest quality, responds to its local context and maximises the opportunity to improve the quality of the area.

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<sup>103</sup> National Planning Policy Framework (2021), paragraph 126

<sup>104</sup> National Planning Policy Framework (2021), paragraph 130

<sup>105</sup> Contained in the National Design Guide and National Model Design Code

## Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

- 1) Development proposals are required to demonstrate how they will achieve the ten characteristics of well-designed places as set out in the National Design Guide:
  - a) Context – enhances the surroundings
  - b) Identity – attractive and distinctive
  - c) Built form – a coherent pattern of development
  - d) Movement – accessible and easy to move around
  - e) Nature – enhanced and optimised
  - f) Public space – safe, social and inclusive
  - g) Uses – mixed and integrated
  - h) Homes and buildings – functional, healthy and sustainable
  - i) Resources – efficient and resilient
  - j) Lifespan – made to last
- 2) Development proposals are required to have regard to relevant national and local design guidance or codes.
- 3) Development proposals are required to incorporate high quality design which should contribute to local distinctiveness by demonstrating a clear understanding of the place. Development proposals should respond positively to the history of a place, significant views (to and from), surrounding context, built and natural features of interest, prevailing character, landscape and topography. The use of innovative design approaches, including use of materials and construction techniques, will be supported where this presents an opportunity to create new or complementary identities that contributes to and enhances local character.
- 4) Development proposals are expected to demonstrate high quality design at the earliest stages of the design process, and then through the evolution of the scheme, including in relation to:
  - a) Layout – settlement pattern of roads, paths, spaces and buildings, urban grain, plot sizes, building patterns, rhythms and lines
  - b) Form and scale of buildings and spaces - height, bulk, massing, proportions, profile and roofscapes
  - c) Appearance
  - d) Landscape – landform and drainage, hard landscape and soft landscape
  - e) Materials

- f) Detailing
- 5) Development proposals are required to reflect appropriate residential densities that are demonstrated to result from a design-led approach taking into account factors including:
  - a) the site size, characteristics and location;
  - b) the urban grain of the area and appropriate building forms, heights and sizes for the site; and
  - c) the context and local character of the area.
- 6) Development proposals are expected to make efficient use of land and increased densities may be appropriate if it would not have a detrimental impact on an area's prevailing character and setting.
- 7) Allocated sites that are in separate ownerships are required to be designed in a comprehensive manner to ensure the efficient use of land and integrated development. Development proposals are expected to be designed so as not to hinder the potential future delivery of adjoining development sites.

## Definitions

- 5.5 *Local distinctiveness* - The positive features of a place and its communities which contribute to its special character and sense of place.

## Reasoned Justification

- 5.6 The National Design Guide 2019<sup>106</sup>, or guidance superseding it, outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. In a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them. Whilst this policy is applicable to proposals of all sizes, some characteristics will be more relevant in larger schemes than smaller ones. The evidence provided should be proportionate to the nature, size and sensitivity of the site and proposal.
- 5.7 In addition to the National Design Guide, development proposals should be guided by any other national and local design guidance that is in place at the time. National guidance includes the National Model Design Code<sup>107</sup>, Building for a Healthy Life 2020<sup>108</sup>, and other guidance produced by statutory bodies such as Sport England's 'Active Design' (2015)<sup>109</sup>. Local guidance currently includes supplementary planning documents and other related guidance such as the Strategic Development Framework SPD (2020)<sup>110</sup> and Guildford Town Centre Views SPD (2019)<sup>111</sup>, evidence base such as the Surrey Landscape Character Assessment Guildford report

<sup>106</sup> Available online at: [www.gov.uk/government/publications/national-design-guide](http://www.gov.uk/government/publications/national-design-guide)

<sup>107</sup> Available online at: [www.gov.uk/government/publications/national-model-design-code](http://www.gov.uk/government/publications/national-model-design-code)

<sup>108</sup> Available online at: [www.udg.org.uk/publications/othermanuals/building-healthy-life](http://www.udg.org.uk/publications/othermanuals/building-healthy-life)

<sup>109</sup> Available online at: [www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/](http://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/)

<sup>110</sup> Available online at: [www.guildford.gov.uk/strategicdevelopmentframeworkspd](http://www.guildford.gov.uk/strategicdevelopmentframeworkspd)

<sup>111</sup> Available online at: [www.guildford.gov.uk/viewsspd](http://www.guildford.gov.uk/viewsspd)

(2015)<sup>112</sup> and Guildford's Landscape and Townscape Character Assessment (2007)<sup>113</sup>, together with all relevant neighbourhood plans.

- 5.8 Well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary by enhancing positive qualities and improving negative ones. To achieve this, development proposals should be shaped by a clear understanding of the site and the surrounding context within which it sits including the opportunities for design as well as any constraints upon it. This analysis should also be proportionate to the nature, size and sensitivity of the site and proposal.
- 5.9 Accurate Visual Representations (AVRs) are a useful means of assessing the likely impact of development on the townscape/landscape setting or nearby heritage asset. AVRs are expected to be submitted from views that have been agreed with the Council (which may include the use of VuCity or a similar equivalent tool). In the town centre, they will be expected for any visually prominent proposals or proposals for additional storeys. In other conservation areas and the AONB, they will be expected on any major development proposals whilst for the rest of the borough, they are likely to only be necessary on significant development proposals. Applicants may also be required to submit digital models of proposed developments so that their impacts can be assessed independently by the Council through the use of software such as VuCity or similar. Applicants are advised to engage with the Council at pre-application stage to agree both the views / models and how they are presented (i.e. full renders or wirelines) and, if required, the software package to be used.
- 5.10 It is important that proposals are based on a meaningful understanding of the context and character of an area and those positive characteristics which define local distinctiveness. The introduction of standard or generic building types can erode local distinctiveness and result in 'anywhere' places. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings.
- 5.11 This does not necessarily mean simply replicating what is already there. For some sites, particularly those located in more sensitive areas where there is already a strong or unique local character, it may be more appropriate to reflect aspects of the local vernacular within the scheme's design. This could range from adopting typical building forms to using local materials and architectural detailing. In other instances, particularly on larger or less sensitive sites, there may be opportunities for more innovative and forward-thinking design solutions which can create a new character and identity whilst still contributing to local distinctiveness. This includes the use of modern methods of construction which are becoming more common and can offer significant environmental benefits as well as being more cost and time effective to construct. Character is often derived through change and the variety of buildings built over different periods.
- 5.12 A well-designed place is not simply about the way the buildings look. Instead, it is important that the principles of good design are embedded at each stage of the design process. A well-

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<sup>112</sup> Available online at: [www.surreycc.gov.uk/land-planning-and-development/countryside/strategies-action-plans-and-guidance/landscape-character-assessment](http://www.surreycc.gov.uk/land-planning-and-development/countryside/strategies-action-plans-and-guidance/landscape-character-assessment)

<sup>113</sup> Available online at: [www.guildford.gov.uk/article/24722/Read-Guildford-s-Landscape-Character-Assessment-reports](http://www.guildford.gov.uk/article/24722/Read-Guildford-s-Landscape-Character-Assessment-reports)

designed place will evolve through making the right choices at all levels, from the scheme's layout through to the detailing of individual buildings.

- 5.13 Given the significant variation in character, both within individual settlements and across the borough, it is not considered appropriate or justified to prescribe minimum densities within this plan. Instead, an appropriate density on a site (or parts of a site) should result from a design-led approach that considers the site's characteristics, proposed building types and form, and the context and character of the area. It should be an outcome of a process, as opposed to reflecting a predetermined density.
- 5.14 National policy requires the promotion of 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'<sup>114</sup>. Optimising the density on development sites including those allocated in the LPSS 2019 enables the delivery of much needed homes to meet the housing requirement whilst minimising the need for additional sites, which may be more sensitive or less sustainably located.
- 5.15 Increased densities are likely to be appropriate on a range of sites, in particular on larger sites which are capable of delivering a range of densities across them. This enables higher density development to be located in less sensitive parts of the site and in close proximity to services and facilities with lower densities in more sensitive parts such as on the edge of the settlement in order to form a sympathetic transition between the built up area and the countryside beyond.
- 5.16 Providing a range of densities across a site also helps to create a variety of character so that different areas or neighbourhoods each have their own identity. The density of a site will also be influenced by the mix and type of homes provided. A sustainably located town centre site delivering predominantly smaller units as part of flatted development would have a much higher density than a site delivering predominantly houses. The appropriate mix of homes should be appropriate to the site size, characteristics and location. Housing mix and its relationship with site characteristics is addressed in LPSS 2019 Policy H1: Homes for All.
- 5.17 Whilst the majority of sites allocated in the LPSS 2019 are in single ownership there are some in multiple ownership. For those in multiple ownership, it is important that the schemes that are ultimately delivered are integrated and function as well as those designed and permitted as a single scheme. This means that landowners should work towards a shared vision for the site and ensure matters such as the design and location of roads, cycle and pedestrian links, open space, services and facilities are all considered holistically across the wider site. It is also important that any development proposal considers the way in which it will knit into the existing settlement fabric, promoting interconnectedness and avoiding sterilising the future development potential of adjoining land.

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<sup>114</sup> National Planning Policy Framework (2021), paragraph 119

## Key Evidence

- National Design Guide (2019)
- National Model Design Code (2021)
- Building for a Healthy Life (2020)
- Sport England: Active Design (2015)
- Strategic Development Framework SPD (2020)
- Guildford Town Centre Views SPD (2019)
- Surrey Landscape Character Assessment Guildford report (2015)
- Guildford Landscape and Townscape Character Assessment (2007)

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D4	N/A	Planning Appeals

## Policy D5: Protection of Amenity and Provision of Amenity Space

### Introduction

- 5.18 It is important that new development does not reduce the quality of the living environment for others. At the same time, ensuring that new development creates a quality living environment for future residents is also critical. Private amenity space can make an important contribution to improving the quality of life of the borough's residents whilst also helping to support and enhance local biodiversity.
- 5.19 The NPPF<sup>115</sup> says that planning policies should ensure that new developments create places which promote health and well-being, with a high standard of amenity for existing and future users. This policy aims to ensure that existing and new residential properties provide an acceptable and healthy living environment, which plays a key role in the well-being and quality of life of the borough's residents.

### Policy D5: Protection of Amenity and Provision of Amenity Space

#### Protection of amenity

- 1) Development proposals are required to avoid having an unacceptable impact on the living environment of existing residential properties or resulting in unacceptable living conditions for new residential properties, in terms of:
  - a) Privacy and overlooking
  - b) Visual dominance and overbearing effects of a development
  - c) Access to sunlight and daylight
  - d) Artificial lighting
  - e) Noise and vibration
  - f) Odour, fumes and dust

#### Provision of amenity space

- 2) All new build residential development proposals, including flatted development, are expected to have direct access to an area of private outdoor amenity space. In providing appropriate outdoor amenity space, both private and shared, development proposals are required to:
  - a) take into account the orientation of the amenity space in relation to the sun at different times of the year;

<sup>115</sup> National Planning Policy Framework (2021), paragraph 130(f)

- b) address issues of overlooking and enclosure, which may otherwise impact unacceptably on the proposed property and any neighbouring properties; and
  - c) design the amenity space to be of a shape, size and location to allow effective and practical use of the space by residents.
- 3) All balconies or terraces provided on new flatted development proposals are required to be:
- a) designed as an integrated part of the overall design; and
  - b) a minimum of 4sqm.

### **Definitions**

- 5.20 *Amenity* - A positive element or elements that contribute to the overall character or enjoyment of an area.
- 5.21 *Amenity space* - The outside space associated with a home or homes. It may be private or shared.

### **Reasoned Justification**

#### *Protection of amenity*

- 5.22 This policy is only concerned with the amenity impact of a proposal once it has been built. Amenity related issues that may occur during the construction phase are covered by separate Environmental Health legislation.
- 5.23 Care should be taken to ensure development proposals do not overshadow or visually dominate existing properties or have an unacceptable impact on existing levels of privacy. There are many factors that need to be considered when designing a scheme to ensure that this does not occur. In terms of the buildings themselves, consideration should be given to their layout and orientation both with each other, if proposing more than one property, but also with any existing neighbouring residential properties. Potential amenity issues can also be avoided through consideration of the internal room layout, and the positioning and glazing of windows.
- 5.24 Access to daylight and sunlight will depend both on the way new and existing buildings relate to one another, as well as the orientation of windows in relation to the path of the sun. In particular, windows that are overshadowed by buildings, walls, trees or hedges, or that are north-facing, will receive less light. Solar gain should also be optimised to reduce the need for mechanical heating, but with appropriate measures to prevent overheating in line with LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy, Policy D12: Sustainable and Low Impact Development and Policy D13: Climate Change Adaptation.
- 5.25 Excessive light and noise can have a major impact on amenity. Development proposals for noise/light generating uses or noise/light sensitive uses should also consider the requirements in Policy D10: Noise Impacts and Policy D10a: Light Impacts and Dark Skies.
- 5.26 Odours, fumes and dust generated from activities such as commercial cooking and industrial

processes have the potential to cause a range of health problems and amenity issues. Nuisance odours can be mitigated through various means including the use of extraction equipment. The design of any extraction equipment or ducting should consider the requirements in Policy D5a: External Servicing Features and Stores.

#### *Provision of amenity space*

- 5.27 Provision of outdoor amenity space has many benefits, including contributing positively to character, biodiversity, flood mitigation and the general health and well-being of residents. Private amenity space in particular can offer a greater amenity value and often forms a valuable extension to residents' living space offering additional opportunities for socialising and relaxing.
- 5.28 Given the significant benefits, there is an expectation that all new build development proposals provide private amenity space unless it can be demonstrated that it is not appropriate. For new housing schemes this will be in the form of private gardens. Whilst there may be instances whereby communal gardens are considered to be the most appropriate form of provision, this is likely to be relatively rare and will need to be justified on the basis of site-specific circumstances. Private amenity space for new flatted schemes is likely to be provided in the form of balconies or terraces. Whilst opportunities for providing balconies/terraces should be maximised, factors such as the location of the scheme, the type of development, the orientation of the building and neighbouring land uses are likely to mean that they may not always be appropriate. Opportunities to provide private amenity space as part of conversions is supported where this would not have a detrimental impact on the character of the area or the building.
- 5.29 All outdoor amenity space should be designed to maximise its usage and functionality. Factors such as orientation, privacy, shape and accessibility should all be considered. Its size should also reflect the likely number of occupants that it will serve. Private outdoor amenity space should be sufficient to accommodate a table and chairs, a garden shed/storage box if there is no additional storage provided as part of a garage, refuse and recycling bins, an area to dry washing, circulation space, areas for planting and, for family homes, an area for children to play in.
- 5.30 It is important that if balconies are provided as part of flatted schemes, they are designed in such a way that they can be multi-functional, long lasting and form an attractive part of the scheme. To maximise the amenity value of balconies they should be large enough to accommodate a table and chairs. Balconies that are too small often end up being used as storage space rather than amenity space. Balconies should also be designed from the outset as an integrated part of the overall design, rather than as unattractive and less durable bolt-on structures.

### **Key Evidence**

- No key evidence to support this policy

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D5	N/A	Planning Appeals

Draft

## Policy D5a: External Servicing Features and Stores

### Introduction

- 5.31 It is important that development proposals for new and extended buildings are designed to meet the day-to-day functional needs of its users, and of those responsible for their servicing. At the same time, it is important that they are carefully designed so that they do not have an unacceptable impact on the character of the area.

### Policy D5a: External Servicing Features and Stores

- 1) Development proposals are required to demonstrate that:
  - a) bin storage, cycle parking and electric vehicle charging points, whilst being designed to meet practical needs, are integrated into the built form and do not detract from the overall design of the scheme or the surrounding area; and
  - b) external servicing features are designed as an integrated part of the overall design or are positioned to minimise their visual impact.

### Definitions

- 5.32 *External servicing features* – all external fixtures including meter cupboards, drainpipes, gutters, flues, vents, satellite dishes and aerials.

### Reasoned Justification

- 5.33 Modern lifestyles have led to an increasing number of external features that are critical in meeting the daily needs of the users of community, commercial and residential buildings. If not designed properly from an early stage in the design process, they can create a cluttered and unattractive appearance or result in the features being located in inconvenient places which may limit their practical use.
- 5.34 To encourage modal shift, it is important that development proposals provide the necessary level and standard of cycle parking and electric vehicle charging points in accordance with Policy ID11: Parking Standards. Cycle parking characteristics will depend on the length of time the cycle is to be parked, but should be convenient and secure yet not detract from the overall design of the development. Long term cycle parking should have demonstrable security and weatherproofing provided through an enclosed and lockable shelter, store or compound. Charging points and associated cables should not impede pedestrian safety. Further design guidance is available in the Parking SPD.
- 5.35 It is also important to maximise the potential for residents and businesses to recycle as much waste as possible and dispose appropriately of any non-recyclable waste. Development proposals must provide adequate and conveniently located space for the range of bins required whilst ensuring that they do not detract from the appearance or amenity of the street. The bins must also be located and stored in such a way that they can be collected efficiently. Relevant legislation is set out in Building Regulations 2010: *Drainage and Waste Disposal Part H6 Solid*

waste storage and consultation should take place with the Council's Waste and Recycling Team to determine their requirements.

- 5.36 External servicing features are necessary to ensure a building can function properly. If designed as an integrated part of the overall design, they can help contribute positively to the character of the building and area. Careful consideration should be given to their positioning, design and materials.

### Key Evidence

- No key evidence to support this policy

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D5a	N/A	Planning Appeals

## Policy D6: Shopfront Design and Security

### Introduction

- 5.37 Shopfronts contribute to the character and distinctiveness of town and village centres within the Borough. Their appearance has a direct impact on the character of the area. While their primary function is to display goods for sale, they also play a role in projecting the image of the business. If shopfronts are well cared for and retain their historic features - or in the case of new shopfronts, if they have been designed sympathetically - they will be a positive asset to the area in both visual and economic terms. Attractive and characterful shopping areas create places where people will want to live, shop and work and enjoy their social activities.
- 5.38 Shopping is now not only a necessary activity in terms of purchasing provisions but has also developed into a leisure activity and is an essential component of the local and national economy. Commercial competition has always been a key part of trading, with businesses wanting to appear more attractive, exclusive, or simply different from their competitors and neighbours, however the rise of on-line shopping and home delivery has meant that it has become evermore important for business to cost-effectively distinguish themselves. This has given rise to 'house styles', larger and more striking signage, larger window displays, brighter lighting and interactive installations become more prominent within the town and village centres. However, if left unchecked these can result in visual clutter and confusion which does not help the user or the retailer and which can ultimately detract from the property and/or the streetscape, thus a balance has to be met between the commercial requirements and the protection of the built environment.

### Policy D6: Shopfront Design and Security

- 1) Shopfronts are required to be designed to a high quality, including being responsive to, and where possible enhancing the character and appearance of their surrounding context and the building it forms part of. Development proposals are also required to contribute to the continued preservation or enhancement of the Borough's heritage assets, with their design having been informed by relevant national and local design guidance.
- 2) All new and alterations to shopfronts are expected to use high quality sustainable materials and to be of a design that retains, or relates well to the proportion, scale, detailing, period and character of the host building as a whole, as well as the wider street scene. Unless the architecture of the building indicates otherwise, new and replacement shopfronts are required to include as a minimum the following features within their design:
  - a) Fascia
  - b) Pilasters
  - c) Cornice
  - d) Stall riser(s)

- e) Retail window(s)
  - f) Doorway
- 3) Shopfronts that contribute positively to the established character and appearance of the building they form part of, the surrounding context or which are identified as being of architectural or historic interest must be retained or restored.
  - 4) Original features and details, including but not limited to fascias, pilasters, transoms, mullions and stall-risers, are expected to be retained where they are of architectural or historic interest, or where they contribute positively to the character and appearance of the street scene or area. Where a shop occupies the ground floor of more than one building, the design and proportions of each shopfront is expected to relate to each individual building. Single shopfronts that span two or more buildings, disregarding architectural detail and decoration will not be supported.
  - 5) Shopfronts are expected to present an active frontage to the street scene at all times and ensure access for all.
  - 6) Where security is essential, preference will be given to internal open mesh grilles. Where it is demonstrated that additional security is necessary, following the consideration first of other measures such as security glazing, security lighting and closed-circuit TV & alarm systems, external open mesh grilles may be supported. The housing for retractable open mesh grilles should be integrated into the shopfront façade. External solid shutters that obscure the shopfront then planning permission will be refused.
  - 7) Blinds, canopies, awnings or any such similar device affixed to a shopfront are expected to meet the following criteria:
    - a) the size, colour, design and materials are appropriate to the character and features of the building, and the character and appearance of the area;
    - b) the housing unit of retractable canopies is recessed inconspicuously or integrated into the plane of the shopfront and painted in a colour to match; and
    - c) the housing unit does not obscure features of architectural or historic interest when fixed to the building; and by reason of height or degree of projection it does not interfere with free pedestrian or traffic movement.

## Definitions

- 5.39 *Heritage asset* – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are either designated heritage assets or non-designated heritage assets. Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas, designated under the relevant legislation. Non-designated heritage assets are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, these include locally listed buildings and locally listed parks and gardens.

- 5.40 *Shopfront* – A street-level frontage with a display window, usually serving a retail outlet but also applicable to other commercial premises such as restaurants, bars, banks and building societies.

### **Reasoned Justification**

- 5.41 It is important that all of the borough's commercial areas are attractive to both shoppers and investors. Shop frontages are important visual features of the retail environment and the Council wishes to promote the use of good design and materials to ensure they encourage further investment and spending and do not detract from the street scene.

#### *Shopfront design*

- 5.42 The design and quality of shopfronts can be maintained by retaining or designing high quality shopfronts that refer to the architecture of the host building and neighbouring units and by reflecting the general scale and pattern of shopfront widths in the area. New shopfronts are expected to contribute towards a cohesive streetscape, retain a consistent building line and contribute to the character and attractiveness of the commercial area in which they are sited.
- 5.43 Materials, detailing, craftsmanship and finishes are equally important in achieving high quality shopfront design and should be carefully chosen on the basis of their appropriateness to the character of the area; their visual sympathy with the architectural form and composition above; their long-term durability and their environmental sustainability.
- 5.44 Heritage assets, whether they are in conservation areas, listed or locally listed buildings, or any other identified asset, should be treated with particular care and consideration in view of the requirement to ensure that alterations and additions do not harm the appearance of the area and are sympathetic to the integrity of the original building. This should include an identification of what is of particular significance, consideration for the removal of any existing unsympathetic features and the retention and repair of historic features where appropriate. There is a presumption in favour of the retention of original shopfronts with all heritage assets. In the case of conservation areas, the acceptability of new and replacement shopfronts will be guided by the published character appraisal of that area.
- 5.45 The shopfront should be seen as an integral part of the building and the design of these should consider the building as a whole. The scale, proportions, character and materials of new or replaced elements should be complementary and consistent with the rest of the building as well as to each other. Regardless of traditional or modern forms of construction, a shopfront is nearly always composed from a number of key architectural features that combine together to form a recognisable framework. These key architectural features, all of which serve important practical and visual functions, are as follows; the fascia, pilaster, cornice, stallriser, retail windows, retail doorway. Designs which fail to include one or more of these features run the risk of resulting in a poor quality and incongruous design.
- 5.46 Where original shopfronts survive these should be retained and repairs carried out when necessary to keep them in good order. The replacement of original shopfronts will only be considered appropriate where it can be fully justified. Other shopfronts, which may not be original but are of a high standard of architectural quality, including modern and replacement shopfronts which are deemed to enhance the area should also be retained where possible.

Equally, alterations to existing shopfronts and any new works undertaken should not conceal or remove original or traditional detailing. Wherever possible any works carried out to original shopfronts should endeavour to reinstate any traditional features lost over the course of time.

- 5.47 Oversized fascias which extend above the ground floor or obscure architectural features of value will not be supported as they typically give rise to an unattractive, heavy, and dominant appearance that causes harm to architectural form and proportions of the host building. Likewise, original features and detailing are expected to be retained.
- 5.48 Businesses operating out of two or more adjoining buildings will be expected to have separate shopfronts and signage for each building, particularly where each retains a traditional shopfront as this will help to retain and enhance traditional building patterns and conserve the character and appearance of the commercial streetscape. Similarly, where several businesses occupy a single large building, shopfronts should not create separate architectural identities within the building.
- 5.49 All new retail space should be designed to be outward facing with active frontages and displays. Entrances to retail spaces should be at regular intervals. Long and continuous retail frontages without doors are not acceptable. Inward facing retail space that turns its back onto the high street will not be supported. Large shops like supermarkets or national chains that are unable to make use of window displays should consider sharing retail spaces with smaller retailers, cafes or services providers who can maintain an active frontage onto the high street. Where a host building is situated on a corner plot, it should aim to have a lively display on all sides that front onto a street, however it does not necessarily need to provide a doorway for customer access.
- 5.50 New and replacement shopfronts should allow safe, easy and convenient access for all users of the premises including disabled groups, elderly people and those with pushchairs thus a level access should be provided wherever possible and works should be compliant with *Approved Document M: Volume 2 – Buildings other than dwellings*<sup>116</sup> or guidance superseding it, and the provisions of the Equality Act 2010.<sup>117</sup> Accommodating access to listed buildings or in conservation areas can be difficult to resolve and may require compromises to be made to secure reasonable and perhaps innovative adjustments that respect the architectural and/or historic significance of the asset.

#### *Shopfront security*

- 5.51 The Council is aware that the need to protect commercial premises from vandalism and theft is of utmost importance to businesses within the borough, however this should not be to the detriment of the appearance of the host building or the amenity of the streetscape, particularly with regards to the evening and night-time character of town and village centres, as a proliferation of grilles and shutters can result in a hostile and unappealing environment. Effective security measures must reflect a balance between the protection from criminal activities and the need for streets and commercial areas to remain attractive and welcoming after trading has

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<sup>116</sup> Available online at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/990362/Approved\\_Document\\_M\\_vol\\_2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990362/Approved_Document_M_vol_2.pdf)

<sup>117</sup> Available online at <https://www.legislation.gov.uk/ukpga/2010/15/contents>

ceased for the day.

- 5.52 Shopfront security can be achieved in a variety of ways, and not all involve the alteration to the shopfront. The emphasis given to security will depend on the location of the premises and the nature of the goods displayed. A hierarchical approach to shopfront security should be followed with the preference for security measures, such as CCTV, alarm systems and security glazing, being fully exhausted before resorting to physical barriers such as external grilles or shutters. Proposals for security measures which adversely affect a heritage asset will not be permitted.
- 5.53 Overt security measures, such as solid roller shutters can create an unattractive and hostile ambience when drawn closed, especially where there is a concentration of properties with similar units, by preventing window shopping, inhibiting display or security lighting from within the property to spill out, hindering the opportunity for natural surveillance and are often a target for graffiti and fly posting. Not only do the shutters themselves have a significant, detrimental visual impact, but the mountings, guides and housing all contribute to a cluttered and unsightly shopfront. It is for all these reasons that open mesh designs, such as lattice, trellis or brick bond, that have been integrally designed into the shopfront unit, if external shutters are demonstrated to be necessary. The use of solid shutters is deemed to be wholly unacceptable and will be refused.

*External fixtures and fittings*

- 5.54 The purpose of blinds and canopies are primarily for the protection of window displays from damaging sunlight and providing shelter, not to act as a permanent and prominent substitution for a fascia or projection sign. If designed with care and consideration, blinds and canopies can make a positive addition to a building or street scene, contributing to the visual interest and sense of vitality of a commercial area. However, there should be a genuine need for such features in order to avoid unnecessary or extensive clutter. Care should be taken to ensure that they don't conflict with public safety and that their size, shape and position are compatible with the character of the building. Further still, effort should be given to ensuring that they have been integrally designed into the shopfront unit and without harming or impeding on architectural features and detailing of significance, particularly in cases involving heritage assets.

### Key Evidence

- English Historic Towns Forum (1993) Details of Good Practice in Shopfront Design

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D6	N/A	Planning Appeals

## Policy D7: Advertisements, Hanging Signs and Illumination

### Introduction

- 5.55 Advertisement has become a very important and significant part of the built environment and can be found pretty much everywhere, from signage upon commercial and retail premises, such as fascia and projecting signs, to large poster hoardings and window decals. It also includes blinds, canopies, banners and flags containing lettering or logos.
- 5.56 It's a medium that has proven critical to the viability of commercial enterprise and to the health of the local economy. It can be informative and, when well designed and sited, can add an enhanced interest and vitality to the street scene in which it is sited, but equally, a proliferation of bold, dominant or illuminated advertising material could result in harm to the built environment and detract from the quality of the area. This is particularly true in sensitive places such as Conservation Areas and in sensitive rural locations, but can also cause confusion to the user and can impact upon residential outlook. Thus, a balance has to be met between the commercial requirements and the protection of the environment, including pedestrian and highway safety.
- 5.57 Although many signs can be displayed without express consent, the Council has powers to control the most prominent external advertisement under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007. For the avoidance of doubt this policy only applies to advertisement that requires the express consent of the local planning authority. Details on which forms of advertisement require express consent from the planning authority and which are either excluded or have been given deemed consent can be found via the Department for Communities and Local Government (DCLG) publication, *Outdoor advertisement and signs: a guide for advertisers* (2007), or guidance superseding it.

### Policy D7: Advertisements, Hanging Signs and Illumination

- 1) Development proposals for advertisement and signage are required to demonstrate that there is no harm to amenity or public safety by reason of:
  - a) Design
  - b) Size
  - c) Colour
  - d) Position
  - e) Materials
  - f) Amount, type and scale of text
  - g) Method and degree of illumination/luminance
  - h) Cumulative clutter

- 2) Advertisements and signage are expected to be designed to a high quality, informed by relevant national and local design guidance.
- 3) Advertisements and signage are expected to be responsive to, and enhance the appearance, character and vitality of an area, by having regard to their size, materials, construction, location, level and method of illumination and cumulative impact.
- 4) Advertisements and signage on buildings are expected to be integrally designed to respect the entire elevation and proportions of the building and its shop front frame, taking account of any architectural features and detailing of the building, and should be complementary to the street scene in general.
- 5) Development proposals that would result in harm to, or concealment of, architectural features and detailing of historic or architectural significance will be refused.
- 6) Development proposals affecting heritage assets and their setting will be required to preserve or enhance and where appropriate better reveal their architectural and/or historical significance.
- 7) Illuminated advertisements are required to not have a detrimental impact on the amenity of adjoining properties and wildlife habitats.

### **Definitions**

- 5.58 *Advertisement* – Any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.
- 5.59 *Amenity* – A positive element or elements that contribute to the overall character or enjoyment of an area.
- 5.60 *Heritage asset* – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are either designated heritage assets or non-designated heritage assets. Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas, designated under the relevant legislation. Non-designated heritage assets are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, these include locally listed buildings and locally listed parks and gardens.
- 5.61 *Public Safety* – Refers to the potential impact of commercial advertising on transport and traffic (including pedestrians) and on crime prevention and protection.

### **Reasoned Justification**

- 5.62 The Council is required to exercise their expressed powers under the regulations in the interest

of public safety, which includes highway safety and amenity, taking into account the provisions of the development plan, so far as they are materially relevant; and any other relevant factors. It is these considerations, rather than the commercial need or advantage, which must be decisive in the determination of any advertisement application.

- 5.63 The character or appearance of a building or area can be easily damaged by advertisements that are ill conceived in terms of their design, placement, scale or proportionality, or by a poor choice in advertisement finishes, such as, materials, fixtures, colouring or illumination. In particular, cumulative accrual can be severely detrimental to the quality of the public realm.
- 5.64 To encourage appropriate displays, the Council will seek to ensure that advertisements and signage are kept to the minimum necessary, looking for opportunities to reduce the number of signs where possible and to remove those which have become redundant. Equally, a high standard of design and materials will be expected throughout the Borough paying particular attention to ensuring that the appearance, character and quality of the streetscape or area in which they are sited is not harmed.
- 5.65 The appropriateness of each design and choice of suitable materials and finishes is very much dependent on the design, materiality and character of the host building, structure or area to which the advertisement is to be displayed. Standardised or corporate displays that have no regard to the character of the building on which they are to be displayed or the general characteristics of the locality are likely to be resisted. This may require firms to adapt their corporate design, format or method of illumination to suit the context of a particular location. The Council is also keen to encourage the use of environmentally sustainable materials, therefore applicants are asked to consider the embodied energy of the materials selected and how easily they can be repaired, reused or recycled.
- 5.66 The size of signage should be proportionate to the scale of the building or structure to which it is fixed, and should not, through its display or method of fixing, interrupt or obscure any architectural features or detailing of significance of the building. This is particularly fundamental for cases where the proposed advertisement or signage is being attached to a statutory listed building or locally listed building.
- 5.67 Advertisements affecting heritage assets, such as conservation areas and listed buildings require particularly detailed consideration given the sensitivity and historic nature of these areas, buildings and structures. Any advertisements on or within the setting of a listed building or in a conservation area must not harm their architectural and/or historic character and appearance and must not obscure or damage specific architectural features of buildings as noted above. In the case of conservation areas, the advertisements acceptability will be guided by the published character appraisal of that area.
- 5.68 Where advertisement or signage is to be fixed to a listed building Listed Building Consent will be required, irrespective of whether or not Advertisement Consent is required.

#### *Illumination*

- 5.69 Illumination can play a positive role in adding to the vitality of commercial areas and contributing to the evening economy, nevertheless, excessive, or indiscriminate use of illumination can have a harmful impact upon visual amenity, particularly in the context of heritage assets and in

sensitive rural locations and villages, and can contribute to light pollution. It should therefore be limited to what is reasonably required, and consideration given to the intensity of illumination, surface area to be illuminated and its positioning and colour. Compliance with Policy 10a: Light Impact and Dark Skies is also required.

- 5.70 Where illumination is considered to be acceptable the type and method of illumination (internal, external, lettering, neon, digital etc.) should be carefully considered and determined by having regard to the architectural form, design, materiality and character of the host building, structure or area to which the advertisement is to be displayed. Equally, the method and extent of illumination should be considerate to the need to save energy, opting for the use of low energy light sources or renewable methods of operation, such as solar power. Care should also be taken to ensure that the wiring or cabling required to serve the illumination is hidden from view and does not harm or impede on architectural features and detailing, particularly in cases involving heritage assets.

### Key Evidence

- No key evidence to support this policy

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D7	N/A	Planning Appeals

## Policy D8: Public Realm

### Introduction

- 5.71 The public realm includes all publicly accessible space between buildings, whether public or privately owned, and includes alleyways, streets, parks, squares and open spaces. Some internal spaces can also be considered as part of the public realm such as shopping malls, station concourses and public buildings. The public realm should be considered as a series of connected routes and spaces that help to define the character of a place and enable navigation through the built form.
- 5.72 Good quality public realm is important in creating vibrant areas in which people want to live, work and spend time. The public realm contributes considerably to a sense of place and the overall attractiveness of the borough. Poorly designed public realm can create unattractive and difficult to navigate areas and can add to perceptions of poor safety.
- 5.73 Delivering high quality public realm is important at all scales of development, but particularly so for larger sites where new communities are being created and the public realm forms a significant part of the new development. A coherent and well-designed public realm, that can be enjoyed by both existing and future residents, plays an important role in creating successful new places.

### Policy D8: Public Realm

- 1) All public realm is required to be designed as an integral part of new development and its future care and maintenance secured.
- 2) High quality new or improved public realm proposals are required to demonstrate that:
  - a) they are informed by their context, including the landscape, townscape, important views and historic character;
  - b) the design responds to the character, location and function of the spaces and surrounding buildings, and creates a sense of identity;
  - c) it contains and reveals focal points and landmarks to enable ease of movement and legibility
  - d) it creates attractive, safe and, where appropriate, lively streets with visual interest at pedestrian level;
  - e) it maximises opportunities for activity and enjoyment, and encourages social interaction and community cohesion;
  - f) it maximises opportunities to incorporate soft landscaping including trees, hedges and other planting, appropriate to both the scale of buildings and the space available;
  - g) all new streets are tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate, and their long-term maintenance is secured;

- h) the materials are sustainable, durable and long-lasting; and help create and reinforce local distinctiveness; and
  - i) it takes a coordinated approach with adjacent sites/phases in terms of the palette of materials, and the design and siting of street furniture, boundary treatments, lighting and signage.
- 3) Proposals for public spaces are expected to consider the opportunity to provide:
- a) flexible, multi-use and adaptable community spaces;
  - b) a mobility hub on its fringes, facilitating access to low carbon and shared modes of transport; and
  - c) public art that responds appropriately to local context and history, contributes to community engagement and ownership, has been considered and assessed against the Council's Art Strategy and where its future care and maintenance is secured.

### Definitions

- 5.74 *Legibility* – the ease with which a person is able to see, understand and find their way around an area.
- 5.75 *Mobility hub* - a recognisable place with an offer of low carbon, public and shared transport modes supplemented with enhanced facilities and information features. A mobility hub is modular in nature and can be tailored to local needs. Example components of a hub could include car club vehicles, bike share, bus stops, cycle parking, an information sign/screen and neighbourhood facilities such as package delivery lockers, café, coworking space and/or mini fitness/play area.

### Reasoned Justification

- 5.76 Buildings and the spaces around them should be thought about holistically, with the public realm being as important as the buildings themselves. Successful public realm design will integrate development into its surroundings and enhance its function, character and amenity value. LPSS 2019 Policy D1: Place Shaping contains further policy in relation to public realm proposals. The National Design Guide<sup>118</sup> also contains detailed guidance on well-designed public spaces and should be considered when designing development proposals.
- 5.77 The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses.
- 5.78 Public realm should be designed with its specific function in mind. One of the most obvious functions of public realm is a means to move through the built form. Streets should therefore be designed to enable easy movement and maximise the opportunity to support active travel and encourage walking. New streets should be interconnected and designed to integrate into the

<sup>118</sup> Available online at: [www.gov.uk/government/publications/national-design-guide](http://www.gov.uk/government/publications/national-design-guide)

wider network. People will be much more likely to walk rather than drive if the route to their destination is direct, legible, safe and provides for a pleasant experience. Whilst the use of appropriate signage can help to make places more legible by signposting routes, distances and destinations, focal points and landmarks can also help people find their way. These could be memorable buildings or landscape features.

- 5.79 Views between places, planting and street design can all help to emphasise key pedestrian routes and make an attractive walking environment. Visible routes and destinations, together with appropriate lighting, help ensure that users of the space feel safe.
- 5.80 Public spaces such as plazas, parks or squares also provide the opportunity for people to meet, congregate, socialise or simply appreciate quiet enjoyment. Successful public spaces are those where people choose to spend time. To encourage greater use of these spaces they should be attractive, safe and functional. Their design should take account of climatic conditions such as sunlight, there should be sufficient seating opportunities and they should be located conveniently in relation to services and facilities. The uses around its edges should reinforce its appeal and help make it into a destination.
- 5.81 Landscaping can offer multi-functional benefits alongside its primary purpose of making the public realm more attractive. Areas of landscaping can be designed to provide habitats that support and enhance biodiversity, opportunities for recreation, natural flood measures and urban cooling. Landscaping proposals should consider how the species selected will mature in relation to the space and surrounding uses. In particular, any trees planted should be of an appropriate scale to avoid any pressure for their removal in the future. The NPPF<sup>119</sup> requires that all new streets are tree lined.
- 5.82 There are a number of factors that need to be considered when choosing the most appropriate palette of materials. The choice of materials has an important role in shaping the character of the area and can help to reinforce local distinctiveness and create a sense of identity. Materials should be of high quality, have a long lifespan and be capable of withstanding a high level of usage. This is important to ensure that they can be easily and affordably maintained. Furthermore, consideration should be given to the sustainability and embodied carbon of materials in accordance with Policy D12: Sustainable and Low Impact Development.
- 5.83 It is important that any public realm proposals are coordinated and integrate well with adjoining sites and the wider area. For some aspects of public realm, it might be preferable to continue with the same choice of materials or design, such as the paving on pavements or signage, to achieve a more cohesive feel to an area. Conversely, different materials or design approaches might be appropriate in order to help create new identities and define an area's character. The siting of street furniture, such as seating and bins, should be coordinated across a wider area to avoid unnecessary street clutter and to ensure their location is convenient and their usage can be maximised.
- 5.84 Well-designed places and spaces should be adaptable and respond to changing social, technological and economic conditions. Public spaces should be designed so that they can cater for a range of different needs and uses. For example, some larger public spaces should be

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<sup>119</sup> National Planning Policy Framework (2021), paragraph 131

multi-functional so that they can cater for organised events, such as markets and music events, as well as normal day-to-day incidental use.

- 5.85 A mobility hub can help promote transport sustainability for local residents and businesses. Optimising access to shared and connected modes of transport can lower private car use and, in turn, reduce local congestion and improve air quality, whilst the hub also provides a focal point for the community. The modular nature of mobility hubs means they can be tailored to local circumstances, including space considerations, existing transport services and other community infrastructure needs such as seating or package delivery lockers. At a minimum a mobility hub should conveniently co-locate public and shared mobility modes, improve the public realm by redesigning and reducing space for the private car and be identifiable as a mobility hub which is part of a wider network by a sign/pillar, which provides digital travel information.
- 5.86 Public art can take many forms, for example artwork, a statue or a memorial. Public art can contribute considerably to the quality of the environment when it has been carefully considered and designed, and is appropriate to its location. The Council's Arts Development Strategy and Public Art Strategy<sup>120</sup> offers a five-year plan (2018 to 2023) to help meet the needs of residents, customers and the community, and increase opportunities for arts activities, partnerships and funding. For strategic sites, public art strategies should be designed and approved in accordance with the Design Code agreed for each strategic site.

### Key Evidence

- Guildford Borough Council Arts Development Strategy and Public Art Strategy (2018 to 2023)

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D8	N/A	Planning Appeals

<sup>120</sup> Available online at: [www.guildford.gov.uk/article/20309/Arts-development-and-public-art](http://www.guildford.gov.uk/article/20309/Arts-development-and-public-art)

## Policy D9: Residential Infill Development

### Introduction

- 5.87 The National Design Guide<sup>121</sup> sets out the ten characteristics of good design, which the National Model Design Code<sup>122</sup> expands on. These documents provide a common overarching framework for design. This policy builds upon this to help inform infill development proposals and to highlight requirements for high-quality standards of design to inform development proposals.
- 5.88 Residential infill development can make efficient use of land and provide new housing stock and attractive places to live. However, it is important that new homes on infill sites relate well to the existing settlement, its surroundings and the character of an area. This policy will ensure that design issues and other detailed matters are taken into account to successfully integrate new residential development into the existing fabric and landscape setting of the local area.

### Policy D9: Residential Infill Development Proposals

- 1) Residential infill development proposals are required to:
  - a) integrate well with surrounding development and the environment;
  - b) respond positively to the existing character and identity of the local area;
  - c) avoid unacceptable impacts on the amenity of neighbouring residents; and
  - d) incorporate landscaping measures and ensure that sufficient amenity space, parking, bin storage and cycle parking is available and that they relate well to the buildings within the site.
- 2) Piecemeal development proposals will be resisted. Where the Council considers that land has come forward which has been artificially subdivided, it will require appropriate infrastructure contributions commensurate with what would have been required on the larger site. Contributions will be based on a level of development across the comprehensive area which the Council considers appropriate.

#### **Infilling: frontage development proposals**

- 3) Proposals for frontage development are required to have regard to the existing:
  - a) urban grain, plot sizes, building patterns, rhythms and lines;
  - b) form and scale of buildings and spaces - height, bulk, massing, proportions and roofscapes;
  - c) appearance; and
  - d) landscape and boundary treatments.

<sup>121</sup> Available online at: <https://www.gov.uk/government/publications/national-design-guide>

<sup>122</sup> Available online at: <https://www.gov.uk/government/publications/national-model-design-code>

### **Infilling: backland development proposals**

- 4) Proposals for backland development are required to:
  - a) create a positive 'street' entrance, provide safe pedestrian and cycling access and suitable access for emergency and refuse vehicles, and avoid long, narrow and isolated access points. Access routes must be designed to avoid having an unacceptable impact in terms of noise or light on the existing dwellings; and
  - b) demonstrate that relationships with both existing neighbouring development and buildings/gardens within the site are acceptable, taking into account back to back or back to front distances. The privacy of existing and proposed residential properties should be respected by any new layout.

### **Infill development proposals in villages**

- 5) Additionally, proposals for infill development within villages are required to:
  - a) reflect development forms which respect the character and context of the village and avoid layouts that are overly formalised where surrounding village patterns have grown organically;
  - b) ensure that the transitional character of edge of village/settlement areas is not lost and that hard urban forms are not introduced in semi-rural environments; and
  - c) maximise the provision of high quality, safe and direct walking and cycling routes and links to key village facilities.

### **Definitions**

- 5.89 *Infill development* - this includes any new residential development of a vacant site or the redevelopment of a developed site. It includes residential development within a garden. For the avoidance of doubt this does not carry the same definition as 'limited infilling' for Green Belt purposes.
- 5.90 *Frontage development* – this normally comprises development of a gap in an otherwise continuous built-up frontage, or the redevelopment of existing properties within such a frontage.
- 5.91 *Backland development* – this normally comprises development on land behind the rear building line of existing housing or other development, usually on former garden land or partially enclosed by gardens.
- 5.92 *Piecemeal development* - in the context of this policy relates to uncoordinated development where individual applications are submitted for development across a larger developable area.

### **Reasoned Justification**

- 5.93 Residential infill development must be designed in a sensitive and responsive manner to the local context. Proposals will need to reflect how infill development integrates with the surrounding development and environment, including physically and visually. Existing built form, open space, and natural corridors and features provide cues for the design of development which is unobtrusive and functionally and visually harmonious with its surrounds.

- 5.94 Open space, including gardens, ponds and mature trees can make an important contribution to local character and biodiversity and development proposals will need to demonstrate that they avoid an unacceptable impact in this regard. LPSS 2019<sup>123</sup> Policy D1: Place shaping (4) requires all new development to be designed to reflect the distinct local character of the area and reinforce locally distinct patterns of development, including landscape setting. Furthermore, Policy D4: High Quality Design and Respecting Local Distinctiveness provides the detailed requirements to ensure that development proposals are grounded in a clear understanding of place. Infill proposals will thus need to reflect upon local character and identity and how this has informed the design of the development. This will include taking account of local design guidance contained within conservation area appraisals<sup>124</sup>, DPDs<sup>125</sup>, Neighbourhood Plans<sup>126</sup> and SPDs<sup>127</sup> where relevant.
- 5.95 Policy D5: Protection of Amenity and Provision of Amenity Space ensures the protection of amenity for existing and new residential properties. Infill proposals will need to reflect how they will avoid an unacceptable impact on the amenity of neighbouring residents whilst also providing acceptable living conditions within the new development. Policy D5a: External Servicing Features and Stores is also relevant.
- 5.96 Piecemeal development, where individual applications reflect artificial subdivision from a larger developable area can result in unintegrated development with poor layout, lack of infrastructure or affordable housing provision. Where reasons for bringing forward smaller portions of a developable area are sufficiently justified and it is not considered to be artificial subdivision, development proposals are expected to reflect how they may integrate with remaining undeveloped portions of the development site. Contributions will be calculated on a level of development across the comprehensive area and proportionately applied.

*Infilling: frontage development proposals*

- 5.97 Built frontages are particularly important as they contribute to defining the public realm and the street scene and more broadly the character of places. Built frontages can provide a sense of enclosure whilst breaks along built frontages can provide a sense of visual relief. It is important that proposals for infill along a frontage give consideration to the various design parameters that contribute to the qualities and particular identity of local streets and demonstrate how they might be harmonious with or enhance local character.

*Infilling: backland development proposals*

- 5.98 Securing appropriate access to backland development can be challenging due to existing patterns of development. Inappropriate access arrangements may result in development proposals being resisted, even in cases where new housing development on its own may be potentially acceptable. Suitable access arrangements should thus be addressed early in the design process through engagement with relevant stakeholders at Surrey County Council and

<sup>123</sup> Available online at: <https://www.guildford.gov.uk/localplan/2015-2034>

<sup>124</sup> Available online at: <https://www.guildford.gov.uk/conservation>

<sup>125</sup> Available online at: <https://www.guildford.gov.uk/article/24205/Guide-to-planning-policy-documents>

<sup>126</sup> Available online at: <https://www.guildford.gov.uk/neighbourhoodplanning>

<sup>127</sup> Available online at: <https://www.guildford.gov.uk/boroughwideplanningguidance>

Guildford Borough Council to ensure acceptability.

- 5.99 The NPPF<sup>128</sup> at paragraph 71 states that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Backland locations have the potential to be particularly sensitive as in many cases they may border existing residential back gardens, which are private space. Factors such as proximity, orientation and height of new development in these locations can result in unacceptable impacts on the amenity and privacy of neighbouring properties and will be refused.

#### *Infilling in villages*

- 5.100 LPSS 2019 Policy P2: Green Belt, alongside the NPPF, provides the basis for determining whether proposals for limited infilling in villages that are washed over by the Green Belt could be considered appropriate development under NPPF paragraph 149e or not. It is important to be clear that should a development proposal be considered to be appropriate development in terms of Green Belt policy, this does not translate directly into the proposal being acceptable in terms of this design policy. These are separate tests and such proposals would need to demonstrate that they are both appropriate development in Green Belt terms, as well as being acceptable in design terms.
- 5.101 Villages have their own varied and distinct character and have tended to grow organically often reflecting a sporadic development feel that is less 'planned.' Villages tend to become more loose knit particularly as one transitions beyond the core area and towards the edge of a village into open countryside. Development proposals should respect these design cues and not unduly erode the transitional character of the edge of village/settlement area. Careful attention to design elements such as layout, form, scale of buildings and spaces, and landscaping will be necessary to ensure acceptable forms of residential infill development in villages.

### Key Evidence

- National Design Guide (2019)
- National Model Design Code (2021)

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D9.	N/A	Planning appeals.

<sup>128</sup> Available online at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Draft

## Policy D10: Noise Impacts

### Introduction

- 5.102 Exposure to excessive noise can have significant adverse impacts on environmental and human health. The World Health Organisation (2018)<sup>129</sup> has identified noise as the second-largest cause of human health problems, following the impact of air pollution. Long-term exposure to noise is linked to various direct adverse health outcomes, including sleep disturbance, negative effects on cardiovascular and metabolic systems, and cognitive impairment in children<sup>130</sup>.
- 5.103 Similar effects are observed in non-human sensitive receptors. The European Environment Agency (2019)<sup>131</sup> has identified that anthropogenic sources of noise can result in significant adverse effects on biodiversity, population size and distribution, by interfering with the acoustic communication of both terrestrial and marine species. Furthermore, noise exposure has been linked to reduced animal fitness and reproductive success, changes in foraging behaviours, and increased risk of predation<sup>132</sup>.
- 5.104 Noise exposure can seriously effect quality of life. Disturbances to residential and community amenity can change the way that sensitive receptors behave in the course of their lives. Residential amenity can be seriously affected by noise, forcing residents to keep windows closed throughout the year, for example. Similar disturbances can harm community amenity, impacting sensitive community land uses, such as educational establishments or public parks.
- 5.105 Sources of noise are varied within the borough. Major roads and railways contribute significantly to environmental noise levels. However, there are numerous industrial and commercial sources of noise that operate within the borough, including valued community facilities, businesses, and cultural venues like theatres, pubs, and live-music venues, which are often embedded amongst residential and other sensitive uses. Consequently, the consideration of noise impacts is essential in the planning process.
- 5.106 The NPPF<sup>133</sup> is clear that development should be appropriate for its location, taking account of the likely effects of pollution (including noise) on health, living conditions, and the natural environment. In achieving this, this policy seeks to ensure that:
- a) *existing noise-generating development would not face unreasonable restrictions due to the development of noise-sensitive uses permitted within the surrounding area, and*
  - b) *noise-sensitive uses will be protected from loss of amenity from noise-generating uses.*
- 5.107 The 'Agent of Change' principle was introduced into national planning policy with the publication of the revised NPPF in 2018<sup>134</sup>. The agent of change principle comprises the position that a person or business (i.e. the agent) introducing a new land use is responsible for managing the

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<sup>129</sup> World Health Organization (WHO): Environmental noise guidelines for the European region (2018).

<sup>130</sup> European Environment Agency: Environmental Noise in Europe – 2020. Report No. 22/2019 (2019).

<sup>131</sup> European Environment Agency: Environmental Noise in Europe – 2020. Report No. 22/2019 (2019).

<sup>132</sup> Newport, J., Shorthouse, D., and Manning, A. (2014) The effects of light and noise from urban development on biodiversity: implications for protected areas in Australia. *Ecological Management & Restoration*. Vol.15(3): 204–14.

<sup>133</sup> National Planning Policy Framework (2021), paragraph 185

<sup>134</sup> National Planning Policy Framework (2021), paragraph 187

impact of that change.

- 5.108 To achieve this, potential noise impacts must be clearly identified in the early stages of the proposed development and adequately prevented, avoided, and/or mitigated as appropriate in accordance with the policy.

### **Policy D10: Noise Impacts**

- 1) Development proposals for noise sensitive uses are required to clearly identify any likely adverse noise impacts on the sensitive receptors that are intended to use or occupy the development from existing nearby sources of noise.
- 2) Development proposals for noise generating uses are required to clearly identify any likely adverse noise impacts arising from the proposed development on existing nearby sensitive receptors, including the natural environment.
- 3) Where consideration under (1) or (2) indicates the potential for Observed Adverse Effect Levels of noise, planning applications are required to include a Noise Impact Assessment, which considers the relationship in detail.
- 4) Where evidence of an Observed Adverse Effect Level noise impact exists, as defined in the Noise Exposure Hierarchy, the applicant is required to demonstrate how the proposed development proposal will be designed and implemented in order to:
  - a) prevent any present and very disruptive Significant Observed Adverse Effect levels,
  - b) avoid any present and disruptive Significant Observed Adverse Effect levels; and
  - c) mitigate any present and intrusive Lowest Observed Adverse Effect levels.
- 5) The applicant proposing the development proposal (or 'agent of change') is responsible for ensuring that:
  - a) all potential Observed Adverse Effect Levels of noise, either impacting on or emanating from the proposed development proposal, are identified, and
  - b) the prevention, avoidance and/or mitigation measures required to manage those noise impacts are implemented effectively.
- 6) A Verification Report is required to be submitted to the Council and approved prior to the development's occupation or use, which demonstrates the agreed avoidance and mitigation measures have been implemented effectively.
- 7) Where there will be an unacceptable adverse effect on sensitive receptors which cannot be adequately prevented, avoided, and/or mitigated, the planning application will be refused.

### **Definitions**

- 5.109 *Sensitive Receptors* – Features that are prone to adverse effects from noise, such as living

organisms, including humans and animals, ecological systems, sensitive habitats, and the natural environment.

- 5.110 *Noise Generating Uses* – Land uses that have the potential to generate levels of noise capable of resulting in adverse effects on the health and quality of life of sensitive receptors, including commercial and industrial land uses that utilise a building services plant, sports and leisure facilities, and places of entertainment (bars, pubs, clubs, music venues, etc).
- 5.111 *Noise Sensitive Uses* – Land uses where sensitive receptors are concentrated, including residential, schools and nurseries, hospitals, care facilities, and certain public amenities.
- 5.112 *Significant Observed Adverse Effect Level* – This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 5.113 *Lowest Observed Adverse Effect Level* – This is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- 5.114 *No Observed Effect Level* – This is the level of noise exposure below which no effect at all on health or quality of life can be detected.
- 5.115 *Agent of Change* – The person or business (i.e. the agent) introducing a new land use.

#### **Reasoned Justification**

- 5.116 General guidance on the identification and management of noise impacts in planning is available in national Planning Practice Guidance<sup>135</sup>.
- 5.117 Detailed guidance on the assessment of noise impacts within the development management process has been published by the Institute of Environmental Management and Assessment (IEMA)<sup>136</sup>. This guidance sets out a step-by-step overview of the assessment of noise impacts within impact assessments, including the determination of their significance. Further detail is provided below in relation to the Council's expectations with regard to Noise Impact Assessments ('NIA').
- 5.118 A Working Group comprising the Association of Noise Consultants, the Institute of Acoustics, and the Chartered Institute of Environmental Health has published professional practice guidance covering the identification and management of noise effects (2017)<sup>137</sup>. The guidance sets out a comprehensive, technical overview of industry best-practice in the assessment and management of noise impacts in planning.
- 5.119 In the determination of planning applications, consideration will be given to the impact of development in terms of the potential for Observed Adverse Effect Levels of noise, reflecting the Noise Exposure Hierarchy as set out in the government's Planning Practice Guidance<sup>138</sup> and the Department for Environment, Food and Rural Affairs' Noise Policy Statement for England

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<sup>135</sup> Available online at: [www.gov.uk/guidance/noise--2](http://www.gov.uk/guidance/noise--2)

<sup>136</sup> Available online at: [www.iema.net/resources/event-reports/2014/10/06/launch-webinar-iema-guidelines-for-environmental-noise-impact-assesment-2014](http://www.iema.net/resources/event-reports/2014/10/06/launch-webinar-iema-guidelines-for-environmental-noise-impact-assesment-2014)

<sup>137</sup> Available online at: [www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf](http://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf)

<sup>138</sup> Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/820957/noise\\_exposure\\_hierarchy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820957/noise_exposure_hierarchy.pdf)

(2010)<sup>139</sup>.

*Noise Impact Assessment Process*

- 5.120 Development proposals are required to follow the approach to Noise Impact Assessment as set out below, in order to ensure consistency in the assessment and management of potential noise impacts. Following the staged approach will ensure that Noise Impact Assessments are only submitted where necessary. Detailed technical advice covering the different stages of the process is available in the 'Professional Practice Guidance on Noise & Planning' guidance<sup>140</sup>.
- 5.121 The Noise Impact Assessment approach comprises the following sequential stages:
- Stage 1: Site Noise Risk Assessment
  - Stage 2: Noise Impact Assessment
  - Stage 3: Verification Report
- 5.122 Where the ambient acoustic environment of the proposed development site presents the potential for Observed Adverse Effect Levels of noise, a Site Noise Risk Assessment will be required. The Council's Environment and Regulatory Services should be engaged at an early stage within the design and preparation of a development proposal in order to confirm the need for a Site Noise Risk Assessment.

*Stage 1: Site Noise Risk Assessment*

- 5.123 Site Noise Risk Assessments, completed in accordance with the guidance provided in 'Professional Practice Guidance on Planning & Noise: New Residential Development', may be required to fulfil Criteria (1) and/or (2) of the Policy<sup>141</sup>. Site Noise Risk Assessments for noise-generating development proposals should establish the baseline noise conditions within which the likely levels of noise generated should be considered.
- 5.124 The Site Noise Risk Assessment report is required to conclude with an indication of whether the proposed development site is considered to pose a negligible, low, medium, or high risk from a noise impact perspective, in accordance with Table D10a below. The indicative noise levels should not include the acoustic effect of any scheme-specific noise mitigation measures.

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<sup>139</sup> Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69533/pb13750-noise-policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf)

<sup>140</sup> Available online at: [www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf](http://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf)

<sup>141</sup> Available online at: [www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf](http://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf)

**Table D10a: Indicative Site Noise Risk Assessment Levels**

Risk	Indicative Daytime Noise Levels LAeq, 16hr (07:00 – 23:00)	Indicative Night-Time Noise Levels LAeq, 8hr (23:00 – 07:00)	Potential Effect Without Noise Mitigation
Negligible	< 50 dB	< 40 dB	No Adverse Impact
Low	≥ 50 dB < 60 dB	≥ 40 dB < 50 dB	 Increasing Risk of Adverse Impacts
Medium	≥ 60 dB < 70 dB	≥ 50 dB < 60 dB	
High	≥ 70 dB	≥ 60 dB	

5.125 If the Site Noise Risk Assessment indicates that the proposed development site experiences negligible risk of noise impacts, it is likely to be acceptable from a noise perspective. However, where an assessment indicates that the site experiences low, medium, or high risk of noise effects, the site may be unacceptable from a noise perspective in the absence of specific acoustic mitigation.

*Stage 2: Noise Impact Assessment*

- 5.126 In accordance with Criteria (3) of this policy, where the Site Noise Risk Assessment indicates that there is potential for Observed Adverse Effect Levels ('OAEL') of noise (low, medium, or high risk indication), a Noise Impact Assessment will be required. Noise Impact Assessments are required to be submitted to fulfil Criteria (4) of this policy and must be produced in accordance with the guidance as set out below.
- 5.127 Noise Impact Assessments should be proportionate to the scale of the proposed development and the likely adverse impacts. The specific approach and methodology undertaken for each assessment should be tailored to address the specific issues driving the need for the assessment.
- 5.128 Noise Impact Assessments are required to clearly identify the potential Observed Adverse Effect Levels of noise that may emanate from, or impact sensitive receptors on, the site. The acoustic design approach that has been undertaken to achieve optimal acoustic conditions, both internally (inside noise-sensitive parts of the building(s)) and externally (in spaces to be used for amenity purposes), as set out in Table D10b below, must be detailed within the assessment. Preference should be given to the application of noise control or mitigation measures that effect the source of the noise wherever practicable.
- 5.129 Noise Impact Assessments must conclude whether or not the acoustic design approach is sufficient to adequately prevent and/or avoid any Significant Observed Adverse Effect Levels of noise, and/or mitigate as far as reasonably practicable any Lowest Observed Adverse Effect Levels of noise.
- 5.130 Residential development is expected to not exceed the maximum ambient noise levels contained in table D10b below<sup>142</sup>. Noise levels above these will normally be considered to

<sup>142</sup> The internal LAeq target levels shown in the Table are based on the existing guidelines issued by the World Health Organisation and British Standards BS8233:2014.

comprise Observed Adverse Effect Levels and may therefore be unacceptable<sup>143</sup>. Other types of noise sensitive development will be dealt with on a case by case basis, using similar principles and with reference to any authoritative specialist acoustic design guidance.

**Table D10b: Ambient Noise Levels for Dwellings**

Situation	Location	07:00 – 23:00 hrs	23:00 – 07:00 hrs
Resting	Living Room	35 dB LAeq, 16 hour	-
Dining	Dining Area	40 dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour	30 dB LAeq, 8 hour
Amenity	External Areas	50 dB LAeq, 16 hour	-

- 5.131 For noise generating development, it may be necessary to predict internal noise levels at the closest and/or worst affected noise sensitive premises and to demonstrate the means of achieving suitable internal noise levels within noise sensitive rooms. The maximum ambient noise levels in table D10b above should be applied in this assessment.
- 5.132 Noise Impact Assessments produced in accordance with the guidance set out above will lead to one of four recommendations regarding the acoustic acceptability of the development proposal:

**Table D10c: Noise Impact Assessment Planning Outcomes**

Potential OAEL <sup>144</sup>	Planning Outcome
Negligible	Planning consent may be granted without any need for noise conditions
Lowest Observed Adverse Effects	Planning consent may be granted subject to the inclusion of suitable noise conditions
<i>Present and Disruptive</i> Significant Observed Adverse Effects	Planning consent should be refused on noise grounds in order to avoid significant adverse effects (“avoid”)
<i>Present and Very Disruptive</i> Significant Observed Adverse Effects	Planning consent should be refused on noise grounds in order to prevent unacceptable adverse effects (“prevent”).

- 5.133 In determining the planning outcome of the Noise Impact Assessment, consideration will be given to whether or not:
- opportunities have been taken to improve or protect the existing acoustic environment, where relevant;
  - a good acoustic design process has been followed and whether or not appropriate acoustic standards have been achieved;
  - a good standard of amenity can be achieved;

<sup>143</sup> It is accepted that in some circumstances, such as in busy urban areas, these standards may be unachievable and a +5dB variance may be considered acceptable, provided the applicant has demonstrated that the noise effects have been mitigated as far as reasonably practicable.

<sup>144</sup> The indicative potential OAEL noise levels should not include the acoustic effect of any scheme-specific noise mitigation measures.

- d) an adverse effect is occurring or likely to occur; and
- e) a significant adverse effect is occurring or likely to occur.

- 5.134 If the Noise Impact Assessment cannot demonstrate that the identified Significant Observed Adverse Effect Levels of noise would be adequately prevented and/or avoided, and/or that any Lowest Observed Adverse Effect Levels of noise are mitigated as far as reasonably practicable, the development will not be acceptable from a noise perspective and should be refused.
- 5.135 If the proposed development cannot be made acceptable from a noise perspective, the applicant should consider whether the existing noise-generating or noise-sensitive use that would be effected by the new development could be adapted (i.e. soundproofed). Where this includes the use of off-site measures, the applicant is responsible for ensuring that the measures are implemented and must provide agreement from the owners of the off-site property. Grampian conditions, which prevents the commencement or occupation/use of a development until off-site works have been completed on land not controlled by the applicant, may be used in these situations.

*Stage 3: Verification Report*

- 5.136 Prior to the occupation or use of the development, a Verification Report is required to be submitted and approved by the Council. The Verification Report is required to confirm that the avoidance and mitigation measures that are set out in the Noise Impact Assessment have been implemented as described. The Verification Report is also required to confirm that the development does not result in exceedances of the maximum ambient noise levels contained in table D10b.

**Key Evidence**

- British Standard 8233: Guidance on Sound insulation and noise reduction for buildings (2014).
- Department for Environment, Food and Rural Affairs (2010) Noise Policy Statement for England.
- Institute of Acoustics, Chartered Institute of Environmental Health, and the Association of Noise Consultants (2017): ProPG: Planning and Noise – New Residential Development.

**Monitoring Indicators**

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D10	N/A	Planning Appeals

## Policy D10a: Light Impacts and Dark Skies

### Introduction

- 5.137 Artificial light can comprise an essential part of a development proposal. When designed correctly, external lighting can provide various benefits, such as for the safety of movement across a site, the security of property, the extension of sporting and leisure activities or working practices, and the enhancement of the amenity value of important buildings or settlements.
- 5.138 However, where poorly designed or excessive, artificial lighting has the potential to result in 'obtrusive light', or 'light pollution', and may not be suitable in all locations. Poorly designed external lighting schemes can become an annoyance to people, undermine community amenity by disrupting the enjoyment of the countryside or night sky, and be harmful to wildlife, especially in areas with intrinsically dark landscapes.
- 5.139 The NPPF<sup>145</sup> is clear that development should be appropriate for its location, taking account of the likely effects of pollution (including light pollution) on health, living conditions, local amenity, intrinsically dark landscapes, and nature conservation. In achieving this, this policy seeks to ensure that:
- a) potential adverse impacts of obtrusive light on privacy, amenity, and the natural environment are reduced to a minimum, and
  - b) potential significant adverse impacts of obtrusive light on sensitive receptors are avoided or mitigated as appropriate.
- 5.140 To achieve this, potential significant adverse impacts from external lighting schemes must be identified in the early design stages of the development proposal and adequately avoided and/or mitigated as appropriate in accordance with this policy.
- 5.141 Problems are best avoided at the source, with effective planning controls for new developments in particular, ensuring an adequate level of control that can be enforced. The Clean Neighbourhoods and Environmental Act (2005), amended paragraph 79(1)(fb) of the Environmental Protection Act 1990 to extend the statutory nuisance regime to include light nuisance, referencing: '*artificial light emitted from premises so as to be prejudicial to health or a nuisance*'.
- 5.142 In the determination of planning applications, consideration will be given to the need to balance the necessity for external lighting schemes and the various benefits that they provide against the potential adverse impact that they may have in terms of obtrusive light.

### Policy D10a: Light Impacts and Dark Skies

- 1) Development proposals are required to be designed to minimise obtrusive light (light pollution) and the adverse impacts of obtrusive light on sensitive receptors. Consideration must be given to potential adverse impacts on privacy, amenity, and the natural

<sup>145</sup> National Planning Policy Framework (2021), paragraph 185

environment, including wildlife, sensitive habitats, and sites designated for their nature conservation value.

- 2) Proposals for light-generating development, or proposals for light-sensitive development that are likely to be affected by existing artificial lighting, are required to submit a Light Impact Assessment as part of the planning application. Light Impact Assessments are required to clearly detail any potential significant adverse impacts that artificial lighting may have on privacy, amenity, and the natural environment, including wildlife, sensitive habitats and sites designated for their nature conservation value
- 3) Where potential significant adverse impacts from artificial lighting have been identified, Light Impact Assessments are required to detail the appropriate avoidance and mitigation measures that will be implemented to prevent, avoid and/or mitigate those impacts.
- 4) Proposals for light-generating development are required to prevent and/or avoid unacceptable light spillage into natural terrestrial and aquatic habitats, or their buffer zones.
- 5) Where there will be an unacceptable adverse impact on sensitive receptors which cannot be avoided and/or adequately mitigated, the planning application will be refused.

#### **Dark Skies**

- 6) In more remote locations of the Surrey Hills AONB, with darker skies, development proposals that cause light pollution will be resisted.

#### **Definitions**

- 5.143 *Obtrusive Light*. The spillage of light into areas where it is not required. Also known as 'light pollution'.
- 5.144 *Sensitive Receptors* - Features that are prone to adverse effects from light, such as living organisms, including humans and animals, ecological systems, sensitive habitats and species, and the natural environment.
- 5.145 *Light-Generating Development* – Development proposals that comprise or include artificial lighting schemes capable of resulting in adverse effects on the health and quality of life of sensitive receptors; including commercial and industrial development, sports and leisure facilities, and floodlighting schemes.
- 5.146 *Light-Sensitive Development* – Development proposals for land uses where sensitive receptors are concentrated, including residential, hospitals, care facilities, and certain public amenities.

#### **Reasoned Justification**

- 5.147 General guidance on the identification and management of potential adverse impacts from artificial lighting in planning is available in national Planning Practice Guidance<sup>146</sup>.
- 5.148 Detailed technical guidance and recommendations for good practice in the installation of lighting

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<sup>146</sup> Available online at: [www.gov.uk/guidance/light-pollution](http://www.gov.uk/guidance/light-pollution)

schemes is available from numerous sources. The Chartered Institution of Building Services Engineers (CIBSE) have published the 'Society of Light and Lighting' (SLL)<sup>147</sup> guidance, which provides a compendium of all the lighting recommendations relevant to the United Kingdom, with suggestions as to how these should be interpreted.

- 5.149 The Institute of Lighting Professionals, in collaboration with the Bat Conservation Trust, have published detailed technical guidance on the consideration the impacts of artificial lighting on bat populations<sup>148</sup>. The guidance sets out a step-by-step overview of the assessment of impacts from artificial light on various protected bat species.
- 5.150 Applicants are advised to consider whether there is a Neighbourhood Plan relevant to the proposed development site. Neighbourhood Plans often include policies that relate to artificial lighting installations. The applicant should consider whether there are any additional requirements in the Neighbourhood Plan further to this policy. Neighbourhood Plans can be found on the Council's website<sup>149</sup>.

#### *Planning permission for external lighting*

- 5.151 Planning permission is not required for the majority of artificial lighting installations on residential dwellings. However, the installation of an artificial lighting scheme of such nature and scale that it would represent an engineering operation, typically undertaken by specialist lighting engineers, would constitute 'development' and will require planning permission.
- 5.152 Large-scale artificial lighting installations proposed in their own right, including the floodlighting of leisure facilities and sports pitches, would comprise development and require planning permission. External lighting schemes proposed as part of an industrial or commercial development also normally require planning permission and therefore will be required to be designed in accordance with the policy.
- 5.153 Planning permission would also normally be required for:
- Lights mounted on poles or other similar structures, or if the structures and installation are substantial and affect the external appearance of a dwelling.
  - New lighting structures or works which are integral to other development requiring planning permission.
  - Illuminated advertisements<sup>150</sup>.

#### *Minimising Obtrusive Light*

- 5.154 Paragraph (1) of this policy requires that development proposals are designed to minimise obtrusive light and its potential adverse impacts to sensitive receptors. Ensuring that the proposed lighting is designed in accordance with the Institute of Lighting Professionals' (ILP) guidance note for the reduction of obtrusive light<sup>151</sup> will enable development proposals to

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<sup>147</sup> Available online at: [www.cibse.org/knowledge/knowledge-items/detail?id=a0q2000008I6xiAAC](http://www.cibse.org/knowledge/knowledge-items/detail?id=a0q2000008I6xiAAC)

<sup>148</sup> Available online at: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

<sup>149</sup> Available online at: <https://www.guildford.gov.uk/neighbourhoodplanning>

<sup>150</sup> Please refer to Policy D7: Advertisements, Hanging Signs, and Illumination, for further detail.

<sup>151</sup> Available online at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

achieve this policy requirement.

- 5.155 Development proposals that comprise or include the installation of artificial lighting, or development proposals for light-sensitive uses that are likely to be effected by existing artificial lighting, are required to detail how the proposed development has been designed to minimise obtrusive light and its potential adverse impacts on sensitive receptors.

*Light Impact Assessments*

- 5.156 In accordance with paragraph (2) of this policy, development proposals for light-generating development, or for light-sensitive development in close proximity to existing light-generating development, are required to submit a Light Impact Assessment as part of the planning application.
- 5.157 Light-generating development is normally considered to include external lighting schemes implemented as part of an industrial or commercial development, or the floodlighting of leisure facilities and sports pitches. Artificial lighting included as part of a residential development would not normally require a Light Impact Assessment.
- 5.158 Where required, the Light Impact Assessment must be completed during the early stages of the design and preparation of the development proposal. The assessment may need to be reviewed throughout the planning application process to take account of relevant amendments made to the design of the development proposal. Where the applicant has engaged the Council's pre-application service, the Light Impact Assessment should be submitted and reviewed as part of this process.
- 5.159 Light Impact Assessments should be proportionate to the scale of the proposed development and the likely significant adverse impacts. The specific approach and methodology undertaken for each assessment should be tailored to address the specific issues driving the need for the assessment.
- 5.160 Light Impact Assessments should consider the following factors:
- a) Whether or not opportunities have been taken to improve or protect the existing external lighting environment, where relevant
  - b) Whether or not a good external lighting design process has been followed
  - c) Whether or not a good standard of amenity and privacy can be achieved
  - d) Whether or not an adverse effect is occurring or likely to occur
  - e) Whether or not a significant adverse impact is occurring or likely to occur
- 5.161 Wherever practicable, preference should be given to the application of lighting control or mitigation measures on the source of the artificial light before consideration is given to other mitigation measures. Minimising obtrusive light from light sources may be sufficient to ensure that significant adverse impacts on sensitive receptors are prevented, avoided and/or mitigated adequately.
- 5.162 Consideration should also be given to whether the existing light-generating or light-sensitive use that could impact on, or be impacted by, the new development, could be adapted. Where this would include the implementation of off-site measures, the applicant is responsible for ensuring that the measures are implemented and must provide agreement from the owners of the off-site

property. Grampian conditions will be used in these circumstances to prevent the commencement or occupation/use of an approved development until off-site works have been completed on land not controlled by the applicant.

- 5.163 Light Impact Assessments are required to conclude whether or not the proposed lighting design approach is sufficient to avoid and/or adequately mitigate any significant adverse impacts on privacy, amenity, and the natural environment, including wildlife, sensitive habitats and sites designated for their nature conservation value.
- 5.164 Aquatic habitats are particularly sensitive to light impacts. To reduce light spill into the river corridor, all artificial lighting should be directional and focused with cowlings. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat. River channels and waterbodies with their wider corridors should be considered Intrinsically Dark Areas and treated as recommended under the Institute of Lighting Engineers “Guidance Notes for the Reduction of Light Pollution”.

### Key Evidence

- The Chartered Institution of Building Services Engineers (CIBSE) (2012) ‘Society of Light and Lighting’ (SLL): Code for Lighting (under review).
- The Chartered Institution of Building Services Engineers (CIBSE) (2018) ‘Society of Light and Lighting’ (SLL): The Lighting Handbook
- The Institute of Lighting Professionals (2021) Guidance Note 01/21: The Reduction of Obtrusive Light.
- The Institute of Lighting Professionals, and The Bat Conservation Trust (2018) Guidance Note 08/18: Bats and artificial lighting in the UK. *Bats and the Built Environment series*.

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D10a	N/A	Planning Appeals

## Policy D11: The Corridor of The River Wey & Godalming Navigations

### Introduction

- 5.165 The River Wey & Godalming Navigations is a long and sinuous inland canalised waterway owned and managed by the National Trust. In total it provides a 20-mile continuous navigable route from the River Thames at Weybridge, all the way through to Godalming, via Guildford, entering and exiting Guildford Borough at Wisley and Peasmarsh respectively. It passes through a rich tapestry of varied landscapes as it traverses the borough, ranging from tranquil flood plain meadows through to the bustling urban environment of Guildford Town Centre.
- 5.166 The waterway was opened in two sections. The course between Guildford and Wisley, running all the way through to the Thames is historically known as the Wey Navigation and was completed in 1653, making it one of the earliest rivers to be made navigable in England. Whilst the southern extension, the Godalming Navigation, was seamlessly added in 1760. The purpose of its conception was to provide a more efficient and practical means of transportation between Guildford, London and beyond, particularly for commercial traffic. Of particular note the route has facilitated the transportation of timber to London following The Great Fire in 1666 as well providing a safe conduit for the shipment of gunpowder from Chilworth Powder Mills.
- 5.167 Undoubtably this unique history signifies its national significance and in response the Navigation's entire length is covered by one of five Conservation Area designations. The majority of its course throughout the borough is covered by the Wey & Godalming Navigations Conservation Area, which was designated in 1999, however there are small sections that are encompassed within the following designations:
- Bridge Street Conservation Area
  - Millmead and Portsmouth Road Conservation Area
  - Ockham Mill Conservation Area
  - St Catherines Conservation Area
- 5.168 The boundaries for all of the Conservation Areas noted above are identified on the policies map.<sup>152</sup> With regards to The Wey and Godalming Navigations Conservation Area this follows closely the Navigation channel and tow path.
- 5.169 As well as being an important historic feature offering historical enrichment for locals and visitors alike, the Navigations and their immediate setting is a landscape asset of exceptional ecological value that is rich in aquatic and waterside flora and fauna, providing an environmentally sensitive corridor through the borough. This is reinforced by a number of SSSI (Site of Special Scientific Interest) and SNCI (Site of Nature Conservation Importance) adjoining its banks.
- 5.170 The waterway and its towpath also presents an important and easily accessible leisure asset, providing opportunities along its course for informal recreational enjoyment, such as walking, cycling, rowing, canoeing and boating.

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<sup>152</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

## Policy D11: The Corridor of The River Wey and Godalming Navigations

- 1) Development proposals which impact The River Wey and Godalming Navigations and its environs are required to:
  - a) conserve and enhance the distinct character of the Navigations, including its visual setting, amenity, recreational and ecological value, and architectural and historic interest;
  - b) protect and conserve landscape features, buildings, structures and archaeological remains that are associated with the river's unique character, history and heritage;
  - c) establish a positive relationship with the Navigations' setting and waterfront character and its historic interest, taking full advantage of its location, addressing the waterway as a frontage and opening up views;
  - d) protect, and where possible, enhance key existing views to, from, across and along the river, including those identified in the Guildford Town Centre Views SPD; and
  - e) integrate flood risk mitigation measures where the design and material palette are responsive to the character and the site's immediate context.
- 2) Development proposals adjoining the river are expected to seek to improve visual and physical public access to and along the river by:
  - a) providing direct, safe and clear public access to and along the river;
  - b) providing a 'joined-up' approach to river access, considering access and uses up and down stream, as well as across the river channel and the adjoining areas to the existing towpath; and
  - c) enabling and supporting the promotion of active and healthier lifestyles.

### Definitions

- 5.171 *Amenity* - A positive element or elements that contribute to the overall character or enjoyment of an area.
- 5.172 *Corridor of The River Wey & Godalming Navigations* – An area defined by the natural course of The River Wey, the canalised Navigations, associated towpath and verges, adjoining water-meadows, pastures and recreational sites, as well as development and structures within its immediate setting that has a physical and/or visual relationship with the River Wey and Godalming Navigations.

### Reasoned Justification

- 5.173 The Council values The Corridor of The River Wey & Godalming Navigations as a multifunctional asset fulfilling important amenity, biodiversity, transport, leisure and recreation roles. It also forms an essential part of the borough's green infrastructure network and makes a fundamental contribution to the landscape quality and character of the borough.

- 5.174 The extent of the corridor is not spatially delineated on the Local Plan policies map. The corridor reflects the setting or surroundings within which the River Wey and Godalming Navigations is experienced. This may vary as the Navigations and its surroundings evolve. Thus, a degree of planning judgement will be required to determine whether a development proposal might have an impact on the setting of the Navigations and hence whether or not this policy is engaged.
- 5.175 The National Trust as its owners has compiled a set of guidelines<sup>153</sup> for what it considers are important characteristics of the river and Navigations, and how they should be managed. These include the importance of the river as a 'visually important open corridor' and 'an important leisure asset' as well as a conservation area. These guidelines form a planning consideration.
- 5.176 The character of The River Wey and Godalming Navigations changes dramatically along its course, ranging typically in character from former industrial use, in and around the town, such as around Bedford Wharf and Walnut Tree Close; to the more open meadow or pastoral landscapes between Send and Ripley. This range of experience is fundamentally significant to the value of the River Wey, its corridor and navigations and is something that needs to be respected and retained.
- 5.177 The Navigations and their corridor are an important environmental resource providing a long and continuous habitat through the borough. Their banks, the towpath, verges, hedgerows and even structures such as walls and bridges can provide an array of opportunities for wildlife to exploit, and protection is key. Understanding how wildlife benefits from the Navigation Corridor and its associated features, alongside the impact that new development might have, is fundamental to the design process for proposed developments. From an ecological perspective, successful development along the Corridor needs to be sensitive to this context and habitat enhancement opportunities should be sought. Applications are also expected to have consideration to Policy P12: Water Quality, Waterbodies and Riparian Corridors, Policy P6/7: Delivering Biodiversity and Policy 10a: Dark Skies and Light Impact.
- 5.178 In response to its historical significance, as already mentioned, the navigations' entire length is covered by Conservation Area designations. Under the NPPF, Conservation Areas are identified as a designated heritage asset and their conservation is to be given great weight in planning permission decisions, therefore in addition to this policy, applications, including those within the setting of the Navigations, will also be considered against Policy D16: Designated Heritage Assets and Policy D18: Conservation Areas. It is important that the richness, diversity and beauty of this historical water corridor is respected. In particular, this requires development to have a positive relationship with its setting.
- 5.179 Along the length of the Navigations can be found structures and assets associated with its history, character and function, such as locks, lock keeper cottages, wharves, mills, bridges and weirs, some of which are statutory listed. These buildings have a particular characteristic and unusual architectural and engineering features which reflect its history and continuing use. The retention and creative reuse of these buildings and structures is inherently sustainable and contributes powerfully to the preservation of local distinctiveness along the Navigations.
- 5.180 The quality of existing buildings and spaces alongside the Navigations make an important

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<sup>153</sup> National Trust (2011) Planning Guidance for development next to the River Wey and Godalming Navigations

contribution to the borough's environment and enjoyment of the river. Each stretch of waterway has its own distinct character, to which proposals for new development will need to respond. Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness will be used to guide development proposals related to context. Nevertheless, where development is proposed along the waterway it should be sited to enhance the spatial quality of the Navigations and should present an attractive face to the waterway as public realm.

- 5.181 The Navigations are experienced through incidental, kinetic and transitional views, constantly changing as a viewer moves through the evolving scenery. These views can range from the tightly framed, as glimpsed between buildings within the town centre, to the panoramic, as observed across a foreground of open land, and those of key landmark buildings. It is important that new development respects key views and vistas and should not block or obstruct views of important landmarks either along the Navigations corridor or beyond it, referring to those identified within Guildford Town Centre Views SPD<sup>154</sup> and the National Trust's guideline document, *Planning Guidance for development next to the River Wey and Godalming Navigation*.
- 5.182 It is important that proposed developments along the Navigation have integrated flood defence measures that are responsive to the waterfront environment and context, with consideration given to the materials and design of schemes to ensure they are appropriate to the area. Opportunities to improve the river frontage should be taken as new defences are constructed.
- 5.183 It is acknowledged that the Navigations are an asset which provide an important recreation and health function and therefore should be available and accessible to all local residents and visitors to the borough. Physical and visual connections to the water also have important benefits for mental and physical wellbeing.
- 5.184 Nevertheless, it is important to distinguish that the Navigations towpaths and the water channel itself are not public rights of way. Unrestricted and free access to the Navigations and their towpath has been allowed by The National Trust as owner, who welcome pedestrians and cyclists along its banks, but prohibit motorised vehicles and horse-riding. Although priority will be given to pedestrians so that they may benefit for the many opportunities that walking can give, encouragement is also given to cycling, where it is not in conflict with other policy and management priorities and objectives, including those of the National Trust.
- 5.185 Development proposals on or adjacent to the Navigations should be seeking out opportunities to increase public space as close to waterways as possible, or improved accessibility and connectivity to the tow path, as a means of facilitating greater access and use of this valued asset. Nevertheless, these should be designed to avoid harm to any nature conservation value that might exist on banks and habitats adjacent to the waterway.
- 5.186 There are recognised physical and mental health benefits for people that can live, work or exercise near to water. The Navigations' banks with its existing tow path provides a corridor for walking and cycling routes, as well as spaces for calm reflection, whilst the water course itself can provide leisure and recreation opportunities such as canoeing and kayaking. Existing water-based activities should not be displaced by proposed redevelopment or change of use. Equally

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<sup>154</sup> Available online at: <https://www.guildford.gov.uk/viewsspd>

encouragement is given to the development of the recreational and leisure potential of the canal, in so far as this does not adversely affect the nature conservation interest and is consistent with the capacity of the waterway and the amenity of the surrounding area.

### Key Evidence

- National Trust (2011) Planning Guidance for development next to the River Wey & Godalming Navigations

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D11	N/A	Planning Appeals

## Climate Change and Sustainability

### Introduction

- 5.187 The global climate is changing with rising temperatures, changes to rainfall patterns and the lengths and timings of seasons, and increases in the frequency and severity of extreme weather events. Continued emission of greenhouse gases, including carbon dioxide, will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems<sup>155</sup>. The South East of England will face significant challenges throughout the plan period and beyond. In July 2019, the Council joined a number of Local Governments, including Surrey County Council and other Surrey districts, in declaring a climate emergency in recognition of this situation. The UK has a legally binding target of reducing all greenhouse gas emissions to net zero by 2050 with an interim target of 78% reduction against 1990 levels by 2035.
- 5.188 To improve sustainability and effectively tackle the causes of climate change, new development must be energy efficient and use low carbon energy sources. A 'fabric first' approach should be followed by prioritising reductions in carbon emissions through energy efficient design and materials before efficient building services, and then low carbon energy, are used to reduce emissions further. This principle is established in the energy hierarchy set out in LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy.
- 5.189 All materials and construction processes have embodied carbon. New developments should use resources efficiently, prioritise materials and processes that have low embodied carbon and a low environmental impact, eliminate and reduce waste and reuse materials wherever possible in order to help deliver a circular economy. In this way, new development will align with and support the government's 'Resources and waste strategy for England'.
- 5.190 Mitigation alone is not adequate to address the issue of climate change. Weather patterns and the climate have already changed and will continue to do so for the foreseeable future, so it is important that new developments are suited to current and future climate conditions; new buildings should be comfortable to inhabit in all seasons for their lifetime to avoid the need for retrofitting or replacement further down the line.
- 5.191 Water is a significant issue. Our borough is already in a region of serious water stress<sup>156</sup> and climate change and population forecasts indicate that this is likely to worsen. Water conservation is necessary both to mitigate the impact of increased pressure on water stocks and to adapt to an environment with less water availability.
- 5.192 The Council's Environmental Health team is obliged to step in and take action where homes and other buildings become unsuitable for habitation and present a risk to health. The main reasons for action are excess damp and excess cold. The following policies seek to prevent these issues arising by making sure that homes are energy efficient, warm and well ventilated in order to reduce the burden on public services and help to reduce fuel poverty.
- 5.193 LPSS 2019 Policy D2: Climate Change, Sustainable Design, Construction and Energy sets

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<sup>155</sup> 5th Annual Report, Intergovernmental Panel on Climate Change (2014)

<sup>156</sup> Available online at: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

standards for energy, carbon and the environmental impact of resources in new developments. It sets key sustainability principles and standards for new developments and requires the submission of sustainability and energy statements for major developments, and information about sustainability and energy for non-major developments. The Council's Climate Change, Sustainable Design and Construction SPD sets out guidance as to what should be included in these documents and information, and provides practical guidance on design, construction and energy.

- 5.194 Surrey County Council has produced Surrey's Climate Change Strategy: Surrey's Greener Future<sup>157</sup> which provides a framework for action on a range on climate change and other sustainability issues across Surrey's local authorities and other partners.

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<sup>157</sup> Available online at <https://www.surreycc.gov.uk/people-and-community/climate-change/what-are-we-doing/climate-change-strategy/surreys-climate-change-strategy-2020>

## Policy D12: Sustainable and Low Impact Development

### Introduction

- 5.195 In order to help achieve national and local targets regarding climate change, natural resources, waste and the environment, new developments should be energy efficient, employ sustainable construction materials and techniques, be designed to have a long useful life and have the ability to evolve with changing lifestyles and home occupation patterns. We also need to encourage energy efficiency improvements to existing buildings as part of the planning process to reduce the emissions from our building stock.

### Policy D12: Sustainable and Low Impact Development

#### **Fabric first**

- 1) Development proposals are required to demonstrate how they have followed a 'fabric first' approach in line with the energy hierarchy.

#### **Embodied carbon**

- 2) Development proposals are required to demonstrate that embodied carbon emissions have been minimised by:
  - a) sourcing materials locally where possible; and
  - b) taking into account the embodied carbon emissions of materials based on information provided in a respected materials rating database.
- 3) Proposals for major development are required to demonstrate how they have considered the lifecycle of buildings and public spaces and the materials used to construct them to reduce lifetime carbon emissions.

#### **Energy improvements**

- 4) Development proposals that will improve the energy efficiency and carbon emission rate of existing buildings to a level significantly better than the Council's adopted standards or national standards for new buildings, whichever is most challenging, are encouraged.

#### **Waste**

- 5) Proposals for major development, and development proposals that involve the demolition of at least one building and/or engineering works that involve the importation or excavation of hard core, soils, sand and other material, are required to submit a Site Waste Management Plan.

#### **Water efficiency**

- 6) New developments are expected to incorporate measures to harvest rainwater and conserve water resources and, where possible, water recycling/reuse systems.

## Definitions

- 5.196 *Fabric first* - an approach to development whereby carbon emissions are reduced through the use of low energy design and energy efficient fabric as a first step before making further savings through energy efficient building services and then the use of low carbon and renewable energy technology. Fabric first describes the measures at step 1 of the energy hierarchy set out in LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy.
- 5.197 *Embodied carbon* - the carbon emissions that result from the cumulative energy needed to grow/extract, transport and manufacture construction materials.
- 5.198 *Locally sourced materials* - products that are manufactured locally from locally derived materials, but not those imported over large distances and sold locally.
- 5.199 *Rainwater harvesting measures* - measures that capture rainwater for external, non-potable uses such as irrigation and washing cars.
- 5.200 *Water reuse and recycling measures* - grey-water (wastewater) recycling systems that provide water for non-potable uses such as flushing toilets and irrigation.

## Reasoned Justification

### *Fabric first*

- 5.201 The 'fabric first' approach is established as best practice in sustainable construction. The benefits of reducing carbon emissions through energy efficient building fabric, rather than through efficient building services or low carbon energy generating technologies, include the following.
- Fabric measures generally require less maintenance and upkeep than building services and energy generating technologies.
  - Building services and low carbon energy systems are impermanent and have a limited lifespan which means they are at risk of being replaced less beneficial systems.
  - The benefits of energy efficient systems and energy generating technologies may be contingent upon building occupants using them effectively.
  - Reducing energy demand improves energy security and reduces fuel poverty for householders; the latter presents a significant risk to human health and life<sup>158</sup>.
  - It can be difficult and expensive to improve the energy efficiency of a completed building; reaching net zero in the future will be easier if the starting point is energy efficient buildings.
- 5.202 Development should follow a fabric first approach. All proposals for new buildings, extensions and refurbishments are required to demonstrate how carbon reductions through energy efficient fabric have been maximised before moving on to measures further down the hierarchy. There may be limited circumstances where greater sustainability benefit can be achieved by not following a fabric first approach, and any proposals that take such an approach must set out a robust justification. Information showing the implementation of a fabric first approach should be included in the energy statement (for major developments) or energy information (for minor developments) that is required under LPSS 2019 Policy D2: Climate change, sustainable

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<sup>158</sup> State of the Market (Ofgem, 2019).

## Design, Construction and Energy.

### *Embodied carbon*

- 5.203 The continuing improvements to energy efficiency standards and our decarbonising energy supply mean that operational emissions from buildings will continue fall as a proportion of total emissions. As a result, reducing embodied carbon emissions will become more and more critical if the UK is to decarbonise at a rate that aligns with national targets.
- 5.204 The main materials and products used in buildings should be selected with a preference for those with the lowest embodied carbon emissions. This should include consideration of the embodied carbon of energy technologies such as photovoltaic solar panels, which can vary significantly between panel types with some achieving a much lower carbon payback than others<sup>159</sup>.
- 5.205 The embodied carbon in building materials should be established with reference to a database provided by a reputable organisation with relevant expertise. Respected materials ratings databases include:
- The Building Research Establishment's (BRE) Green Guide to Specification and accompanying online database<sup>160</sup>. The BRE provides the Green Guide Calculator which sets a methodology for calculating the impact of materials not yet rated.
  - The Inventory of Carbon and Energy (ICE) database from Circular Ecology<sup>161</sup>.
- 5.206 It is expected that producers and suppliers of building materials will start to include carbon ratings within their brochures as embodied carbon moves up the national agenda. This information will be acceptable where it accords with a respected ratings database.
- 5.207 The requirement to select materials with the lowest embodied carbon may be relaxed where specific materials are needed for conservation reasons.
- 5.208 Embodied carbon emissions also result from the transport of materials to a development site. Where possible, these emissions should be reduced by using locally sourced (locally produced and locally derived) materials, including demolition material sourced from the construction site. Use of local materials has additional benefits such as reinforcing local vernacular design. However, the use of local materials should not result in the use of materials that are not sustainably and responsibly sourced, materials with poor energy performance or the exclusion of low waste, high efficiency construction methods like offsite fabrication.
- 5.209 Consideration of the lifecycle of buildings and public spaces means they have been designed to be adaptable for changing social and economic needs. This will extend their useful lives and avoid the need for extensive modification and refurbishment or demolition and replacement.
- 5.210 Non-temporary structures should have a long useful life and designs should demonstrate that schemes can be adapted with the minimum amount of construction work: for example, new buildings for student accommodation should be able to accommodate other types of residential,

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<sup>159</sup> Available online at: [https://circularecology.com/solar-pv-embodied-carbon.html#.Xh3z8cj7SUK?vgo\\_ee=TQLYTaMUxLuVgns98nuK7Q%3D%3D](https://circularecology.com/solar-pv-embodied-carbon.html#.Xh3z8cj7SUK?vgo_ee=TQLYTaMUxLuVgns98nuK7Q%3D%3D)

<sup>160</sup> Available online at <https://www.bregroup.com/greenguide>

<sup>161</sup> Available online at <https://circularecology.com/embodied-carbon-footprint-database.html>

and potentially non-residential, uses. Where prefabricated components (e.g. bedroom modules) are used, the ability to change use should be designed-in.

- 5.211 Consideration of the lifecycle should also cover materials, design and the construction process. Materials should be chosen with consideration as to how they can be reused or recycled at the end of the development's life in line with the waste hierarchy. Buildings should be designed for deconstruction rather than demolition in order to maximise the reuse of components and reclamation of useful materials.

#### *Energy improvements*

- 5.212 The Council will support proposals to modify existing buildings where this would result in an energy and carbon performance that is significantly better than either the Council's adopted standard or national standards for new buildings, whichever is better, and extends the useful life of the building. Refurbishments and change of use should take full advantage of the opportunity to improve energy efficiency, aiming for strong reductions in energy use and carbon emissions.

#### *Site Waste Management Plans*

- 5.213 Waste should be considered from the inception of design work in order to ensure that it is 'designed out' wherever possible. Qualifying developments are required to provide a Site Waste Management Plan (SWMP) within or alongside the sustainability statement required by LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy. SWMPs should be in place before construction or demolition work begins and updated as live documents throughout the construction process.
- 5.214 SWMPs must set out how site waste will be managed during construction and demolition in a manner that accords with the waste hierarchy in policy D2. They must demonstrate that waste will be managed efficiently in order to facilitate material reclamation and reuse and, where reuse is not possible, recycling and composting, in order to divert as much material as possible from landfill. Where disposal of material is unavoidable, the SWMP must set out how it will be disposed of legally and responsibly.
- 5.215 SWMPs operate under an established methodology and are well understood by the development industry. The use of SWMPs ensures that development proposals comply with the waste hierarchy in a manner that is compatible with current construction practice.

#### *Water efficiency*

- 5.216 The South East region is an area of serious water stress. The water resource management plans produced by water companies operating within our borough predict that further stress caused by population increase, climate change and reduced abstraction will lead to deficits in supply and call for water efficiency measures to help compensate.
- 5.217 LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy requires new development to meet the highest national standard for water consumption, which at present is the optional Building Regulation 36 2(b). This regulation reduces the maximum potable water consumption for dwellings from the national maximum of 125 litres per person per day to 110 litre per person per day. The 110 litre standard can be achieved fully through low flow fixtures and fittings without the need for additional measures. However, all developments should seek to

reduce water consumption as far as possible through additional water efficiency measures wherever possible. This can include water harvesting and water reuse/recycling.

### Key Evidence

- No key evidence to support this policy

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D12	N/A	Planning Appeals

Draft

## Policy D13: Climate Change Adaptation

### Introduction

- 5.218 Actions to mitigate climate change will not be sufficient to prevent change or reverse the changes that have already occurred. It is expected that we will face significant challenges from hotter and drier summers, warmer and wetter winters, and an increase in heavy rain, storm events and flooding. Rising temperatures, overheating and the increased prevalence of drought and flooding will have significant effects on human health and wellbeing and on the natural environment.
- 5.219 As a result, it is important that buildings and open spaces are designed to be adapted and adaptable for future climate and weather conditions so that people using them will remain safe and healthy for the lifetime of the development, well beyond the plan period.

### Policy D13: Climate Change Adaptation

- 1) Development proposals are required to demonstrate how new buildings will:
  - a) be designed and constructed to provide for the comfort, health, and wellbeing of current and future occupiers over the lifetime of the development, covering the full range of expected climate impacts and with particular regard to overheating; and
  - b) incorporate passive heat control measures, and the exclusion of conventional air conditioning, in line with the cooling hierarchy.
- 2) New buildings likely to accommodate vulnerable people should demonstrate that their specific vulnerabilities have been taken into account with a focus on overheating.
- 3) Major development proposals within the urban areas shown on the LPSS 2019 policies map are required to demonstrate how the urban heat island effect will be addressed through:
  - a) choice of materials;
  - b) layout, landform, massing, orientation and landscaping; and
  - c) retention and incorporation of green and blue infrastructure as far as possible.
- 4) Development proposals are required to demonstrate adaptation for more frequent and severe rainfall events through measures including:
  - a) retaining existing and incorporating new water bodies;
  - b) designing planting and landscaping schemes to absorb and slow down surface water; and
  - c) the use of permeable ground surfaces wherever possible.
- 5) Development proposals in and around areas of high risk of wildfire are required to be designed and managed to prevent the ignition and spread of fire, taking into account the risk to health and potential damage to significant habitats.

## Definitions

- 5.220 *Overheating* - the situation where the internal environment becomes uncomfortably hot due to the accumulation of warmth within the building.
- 5.221 *Passive heat control measures* - unpowered measures that either prevent unwanted heat from entering a building's interior, or allow unwanted heat to escape from a building. They rely on architectural design, building fabric and the use of natural heat sinks (e.g. the atmosphere, wind or earth), rather than mechanical systems.
- 5.222 *Vulnerable people* - any group who would have a specific susceptibility to climate change impacts including the elderly, disabled, infirm and children.
- 5.223 *Urban heat island* - the situation where urban areas are substantially warmer than the rural areas surrounding them.
- 5.224 *Permeable surfaces* - any permeable or pervious surface, hard or soft, that allows water to infiltrate into the soil.
- 5.225 *Areas at high risk of wildfire* - the Thames Basin Heaths Special Protection Area (SPA), heathland outside the SPA boundary, areas of dry grassland, and their immediate environs.

## Reasoned justification

### *Overheating and vulnerable people*

- 5.226 Overheating has already become a problem and it is likely to worsen<sup>162</sup> due to climate change and improving energy efficiency standards unless steps are taken to reduce overheating risk. Overheating occurs when buildings are heated, whether by the sun or mechanical heating, and the heat is either prevented from escaping or cannot dissipate due to a high outside temperature. The NPPF (paragraphs 153 and 154) requires plans to take account of the risk of overheating from rising temperatures and to promote resilience to climate change impacts.
- 5.227 When considering whether a building would be prone to overheating, regard will be had to the Chartered Institution of Building Services Engineers (CIBSE) definition. CIBSE defines overheating as when the internal temperature rises above 28°C for over 1% of the time. Additionally, it regards 35°C as the internal temperature above which there is a significant danger of heat stress and 24°C as the temperature above which sleep quality may be compromised. For vulnerable people, regard will be had to the World Health Organisation guidance on thermal comfort for temperate zones which states that temperatures above 24°C cause discomfort generally and can cause harm in the more fragile and susceptible members of the population<sup>163</sup>.
- 5.228 CIBSE has produced the TM52 Thermal Comfort Analysis which provides a tool for determining whether a proposed building will be susceptible to overheating at the detailed design.

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<sup>162</sup> The Committee on Climate Change identifies around 2,000 heat related deaths a year presently (<https://www.theccc.org.uk/2017/08/08/hidden-problem-overheating/>) and projects a rise to more than 7,000 a year from overheating by 2040 (<https://www.theccc.org.uk/2018/01/04/uk-cities-climate-change/>).

<sup>163</sup> Health and Thermal Comfort: From WHO guidance to housing strategies (Ormandy and Ezratty, 2011)

### *The cooling hierarchy and passive heat control*

5.229 The cooling hierarchy is set out below.

1. Passive design to eliminate or minimise unwanted heat gain and to manage heat through; orientation, shading, fenestration, soft landscaping, thermal mass and energy efficient lighting and appliances.
2. Passive/natural cooling (e.g. cross/passive stack ventilation, night purging) that removes unwanted heat.
3. Mechanical ventilation that removes unwanted heat.
4. Active cooling systems (e.g. air conditioning) that cools the internal air.

5.230 Measures at each step of the cooling hierarchy should be maximised before moving on to the next step. Applications should set out clearly how the cooling hierarchy has been applied.

5.231 Passive design prevents excessive heat from accumulating. Passive cooling combats overheating by allowing unwanted heat to escape during cooler periods, e.g. at night or on cooler days, without the use of mechanical systems that generate carbon emissions. Where passive measures alone would not be adequate, mechanical ventilation systems should be favoured over mechanical cooling as cooling systems use more energy, can simply displace heat from one area to another, and some cooling systems rely on refrigerants that are potent greenhouse gases. Mechanical cooling should be an option of last resort and, where applied, should be localised to only the parts of the building that are likely to overheat. Mechanical cooling may be acceptable where it forms part of a high efficiency tri-generation heat network that offers low carbon heating, power and cooling and results in carbon savings over alternative options.

### *Urban heat island*

5.232 Overheating can be particularly severe in built up areas due to the urban heat island effect. Urban areas that are similar to Guildford and Ash and Tongham can be up to five degrees warmer than the surrounding rural areas. The effect occurs due to the shape of the urban environment and the use of hard, impervious surfaces that are generally dark, absorb large amounts of solar energy and trap heat. As a result, overheating must be considered in the design of the site as well as the design of individual buildings. Schemes within urban areas should be designed to avoid trapping heat and to allow it to escape during cooler periods.

### *Rainfall and flooding*

5.233 Wetter winters and more frequent and severe heavy rainfall events will increase the risk of flooding. These impacts can be mitigated by slowing the flow of rainwater, by retaining and providing waterbodies that store rainwater, using surfaces that allow water to infiltrate into the ground and planting species that soak up water and slow down runoff. Additionally, these measures help to recharge environmental water stocks and in doing so help to adapt to the increased prevalence of dry weather. Policy P13 sets out requirements for the use of natural flood management and Sustainable Drainage Systems (SuDS) which deliver these outcomes.

### *Areas of high risk of wildfire*

5.234 Climate projections indicate that wildfires will become more frequent and more severe in a

county where large wildfire incidents are already regular events. Significant wildfires have occurred in Guildford borough and even small fires can have major impacts including harm to priority species and habitats, economic damage, health impacts and potentially the loss of life.

5.235 Heathland in Surrey is prone to wildfire and dry grassland can also be susceptible. Developments located in and around habitats at risk of wildfire should ensure that measures are taken to prevent increased risk including through site design that prevents the spread of fire, and management that maintains fire prevention measures. The following issues should be considered.

- Uses that may allow open fires (for example, a campsite or barbecue area) will not be acceptable unless measures to prevent the spread of fire will be adequate and retained for the life of the development. The likelihood of other activities that can increase fire risk, such as fireworks displays or the release of wedding lanterns, will also be considered.
- Materials that can be the target of arson, including timber stacks that result from tree felling works and stores of waste and timber, should be kept secure.
- Construction waste must not be burned; this must be reflected in the waste management information submitted in accordance with LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy.

### Key Evidence

- No key evidence to support this policy

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D13	N/A	Planning Appeals

## Policy D14: Carbon Emissions from Buildings

### Introduction

- 5.236 LPSS 2019 Policy D2: Climate Change, Sustainable Design, Construction and Energy sets requirements covering the use of low carbon energy in new developments. Policy D14 updates LPSS 2019 Policy D2 as follows: D14(1) – (3) takes precedence over D2(5) – (7) and D14(4) takes precedence over D2(9).

### Policy D14: Carbon Emissions from Buildings

- 1) The development of low and zero carbon and decentralised energy, including low carbon heat distribution networks, is strongly supported and encouraged.
- 2) Where low carbon heat distribution networks already exist, new developments are required to connect to them or be connection-ready unless it can be clearly demonstrated that utilizing a different energy supply would be more sustainable or connection is not feasible.
- 3) Proposals for development within Heat Priority Areas as shown on the Policies Map and all sufficiently large or intensive developments must demonstrate that low carbon heat networks have been given adequate consideration as the primary source of heat.
- 4) New dwellings must achieve a reduction in carbon emissions of at least 31 per cent and other buildings must achieve a reduction in carbon emissions of at least 27 per cent measured against the relevant Target Emission Rate (TER) set out in the Building Regulations 2010 (as amended) (Part L). This is required to be achieved through improvements to the energy performance of the building and the provision of appropriate renewable and low carbon energy technologies on site and/or in the locality of the development.
- 5) Development proposals are strongly encouraged to improve upon the standards in paragraph 4.

### Reasoned Justification

- 5.237 Paragraphs five to seven of Policy D2: Climate Change, Sustainable Design, Construction and Energy set requirements for specific developments to appraise the use of Combined (Cooling) Heating and Power (C(C)HP) distribution networks. The policy was developed during a period when heat networks powered by (C)CHP enjoyed strong support within national policy and national energy strategies due to the carbon savings that efficient CHP engines could deliver when measured against gas boilers or electric heating. However, the rapid decarbonisation of the national grid has meant that the carbon emissions associated with electric technologies have fallen dramatically (especially when highly efficient modern heat pumps are used), and building level heat networks powered by heat pumps are becoming more common. As a result, paragraphs one to three of this policy extend the support for (C)CHP heat networks to all low carbon heat networks.

- 5.238 New dwellings and other buildings must achieve reductions in carbon emissions of at least 31 per cent and at least 27 per cent respectively through the provision of appropriate low and zero carbon energy technologies in the locality of the development and improvements to the energy performance of the building. These are the new national standards proposed by the government in forthcoming changes to the Building Regulations<sup>164</sup>.
- 5.239 Technologies will be considered appropriate only where they would be effective. The reduction in emissions is judged against a baseline of the relevant Target Emission Rate (TER) set out in the Building Regulations. For types of development where no TER is set out, reductions should be made against the typical predicted energy use of building services. The 31 and 27 per cent figure represents a minimum standard and applicants are strongly encouraged to improve upon this standard. The NPPF paragraph 134 calls for significant weight to be accorded to “outstanding or innovative designs which promote high levels of sustainability”.
- 5.240 The baseline for the carbon reduction is the relevant Target Emission Rate set out in the Building Regulations 2010 (as amended). The 2010 Building Regulations have been subject to a number of amendments, including changes to carbon emissions standards in 2013. The baseline for the carbon reduction is therefore the relevant 2013 Target Emission Rate.
- 5.241 The carbon emission standard applies to each new building individually.
- 5.242 Improvements to building standards will be necessary if the UK is to reach net zero carbon emissions by 2050. Domestic emissions alone account for 28 per cent of total emissions in Surrey. The government has signalled its intention to implement a national low carbon standard for homes and buildings (the Future Homes and Future Buildings standards, expected to be implemented by 2025). This policy functions as an interim step.

**Key Evidence**

- No key evidence to support this policy

**Monitoring Indicators**

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D14	N/A	Planning Appeals

<sup>164</sup> The draft Part L standards are available online at: <https://www.gov.uk/government/publications/building-regulations-approved-documents-l-f-and-overheating-consultation-version>

## Policy D15: Renewable and Low Carbon Energy Generation and Storage

### Introduction

- 5.243 In order to meet national and local targets for reducing carbon emissions and national targets for decarbonisation of electricity, the UK and the borough will need to significantly increase the supply of low and zero carbon energy. National policy requires local plans to take a proactive approach to mitigating climate change in line with this objective (NPPF para. 153 and footnote 53). It further states that the planning system should support renewable and low carbon energy and associated infrastructure (NPPF para. 152) and should help to increase the use and supply of renewable and low carbon energy through a positive strategy... that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts) (para. 155).
- 5.244 The Council's ambition is for the borough to become zero carbon by 2030. This will require a significant or total reduction in the use of fossil fuels and a switch to low carbon energy. The national grid will not be fully decarbonised at that point so the amount of renewable and low carbon energy produced within the borough must also increase. Rooftop solar and domestic scale low carbon energy schemes are unlikely to be sufficient alone, so it is necessary to consider standalone energy installations. Additionally, new low carbon energy schemes will be needed to allow the national grid to fully decarbonise.
- 5.245 Renewable energy differs from other forms of energy generation in that the supply is more prone to fluctuation. In order to compensate for this, the energy grid needs to increase storage capacity to help balance out the peaks and troughs in demand. Energy storage can also help to improve the viability of renewable energy development.
- 5.246 Surrey's Climate Change Strategy<sup>165</sup>, which is supported by Surrey's 12 Local Authorities, includes the strategic priority of "Expand[ing] renewable energy generation capacity across the county with a focus on solar PV installations as the greatest carbon reduction potential." It identifies Surrey as an area with great potential for solar energy in particular.

### D15: Renewable and Low Carbon Energy Generation and Storage

- 1) Proposals for renewable and low carbon energy generation and energy storage development, covering both power and heat, will be supported, with strong support for community-led initiatives.
- 2) Where such development is proposed in the Green Belt, climate change mitigation and other benefits will be taken into account when considering whether very special circumstances exist.

<sup>165</sup> Available online at <https://www.surreycc.gov.uk/people-and-community/climate-change/what-are-we-doing/climate-change-strategy>

- 3) Proposals are required to demonstrate that the design of the scheme has sought to minimise visual impacts and that the management of the site will maximise opportunities for biodiversity while avoiding practices that are harmful to biodiversity.
- 4) For temporary permissions, provision must be made for the decommissioning of the infrastructure and associated works and the full restoration of the site once operation has ceased.

## Definitions

- 5.247 *Renewable and low carbon energy generation development* – for the purposes of this policy, this refers to standalone developments (e.g. ground mounted, not rooftop or domestic energy generation) on land that is currently open. It does not apply to proposals to install energy technologies on or within an existing building.
- 5.248 *Energy storage development* - any development that would provide a store of energy in any form and is either a standalone facility or is linked to a low carbon energy generation development.

## Reasoned Justification

### *Scope of policy*

- 5.249 Applications for energy developments that are large enough to fall under the National Significant Infrastructure Projects regime are not subject to this policy.

### *Green Belt*

- 5.250 The NPPF (paragraph 151) states:

*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*

- 5.251 Whether a renewable energy or storage project will be considered ‘inappropriate development’ depends on the scale and character of the development and its impact on the openness of the Green Belt. Where a proposal does comprise inappropriate development, it is required to demonstrate ‘very special circumstances’ by setting out benefits that outweigh any harm. The following matters will be considered when weighing up the potential benefits:

1. Environmental benefits including:
  - a. the contribution that will be made to national and local targets for low carbon energy generation and carbon emissions reductions including through the reinvestment of income into other low carbon projects;
  - b. the wider contribution to the public good through climate change mitigation; and
  - c. improvements to biodiversity in line with the policies in this plan.
2. Economic benefits including:

- d. benefits to the local economy through job creation and investment; and
  - e. improvements to the sustainability of the rural economy through diversification of agricultural land and by creating alternative income streams for farmers and other landowners.
3. Community benefits including:
- f. community ownership or part ownership of the scheme and/or reinvestment of profits into community funds;
  - g. reduction in fuel poverty and increased energy security for local people;
  - h. the decarbonisation of local homes, particularly where the homes currently use high carbon sources of energy such as stored oil;
  - i. helping to deliver policies and outcomes identified in neighbourhood plans; and
  - j. contributing to the continuing use of community buildings.
4. The temporary nature of the development and the limited harm that results, and proposals to remediate and potentially improve the social or environmental value of the land at the end of the development's life.
5. Whether the impact on the openness of the Green Belt has been considered at the design stage and whether the scheme has been designed to minimise harm after exploring all reasonable options to limit or mitigate visual impacts.

#### *Visual impacts*

- 5.252 In order to demonstrate that visual impacts have been minimised, development proposals should demonstrate that best practice on design has been applied. Guidance is available from a variety of sources setting out how good design can minimise impacts on the landscape and character. For example, Cornwall Council has produced detailed guidance on the design of renewable energy schemes and the Building Research Establishment has produced design guidance for large-scale ground mounted solar installations<sup>166</sup>.
- 5.253 Submitted information should also demonstrate that options for reducing the impact of the proposed development on the landscape, Green Belt or rural character of the countryside have been fully explored and that the least impactful options have been chosen. This could include the use of construction materials that are commonly used locally, landscaping techniques that respect the surrounding landscape and ecology and by incorporating biodiversity enhancements that support the local ecology.
- 5.254 When assessing visual impacts, cumulative impacts will be taken into account.

#### *Biodiversity and agriculture*

- 5.255 Development proposals should be supported by a management plan that sets out how the installation will be managed in a manner that will maximise benefits to biodiversity and support biodiversity recovery. Opportunities to include beneficial planting and management regimes should be taken in accordance with the biodiversity policies in this plan. The use of chemicals to control plant growth must be avoided with complementary measures such as light grazing

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<sup>166</sup> Available online at <https://www.cornwall.gov.uk/planning-and-building-control/planning-policy/adopted-plans/planning-policy-guidance/> and <https://www.bre.co.uk/nsc/page.jsp?id=3435>

employed where necessary. The Building Research Establishment has produced two guidance documents that set out best practice for the delivery and management of ground mounted solar schemes to maximise biodiversity benefit and compatibility with agriculture<sup>167</sup>. The biodiversity guidance is supported by a number of wildlife and nature groups, and the agricultural guidance is supported by the National Farmers Union.

- 5.256 There is evidence that by reflecting polarized light solar panels can have negative impacts on water breeding insect populations, but that this can be effectively mitigated by reducing the reflection of polarised light or by affixing a white grid to the panel surface<sup>168</sup>. The ecological health of watercourses is a critical issue for the borough and measures to protect water insect populations should be implemented.

*Decommissioning and restoration*

- 5.257 Planning permissions for renewable and low carbon energy developments are likely to be temporary permissions covering the period of the useful life of the infrastructure. At the end of this period, the land use will revert to its former use, likely to be agricultural use if the land is greenfield.
- 5.258 Proposals for developments on greenfield sites should provide a plan showing how the site will be decommissioned and restored once the installation reaches the end of its life. The decommissioning and the restoration of the site must remove all works undertaken for the purposes of the development including hardstanding and security fencing and return the site to a condition that is suitable for its former use. If the land is designated as Green Belt, the site must be returned to a condition that meets the purposes of the Green Belt.

*Wind turbines*

- 5.259 In the event that proposals are received for wind turbines greater than domestic scale, the Council will consult with Gatwick Airport and NATS (the national air traffic system provider).

**Key Evidence**

- Surrey’s Climate Change Strategy (Surrey County Council, 2020)

**Monitoring Indicators**

Indicator	Target	Data Source
Number of renewable energy developments delivered	N/A	Planning applications

<sup>167</sup> Available online at <https://www.bre.co.uk/nsc/page.jsp?id=3435>

<sup>168</sup> See ‘The Potential Ecological Impacts Of Ground-Mounted Photovoltaic Solar Panels In The UK’ (BSG Ecology , 2019) which reviews existing studies

## Policy D16: Designated Heritage Assets

### Introduction

- 5.260 The rich and varied historic environment of Guildford borough makes a fundamental contribution to the distinctiveness of the area, influencing the character of the built environment and shaping its sense of place and distinct identity. It is intrinsically linked to the quality of life for the borough's residents, the success of its existing businesses and the wider cultural profile it projects to potential investors and visitors. Features of heritage significance include, buildings, monuments, sites, landscapes and their setting, and these are referred to as heritage assets.
- 5.261 The protection and enhancement of our historic environment is vital if the character of Guildford borough is to be maintained. Population growth and development will place greater demands on the historic environment which is a finite and non-renewable resource. It is therefore essential that development is managed to maintain our heritage assets for future generations and to ensure that development proposals are well designed and do not detract from existing local characteristics and built form that makes a positive contribution.
- 5.262 Heritage assets are formed of 'designated' and 'non-designated' heritage assets, however for the avoidance of doubt this policy only applies to Designated Heritage Assets. Non-designated Heritage Assets are covered in Policy D20: Non-designated Heritage Assets.
- 5.263 Designated heritage assets are those which are statutory recognised and include:
- a) Listed buildings – designated by Department for Culture Media and Sport (DCMS)
  - b) Conservation Areas – designated by Guildford Borough Council in accordance with the Planning (Listed Building and Conservation Areas) Act 1990
  - c) Scheduled Monuments - designated by Department for Culture Media and Sport (DCMS)
  - d) Registered Parks and Gardens - designated by Department for Culture Media and Sport (DCMS)
- 5.264 These assets are protected by robust legislation and very strong national policy. The presence of a Designated Heritage Asset does not necessarily preclude the possibility of development.
- 5.265 A summary of the diversity of Guildford's Designated Heritage Assets as currently identified is provided in Table D16a (below) but are also identified on the policies map<sup>169</sup> and within the following reference document Guildford Borough Council (2016) Guildford Borough Historic Environment Information.<sup>170</sup> They are also additionally identified in Surrey's Historic Environment Record (HER).<sup>171</sup>

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<sup>169</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

<sup>170</sup> Available online at: <https://www.guildford.gov.uk/article/25520/Historic-environment-information>

<sup>171</sup> Available online at: <https://www.exploringsurreypast.org.uk/collections/search/?s=surrey&map=1>

**Table D16a: Designated Heritage Assets in Guildford Borough<sup>172</sup>**

Heritage Assets	Numbers in Guildford Borough
<b>Statutory Listed Buildings</b>	1097*
<i>Grade I</i>	34
<i>Grade II*</i>	41
<i>Grade II</i>	1022
<b>Conservation Areas</b>	40
<b>Scheduled Monuments</b>	32
<b>Registered Parks and Gardens</b>	10

\*Does not include buildings or structures in the curtilage of a listed building, a listing may include a complex of buildings.

## Policy D16: Designated Heritage Assets

### Supporting Information

- 1) All development proposals affecting designated heritage assets, including curtilage buildings and structures and their setting, are required to be supported by an evidence-based Heritage Statement. The level of detail provided within the statement is expected to be proportionate to the asset's importance and is sufficient to facilitate an understanding of the potential impact. To accord with the requisite of validation a Heritage Statement must:
  - a) have referred to the relevant Historic Environment Record;
  - b) demonstrate a clear understanding of the asset's significance including all those parts affected by the proposals, and where applicable the contribution made by its setting;
  - c) explain how the asset and its setting will be affected by the proposal, including how the proposal preserves or enhances the heritage asset or better reveals its significance;
  - d) demonstrate what steps have been taken to avoid, minimise or mitigate any resultant harm; and
  - e) present a justification for the proposals that explains why any resultant harm is considered to be necessary or desirable.
- 2) Where applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.

### Harm to/Loss of Significance

<sup>172</sup> Data accurate up to July 2021

- 3) Development proposals which result in harm to, or loss of, the significance of a designated heritage asset will be considered in line with national policy and guidance.
- 4) Positive action will be sought for those heritage assets at risk through neglect, decay, vacancy, or other threats where appropriate.

## Definitions

- 5.266 *Heritage Assets* – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are either designated heritage assets or non-designated heritage assets. Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas, designated under the relevant legislation. Non-designated Heritage Assets are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, these include locally listed buildings and locally listed parks and gardens.
- 5.267 *Historic Environment Record* – Information services that seek to provide access to comprehensive and dynamic resources relation to the historic environment of a defined geographic area for public benefit and use.
- 5.268 *Setting* – The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.269 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

## Reasoned Justification

### *Supporting information*

- 5.270 Crucial to the conservation and enhancement of heritage assets is an understanding of what makes them significant, and how the setting contributes to that significance. Historic England guidance<sup>173</sup> states that ‘the ability to assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process is very important to an applicant in order to conceive and design a successful development’. Assessing significance before a proposal is planned can lead to better outcomes as it is able to influence the design by mitigating harmful impacts on significance at the earliest opportunity, enhancing significance where possible, and thereby showing how any remaining harm is justified.
- 5.271 Heritage statements have become a key proactive tool for projects that affect the historic environment. They can be standalone documents, or this information may be provided as part of

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<sup>173</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/>

an Archaeological Report or as part of a Design and Access Statement. They are recognised planning documents as referenced in the guidelines about conserving heritage assets in the National Planning Policy Framework (NPPF) and within many of Historic England's guidance documents, including *Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment* (2008). This makes them a validation requirement for any application that affects a designated heritage asset and their production should always be factored into at the very early stages of any project, no matter how large or small.

- 5.272 The statement should sufficiently assess the significance of the historic environment that will be impacted by a proposal as well as the contribution that each specific element makes to the significance of the heritage asset as a whole, including any contribution made by their setting. Likewise, it should also present an assessment of the potential impact that a development will have on the significance. Only by requiring this assessment can it be ensured that the impact of proposed development on an asset(s) or it/their setting, be it positive or negative, is understood and appropriately considered.
- 5.273 The amount of detail that is required will vary according to each case but fundamentally it needs to be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal upon significance. For example, a major scheme that affects several assets or involves substantial work to, or affecting the setting of, a heritage asset is likely to require an extensive and professionally produced heritage statement, whilst a small-scale scheme that has limited impacts will likely require a short statement. Nevertheless, as a minimum, the Historic Environment Record (HER), should have been consulted and be evidenced within the submission. A copy of the list entry will not be sufficient to meet this requirement.
- 5.274 Guidance provided by Historic England, advocates for a systematic staged approach informed by the scope of the proposal that encompasses all of the following steps:
- Analysis of form and history
  - Assessment of significance
  - Impact on the significance
  - Details of mitigation strategy

*Analysis of form and history*

- 5.275 This section of a heritage statement should set out an understanding of the heritage asset, including for instance its historic development and analysis of its surviving fabric. This is likely to be developed through a combination of one or more of the following:
- Site visit
  - Listing description
  - Desk-based assessment
  - Documentary research
  - Architectural history and archaeological investigation
  - Photographic analysis
  - Historical drawing and cartography
  - Planning history

5.276 Analysis of a heritage asset's setting is only required where changes to the setting by the proposal would affect the significance of the heritage asset or how that significance is appreciated.

*Assessment of significance*

5.277 Significance is one of the fundamental principles extending through the historic environment section of the NPPF. The Framework defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest. Such interest may be archaeological, architectural, artistic or historic and it may derive not only from a heritage asset's physical presence, but also from its setting'. It therefore follows from the NPPF requirements as a whole, that an understanding of significance must stem from the interest(s) of the heritage asset, whether archaeological, architectural, artistic, or historic, or a combination of these; and that this understanding:

- must describe significance following appropriate analysis, no matter what the level of significance or the scope of the proposal;
- should be sufficient, though no more, for an understanding of the impact of the proposal on the significance, both positive and negative; and
- sufficient for the Decision Maker to come to a judgement about the level of impact on that significance and therefore on the merits of the proposal.

5.278 In assessing the significance of a heritage asset, its heritage values need to be considered of particular relevance are those core principles identified by in the NPPF's definition of significance:

- Archaeological interest - There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- Architectural and Artistic interest - These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- Historic interest - An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

5.279 Supplementary planning documents such a Conservation Area Character Appraisals and the Guildford Town Centre Views SPD<sup>174</sup> are useful tools that can help with the assessment of significance.

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<sup>174</sup> Available online at: <https://www.guildford.gov.uk/viewsspd>

### *Impact on significance*

- 5.280 This section should provide an explanation of the design concept in detail as well as detailing how the proposed works might affect the significance of the building. Extensions and development can alter the historic character of a building or area dramatically, and also affect historic fabric. Loss of historic legibility, whether of the external appearance of the building or its plan form, is always damaging. Changes to materials such as roof tiles or render, and to windows, could have an aesthetic impact with the potential to alter the appearance of a building.
- 5.281 Common themes that may be relevant to consider include:
- Loss, damage or concealment of key features or historic fabric
  - Changes to historic layout
  - Intrusion into/disturbance of key views to and from the building/site -
  - Impact on the relationships between buildings
  - Changes to size, scale, bulk and massing
  - Loss of archaeological evidence
- 5.282 In some cases, methodologies and/or condition and structural surveys may usefully be referenced, to explain why a particular course has been chosen.

### *Details of mitigation strategy*

- 5.283 The NPPF emphasises that impact on heritage assets should be avoided, therefore an explanation of what steps have been taken to avoid, minimise or mitigate any harm to the significance of the heritage asset(s) is required and should consider the following:
- Minimal intervention and reversible works – Are the works absolutely required? Can it be designed so it can be easily installed/removed without causing damage to significant building fabric or archaeological deposits?
  - Alternative methods of development – Do other options exist that would meet the development objectives?
  - Sensitive design and/or material palette – Is the design/material palette the most appropriate, in terms of compatibility and performance with existing fabric and visual sympathy with the architectural form?

### *Harm to/loss of significance*

- 5.284 Designated heritage assets are an irreplaceable resource. As custodians of our past there is an onus to ensure that they are preserved for the enjoyment of future generations to which the Council is committed. Equally, the Council recognises that many aspects of the historic environment are 'living' places and there is often a need for them to be sensitively sustained and managed through development, adaptation, active use, and repair.
- 5.285 These changes need not be at odds with the historic environment and an asset's significance. Consistent with the NPPF, great weight will be attached to proposals that secure the preservation, conservation or enhancement of a heritage asset, or which do not prejudice the integrity or conservation of the historic environment, having regard to the significance of the asset and whether the proposal would lead to substantial or less than substantial harm.

- 5.286 Once the significance of a designated heritage asset is understood, it should become clear whether and to what degree repair, restoration, alteration, extensions or demolition would harm, maintain or enhance the heritage asset. Significance can be harmed or lost through actions such as inappropriate repairs; unsympathetic, incremental or cumulative alterations and extensions; incongruous development (including within curtilage and/or the setting); and demolition.
- 5.287 The NPPF advises that substantial harm to or loss of any designated heritage asset of the highest significance, which includes grade I and II\* listed buildings, registered parks and gardens, and scheduled monuments, should be 'wholly exceptional' and for any grade II listed buildings or grade II registered park or gardens should be 'exceptional'.
- 5.288 Substantial harm to or total loss of significance of a designated heritage asset will not be permitted unless it can be clearly demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh this harm or loss, or all the tests set out in the NPPF are demonstrated to apply. Not all elements of a designated heritage asset will contribute positively to its significance, and where a development proposal is demonstrated to constitute less than substantial harm this will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.289 It is expected that any public benefits identified will be directly related to the use of the heritage asset and/or its setting, however, off-site benefits which are proportionate to the proposed development will be considered where appropriate.
- 5.290 Whilst not exhaustive, the following is a list of potential public benefits.
- New or improved public access to the heritage asset and/or its setting
  - Conversion of the asset to a public use (i.e. tourist attraction, education facility etc...)
  - Restoration/reinstatement of the setting of the heritage asset with associated public access
  - Biodiversity enhancement on site with associated public access
  - Provision of employment opportunities
- 5.291 The appropriateness and significance of the benefits identified by the applicant will be examined in the round. Simply because an application demonstrates a public benefit output does not necessarily mean that the application will be automatically supported. Further guidance on public benefits is set out in National Planning Practice Guidance.<sup>175</sup>
- 5.292 Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

#### *Heritage at risk*

- 5.293 Historic England maintains an annual Register of Heritage at Risk with the assistance of the Council for the purpose providing an understanding of the overall state of the historic environment nationally, and identifying designated assets, including Listed Buildings (grade I & II\*), statutory listed places of worship, Scheduled Monuments, Registered Parks and Gardens

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<sup>175</sup> Available online at: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment> - (Paragraph: 020 Reference ID: 18a-020-20140306)

and Conservation Areas, most at risk of being lost as a result of neglect, decay or inappropriate development. To ensure continuity the assessment of assets is carried out in accordance with a nationally set criteria produced by Historic England.

- 5.294 When assessing a heritage asset, consideration is given to the level of risk to the structure or area, looking at its external appearance, occupancy and vulnerability. This risk scale is divided into 6 categories, ranging from A – in very poor condition, to F – repairs in progress. Heritage assets will often move between categories, according to the work undertaken. The most up to date register, along with additional information can be viewed online via Historic England’s website.<sup>176</sup>
- 5.295 Presently the Borough has very few assets on the Register of Heritage at Risk (3 in total), however the annual nature of this assessment means that this number is not a static one.
- 5.296 The Council is committed to addressing those heritage assets at risk, seeking to work proactively with asset owners, developers, interested parties and Historic England to take positive action to secure their maintenance, repair, restoration and/or reuse. At the very least there is an expectation that they are maintained and secured to prevent them from further or accelerated decay. Not only would this assist in terms of helping to prevent the loss of significant historic fabric, but it would also help to prevent costs from escalating to such an extent that repair of the asset becomes economical unviable.

### Key Evidence

- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2019) Statements of Heritage Significance: Analysing Significance in Heritage Assets - Historic England Advice Note 12
- Historic England (2015) Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning:2
- Guildford Borough Council (2016) Guildford Borough Historic Environment Information
- Historic England (2020) Heritage at Risk: London & South East Register 2020

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D16	N/A	Planning Appeals

<sup>176</sup> Available online at: <https://historicengland.org.uk/advice/heritage-at-risk/search-register>

## Policy D17: Listed Buildings

### Introduction

- 5.297 A Listed Building is a building, object or structure which is statutorily protected under the Planning (Listed Buildings and Conservation Areas) Act 1990. This Act makes provision for lists to be prepared of buildings of special architectural or historic interest which conform to a set of national standards and criteria. The List of Buildings of Special Architectural or Historic Interest is a national register drawn up by the Secretary of State for Digital, Culture, Media and Sport (DCMS), on the advice of Historic England, and consists of a wide variety of buildings, objects and structures, such as castles, cathedrals and cottages to mileposts, bridges and walls. All entries on the statutory list are either classified as:
- Grade I: Buildings of exceptional interest.
  - Grade II\*: Particularly important buildings of more than special interest; or
  - Grade II: Buildings of special interest which warrant every effort to preserve them.
- 5.298 The grading of a building represents its architectural and/or historic interest and quality. It does not, however, represent the extent of the building that is listed and the degree of importance that may be placed upon it. All assets are covered by the same level of protection.
- 5.299 The statutory list includes a description of each asset, which refers to some, but not necessarily all, important features, and is included for identification purposes only. Irrespective of a building's designated grade, every part of the building is protected, including all interior fabric (and any later alterations and additions). Equally any objects or structures fixed to a listed building or included within the curtilage of the building which have formed part of the land since before 1948 are included in the listing including boundary walls and gates. Just because a feature is not mentioned in the entry does not mean the feature is not of interest. This is especially relevant for internal features of interest.
- 5.300 These buildings by virtue of their inclusion on the 'list' benefit from enhanced protection by the planning system, as afforded by both legislation and the NPPF. These additional controls are particularly necessary where permitted development is concerned, and also where internal works are carried out that in normal circumstances would not be defined as 'development'. As a general rule, Listed Building Consent will be required for works of demolition, and for works of alteration or extension which affect the special interest of a listed building.<sup>177</sup> Where planning permission is required for a works to a listed building there is always a requirement to obtain Listed Building Consent as well. In these cases, it is advocated that both should be applied for concurrently.
- 5.301 Guildford currently has approximately 1,100 entries on the list which form an integral part of the borough's historic environment and cultural landscape. They include historic properties such as Abbots Hospital and Hatchlands, public houses, ecclesiastical buildings such as Watts Chapel and structures such as telephone kiosks, bridges, vaults and tombstones. Of these list entries 34 are designated as grade I and 41 are identified as grade II\*.

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<sup>177</sup> Section 7 Planning (Listed Buildings and Conservation Areas) Act 1990

5.302 Whilst the designation of a building or structure on 'the List' will be reflected on the Land Charge Register and will also be identified on the Council's online interactive policies map,<sup>178</sup> the National Register<sup>179</sup> is the primary source to which reference should be made.

### **Policy D17: Listed Buildings**

- 1) Development proposals are expected to conserve, enhance and where appropriate better reveal the significance of listed buildings and their settings. Where harm to significance is identified this will be considered against Policy D16(3).
- 2) Repairs, alterations or extensions, that directly, indirectly or cumulatively affect the special interest of a statutory listed or curtilage listed building, or development affecting their settings are expected to:
  - a) be of an appropriate scale, form, height, massing and design which respects the host building and its setting;
  - b) have regard to the historic internal layout as well as the architectural and historic integrity that form part of the special interest of the building;
  - c) reinforce the intrinsic character of the building through the use of appropriate materials, details and building techniques; and
  - d) respect the setting of the listed building including inward and outward views.
- 3) Development proposals for the demolition/removal of objects or structures fixed to the building or within the curtilage of a Listed Building are required to demonstrate that they are:
  - a) incapable of repair for beneficial use or enjoyment; or
  - b) not of special architectural or historic interest as an ancillary structure to the principal Listed Building.
- 4) Proposals involving a change of use of part or the whole of a listed building are required to provide full details of all intended alterations to the building and its curtilage. Support will only be given to those proposals that demonstrate that a building or structure is capable of accommodating the proposed change of use without considerable alteration and consequential loss of special interest or harm to significance.
- 5) Support will be given to proposals that seek to mitigate the effects of climate change through energy efficiency improvements where they are consistent with all of the following:
  - a) The heritage asset's special architectural or historic interest
  - b) The heritage asset's character and appearance

<sup>178</sup> Available online at: [www.guildford.gov.uk/planningmap](http://www.guildford.gov.uk/planningmap)

<sup>179</sup> Available online at: [www.historicengland.org.uk/listing/the-list/](http://www.historicengland.org.uk/listing/the-list/)

- c) The long-term conservation of the built fabric
  - d) The wider setting of the heritage asset
- 6) Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of the heritage asset(s).

### Definitions

- 5.303 *Curtilage* – Any area of land and other buildings that is around and associated with the principal building.
- 5.304 *Demolition* – In respect of listed buildings demolition is defined as ‘the total or substantial demolition of a building or structure’. This definition can include the demolition of a building behind a retained facade but does not include the demolition of part of a building, e.g. an extension or a shopfront.
- 5.305 *Setting* – The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.306 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

### Reasoned Justification

- 5.307 The Planning (Listed Building and Conservation Areas) Act 1990<sup>180</sup> requires those considering applications for works to a listed building or proposals for development that affect a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting, or any of its features of special architectural or historic interest which it possesses. The Council is committed to the conservation, preservation and enhancement of all heritage assets in Guildford borough and therefore will attach substantial weight to the preservation of listed buildings and their setting. Preservation in this context means not harming the architectural or historical significance, as opposed to keeping it utterly unchanged.
- 5.308 Legislation also provides that buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building are to be treated as part of the listed building. It is important that these are identified, because altering or demolishing such curtilage structures may require listed building consent and carrying out works without having obtained listed building consent when it is needed is a criminal offence. Determining the exact curtilage of any building can be complex, however guidance is available from Historic England (2018) *Listed Buildings and Curtilage: Historic England Advice Note 10*.<sup>181</sup> Of particular note is that case law

<sup>180</sup> Section 16(2) and 66(1)

<sup>181</sup> Available online at: <https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/heag125-listed-buildings-and-curtilage/>

has identified three key factors to be taken into account when determining curtilage status:

- the physical layout of the listed building and the structure;
- the ownership, both historically and at the date of listing; and
- the use or function of the relevant buildings, both historically and at the date of listing.

5.309 Development within the curtilage of a Listed Building will almost always require planning permission.

*Harm to significance*

5.310 Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals and making a conclusion on whether there is any resultant harm. Identifying this significance and the cultural and heritage value requires first an understanding of its history, fabric and character, how and why it has changed over time, together with the technology of its construction and the form and condition of its constituent elements and materials. As required by Policy D16(1): Designated Heritage Assets, an assessment of these issues should be submitted as part of a planning application, in a degree of detail proportionate to the nature and scale of the proposed development. Further details on this are provided in the supporting text to Policy D16: Designated Heritage Assets.

5.311 The significance of heritage assets can be harmed or lost through actions such as, inappropriate repairs; unsympathetic, incremental or cumulative alterations and extensions; incongruous development (including within curtilage and/or the setting); and demolition. In instances where these are identified, the resultant harm will be considered against Policy D16(3): Designated Heritage Assets.

*Repairs, alterations and extensions*

5.312 All owners of listed buildings have a duty of care to them since these buildings and structures are a finite and irreplaceable resource. This duty of care should reflect its special interest and national importance. The majority of the borough's listed assets have survived for hundreds of years and are still performing well and are structurally sound, thus a conservative approach to repairs and alterations to historic fabric is fundamental to good conservation – so retaining as much of the significant historic fabric and keeping changes to a minimum are of key importance. It is therefore advisable to contact the Council before commencing works on a statutorily listed building or a building within its curtilage to establish whether or not listed building consent will be required. Listed building consent is required for any works, either internal or external, which in the Council's judgement would affect the special character of a listed building. Consent may also be required for repairs, alterations, development or demolition of buildings and structures within the curtilage of a listed building.

5.313 Where repairs are necessary and justified, they must relate sensitively to the original building and will require craftsmanship and professional skills of a high standard. Best practice dictates that these should be carried out in a 'like-for-like' manner where the existing materials and construction techniques are traditional and historic. The use of non-traditional materials will not be accepted. Historic England provides guidance on some of the more common repair works

undertaken in the historic environment, this includes repointing works, window repairs and lead roof repairs. These documents (or superseding guidance) should be consulted before embarking on any of the respective works.

- Historic England (2017) Repointing Brick and Stone Walls: Guidelines for best practice<sup>182</sup>
- Historic England (2017) Traditional Windows: Their care, repair and upgrading<sup>183</sup>
- Historic England (1997) Lead Roofs on Historic Buildings<sup>184</sup>

- 5.314 Where structural repairs are required these should be low-key involving minimum disruption of the existing fabric and structure such as the re-instatement or strengthening of the structure only where appropriate. Structural repairs will, in most circumstances require listed building consent, particularly where they involve alterations to the original structure/fabric and the introduction of new work. Where possible reinstatement of missing elements of structure such as removed partitions should be considered as an alternative to more radical structural intervention.
- 5.315 Listed Buildings do vary greatly in the extent to which they can accommodate change without harm to their architectural and/or historic significance, with some buildings more likely to be able to accommodate change than others. The extent to which a building can sustain alteration or extension will depend on building type and significance and the merit of the new work. Almost every listed building will have unique characteristics, usually related to its original or subsequent function and its evolution and this should be respected to the greatest extent practicable in any proposals for alterations. Special interest is not restricted to external architectural features but may include orientation, plan form, fenestration patterns, internal details, fixtures and fittings, or other aspects discernible from documentary evidence.
- 5.316 Alterations which affect the character and appearance of a Listed Building, will almost always required Listed Building Consent. The term alteration can include everything from altering the internal layout or floor plan, to replacement of windows and extensions. Alterations will need to be justified accordingly, yet the fact that a building is listed should not, in itself, be used as the reason for not supporting proposed alterations.
- 5.317 Many listed buildings have previously been altered, in most cases before they were 'listed', to cater for the requirements of owners and some of their interest may result from the way in which the present form and layout reflects changing uses and architectural, social and economic aspirations. When contemplating alterations, as a general principle historic fabric should be conserved and historic architectural detailing respected, whether it is original or a later addition of special interest.
- 5.318 The qualities of a listed building are not necessarily diminished by later additions and minor accretions. Later features of interest, such as more contemporary extensions can often be part of buildings evolutionary story, thus should not necessarily be removed simply to restore a building to an earlier form, particularly if based on conjecture rather than evidence. Nevertheless, there may be cases where later work is of little special interest in itself and which

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<sup>182</sup> Available online at: <https://historicengland.org.uk/images-books/publications/repointing-brick-and-stone-walls/heag144-repointing-brick-and-stone-walls/>

<sup>183</sup> Available online at: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

<sup>184</sup> Available online at: <https://historicengland.org.uk/images-books/publications/lead-roofs-on-historic-buildings/>

may detract from the special architectural and historic interest of the building. In these instances, removal may be justified. It may also be accepted to remove unsympathetic alterations that disfigure or mask earlier work of interest, but this will still require clear analysis of their special interest. Removal of later changes, such as poor technical detailing and unsuitable materials, can be justified where these are causing physical damage to the original structure.

- 5.319 The addition of extensions can significantly affect, not only the character and appearance of a listed building, but also its architectural and historic interest and its setting. The opportunities for extensions generally will depend on the property or structures age, type, style and location as well as how much it has been altered previously.
- 5.320 Where extensions are considered acceptable in principle, they should take on a subordinate and harmonious design (both from a physical and a visual perspective) in terms of scale, materials, situation, or impact on setting. Successful extensions require a thorough understanding of the building type and sensitive handling. The design of new elements intended to stand alongside historic fabric needs to be very carefully considered and to be successful, should respect the setting and the fundamental architectural principles of scale, height, massing, alignment, and use of appropriate materials. They also are expected to avoid removing, damaging, or concealing historic/original features, no matter whether they are less than ideal from the point of view of convenience.

#### *Materials and detailing*

- 5.321 Materials, detailing, craftsmanship and finishes are equally important in achieving high quality design and should be carefully chosen on the basis of their, compatibility and performance with existing fabric; visual sympathy with the architectural form and composition of the host building; their appropriateness to the character of the area; their long-term durability and their environmental sustainability. Artificial 'look-alike' materials will rarely be considered as acceptable.

#### *Setting*

- 5.322 The grounds and structures contained within the curtilage are likely to form an important part of that setting. For example, a principal building, together with its grounds and ancillary structures, may all be part of a unified design. The setting can, however, extend much further than the curtilage and may often include assets or sites some distance from it. It includes landscapes, street scenes and layouts that are part of a building's context, and views to and from the Listed Building.
- 5.323 The setting may encompass a collection of other properties. The setting of individual Listed Buildings can often owe its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them.
- 5.324 Where a Listed Building forms an important visual element in the streetscape or in significant internal or external views, consideration is expected to be given to any development within the setting of the building having regard to the guidance set out in Historic England's *The Setting of*

*Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*<sup>185</sup>, or guidance superseding it, and where relevant the Guildford Town Centre Views SPD<sup>186</sup>. Development proposals should normally be subservient to the listed building and therefore should be seeking to avoid:

- dominating the Listed Building or its curtilage buildings in scale, form, massing or appearance
- damaging the context, attractiveness or viability of a Listed Building
- harming the visual character or morphological relationship between the building and its surroundings (landscape or townscape)

*Removal of curtilage buildings, objects and structures*

5.325 Objects and structures attached to a listed building, such as adjoining buildings, boundary walls, sundials or panelling will be covered by the listing if the structure was ancillary to the principal building at the date of listing, unless it is otherwise explicitly excluded in the list entry. In the case of objects, this will be determined by:

- the method and degree of annexation of the object to the building, the ease with which it can be removed, and the damage caused to the structure or object by its removal; and
- the objective and purpose of the annexation to the building – whether this was for the improvement of the building or for the enjoyment of the object itself.

5.326 Equally the Act<sup>187</sup> confirms that a Curtilage Listed Building (a building or structure within the historic boundaries of the Listed Building that has a historic relationship to the Listed Building and was built before 1 July 1948) should be treated the same as Listed Buildings.

5.327 Based on the above there is a presumption that fixed objects/structure and curtilage listed structures, which make a positive contribution to the setting of the Listed Building, will be retained except in cases where they are incapable of repair for beneficial use or enjoyment; or are not of special architectural or historic interest as an ancillary structure to the principal Listed Building.

*Change of Use*

5.328 The best use of a listed building is its original use, for that which it was designed, however it is accepted that in some cases this use may not be viable. To ensure that listed buildings and curtilage listed buildings and structures continue in a beneficial use, it may be appropriate for a change of use to be supported. It is however important that the use is considerate to the character of the building and that features and detailing which contribute to its significance are retained. In considering such applications, implications including alterations to the plan form; introduction of new services; sound and thermal insulation; floor loadings, and fire protection all need to be considered. The building or structure should be capable of being converted into the

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<sup>185</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

<sup>186</sup> Available online at: <https://www.guildford.gov.uk/viewsspd>

<sup>187</sup> Planning (Listed Building and Conservation Area) Act 1990 – Available online at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>

new use without substantial extensions or modifications and without seriously compromising the architectural character and/or historic fabric and its setting. Additional information such as evidence of the building's redundancy, financial evidence and structural reports may also be required to justify a change of use proposal.

*Climate change mitigation and energy efficiency improvements*

- 5.329 Climate change and the emerging energy deficit have necessitated a response and focus on energy efficiency that is inevitably leading to changes to the historic environment. Opportunities to respond to the challenge faced are in principle to be welcomed. However, it is incorrect to assume that the older a building is, the less energy efficient it is. Research suggests that old buildings can perform well in energy terms as the thick walls and small windows provide a high thermal mass compared with many modern construction methods. Old buildings have embodied energy including an existing investment in materials and have been proven to be robust. Natural ventilation supports the building's breathability and enables moisture management.
- 5.330 The Council recognises and accepts that the historic environment should play its part to deliver energy efficiencies and greater resilience to climate change, however, it is still expected that adaptation and mitigation measures must avoid conflicting with the breathability and natural performance of the historic built fabric and causing harm to the intrinsic qualities that contribute to the Listed Building's special character and significance. There are many measures that can be applied to properties to improve their energy performance, each will have benefits and harm that will need to be weighed-up and balance. Getting the right balance between benefit and harm is therefore best done with a holistic approach that uses an understanding of the building, its context, its significance and all the factors affecting energy use as the starting point for devising an energy-efficiency strategy. Examples of potential public benefits are referenced in the supporting text to Policy D16: Designated Heritage Assets. This 'whole building approach' will ensure that the measures employed are robust, well integrated, properly coordinated, and sustainable. Before embarking upon such works, consultation of the following (or superseding) documents is strongly advised.
- Historic England (2018) Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency<sup>188</sup>
  - Historic England (2020) Energy Efficiency and Traditional Homes. Historic England Advice Note 14<sup>189</sup>
  - Historic England (2017) Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings<sup>190</sup>

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<sup>188</sup> Available online at: <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/heag094-how-to-improve-energy-efficiency/>

<sup>189</sup> Available online at: <https://historicengland.org.uk/images-books/publications/energy-efficiency-and-traditional-homes-advice-note-14/heag295-energy-efficiency-traditional-homes/>

<sup>190</sup> Available online at: <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/heag014-energy-efficiency-partll/>

## Key Evidence

- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition)
- Historic England (2018) Listed Buildings and Curtilage: Historic England Advice Note 10
- Historic England (2020) Energy Efficiency and Traditional Homes. Historic England Advice Note 14
- Institute of Historic Building Conservation (2021) Guidance of Alteration to Listed Buildings

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D17	N/A	Planning Appeals
Number of Listed Buildings identified on the Heritage At Risk Register	N/A	Historic England

## Policy D18: Conservation Areas

### Introduction

- 5.331 Conservation Areas are areas that are designated because of their special architectural or historic interest, the character of which it is desirable to preserve or enhance. They are not designated on the basis of individual buildings but on the basis of the quality and interest of the area. They can come in a variety of sizes and types, ranging from villages, neighbourhoods and parts of towns, with every area having its own distinct character, derived from features such as its topography, historic development and layout, current uses, groupings of buildings, scale and detailing of open spaces, and vernacular form.
- 5.332 The provision for designation is set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Under the NPPF Conservation Areas are identified as a designated heritage asset and their conservation is to be given great weight in planning permission decisions.
- 5.333 Conservation areas have been designated by Guildford Borough Council since the late 1960's and are a material consideration in planning decisions. The borough presently has 40 Conservation Areas, which cover many parts of the Guildford town centre and many of the borough's rural villages, both of which make a very significant contribution to the character and distinctiveness of the district. These are all listed in Table D18a (below) but are also identified on the policies map.<sup>191</sup>

**Table D18a: Conservation Areas within Guildford Borough<sup>192</sup>**

Conservation Area	Designation Date
Abbotswood	20 <sup>th</sup> October 2011
Abinger Hammer	26 <sup>th</sup> March 1974
Albury	8 <sup>th</sup> February 1989
Basingstoke Canal North	12 <sup>th</sup> October 1985
Basingstoke Canal South	12 <sup>th</sup> October 1985
Bisley Camp	6 <sup>th</sup> August 1991
Bridge Street, Guildford	6 <sup>th</sup> February 2003
Charlotteville and Warren Road	23 <sup>rd</sup> January 1990
Chilworth Gunpowder Mills	17 <sup>th</sup> July 2008
Compton	27 <sup>th</sup> April 1971
Eashing	27 <sup>th</sup> April 1971
East Clandon	31 <sup>st</sup> July 1973
East Horsley	31 <sup>st</sup> July 1973
Effingham	23 <sup>rd</sup> October 1971

<sup>191</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

<sup>192</sup> Accurate up to July 2021

Guildford Town Centre	28 <sup>th</sup> October 1969
Holmbury St Mary	23 <sup>rd</sup> January 1990
Littleton	18 <sup>th</sup> December 1973
Millmead and Portsmouth Road	3 <sup>rd</sup> May 1989
Ockham	28 <sup>th</sup> July 1981
Ockham Mill	5 <sup>th</sup> October 1993
Onslow Village	7 <sup>th</sup> February 1990
Peaslake	23 <sup>rd</sup> January 1990
Pirbright	18 <sup>th</sup> December 1973
Puttenham	27 <sup>th</sup> April 1971
Ripley	27 <sup>th</sup> April 1971
St Catherines	28 <sup>th</sup> October 1969
Seale	18 <sup>th</sup> December 1973
Shackleford	27 <sup>th</sup> April 1971
Shalford	21 <sup>st</sup> July 1973
Shere	31 <sup>st</sup> July 1973
Stoke Fields	14 <sup>th</sup> June 1989
Stoughton Barracks	27 <sup>th</sup> August 1973
Wanborough	18 <sup>th</sup> December 1973
Waterden Road	3 <sup>rd</sup> May 1989
West Clandon	31 <sup>st</sup> July 1973
West Horsley	31 <sup>st</sup> July 1973
Wey and Godalming Navigations	23 <sup>rd</sup> March 1999
Wisley	3 <sup>rd</sup> March 1989
Worplesdon	18 <sup>th</sup> December 1973

- 5.334 Thirteen of the borough's Conservation Areas are presently complemented by an adopted Conservation Area Character Appraisal (CACA). These appraisal documents undertake analysis that helps with justifying the reasons for designating the area and provides a meaningful understanding of the unique qualities and characteristics that contribute to its significance. All of these documents can be publicly accessed online via the Council's website.<sup>193</sup>
- 5.335 The Council has also introduced Article 4 Directions on domestic properties within eight of the designated Conservation Areas within the Borough. This is a mechanism for tightening planning controls over changes that are likely to directly impact on public views, typically affecting development to the front of houses facing onto a public highway or open space. Those Conservation Areas which benefit from an Article 4 Direction designation are identified on the policies map, and the supporting document Guildford Borough Council (2016) *Guildford Borough*

<sup>193</sup> Available online at: <https://www.guildford.gov.uk/conservation>

## Policy D18: Conservation Areas

- 1) Development proposals within or which would affect the setting of a Conservation Area are expected to preserve or enhance its special character and appearance. Where harm to/loss of significance is identified this will be considered against Policy D16(3): Designated Heritage Assets.
- 2) Development proposals are required to show how they respect and respond to the history of place, the surrounding context and the preservation or enhancement of the Conservation Area's special character and local distinctiveness, by having regard to:
  - a) the retention of buildings, groups of buildings, existing street patterns of the area, building lines and ground surfaces, and the impact on significant open spaces;
  - b) the retention of architectural details and features of interest that contribute positively to the character and appearance of the area, such as windows, doors, and boundary treatments;
  - c) the protection, and where appropriate, the enhancement of key views and vistas, to, from and through a Conservation Area; and
  - d) the protection of trees and landscape that contribute positively towards the character and appearance of the area.
- 3) Development proposals within or which would affect the setting of a Conservation Area are required to be of a high-quality design and are expected to take the opportunity to enhance the special interest of the area. They are required to reinforce or complement the character and local distinctiveness and characterisation of the Conservation Area, including having regard to:
  - a) size, height, bulk, massing, scale, layout, landscape and appearance;
  - b) the use of good quality sustainable building materials and detailing, appropriate to the locality and sympathetic in colour, profile and texture; and
  - c) maximising opportunities to mitigate and adapt to climate change through energy efficiency improvements.

### Definitions

- 5.336 *Local distinctiveness* – The positive features of a place and its communities which contribute to its special character and sense of place.
- 5.337 *Setting* – The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to

<sup>194</sup> Available online at: <https://www.guildford.gov.uk/article/25520/Historic-environment-information>

appreciate that significance or may be neutral.

- 5.338 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

#### **Reasoned Justification**

- 5.339 A Conservation Area designation is not intended to prevent new development or stifle the area's economic life or potential. Its purpose is to seek to ensure the local character is strengthened rather than diminished by change, to secure the proper preservation, and where necessary, reinstatement of those features which contribute to the character of the area, as there is a statutory duty placed upon the Council to ensure their preservation and enhancement.

#### *Assessing significance*

- 5.340 In accordance with Policy D16(1): Designated Heritage Assets, the special architectural or historic interest of a Conservation Area needs to be understood and articulated for all development proposals that directly or indirectly impact upon one or more of the borough's 40 Conservation Areas. Identifying this significance and the cultural and heritage value requires first an understanding of its history, fabric and character, how and why it has changed over time, together with the technology of its construction and the form and condition of its constituent elements and materials. As required by Policy D16(1): Designated Heritage Assets, an assessment of these issues should be submitted as part of a planning application, in a degree of detail proportionate to the nature and scale of the proposed development. Further details on this are provided in the supporting text to Policy D16: Designated Heritage Assets, however applicants should be having regard to any Conservation Area Character Appraisals that exists.
- 5.341 As noted, there are presently 27 Conservation Areas which do not currently benefit from a Conservation Area Character Appraisal. The Council is embarking on a programme to prepare individual character appraisals for those outstanding, in order to satisfy its statutory obligation. For those Conservation Areas that do not yet have an appraisal in place, applicants are still required to identify significance by consulting the Historic Environment Record (a source of information held by Surrey County Council relating to landscapes, buildings, monuments, sites, places areas and archaeological finds) but also by proportionately defining the area's significance by considering the key characteristics. Simultaneously the Council is also required to identify and assess the particular significance, as directed by the NPPF. The conclusions from the Council will form part of the Officer's report.

#### *Harm to significance*

- 5.342 Within Conservation Areas, the presumption will be in favour of retaining buildings or structures which make a positive contribution to the architectural or historical interest of the area, even if change of use or some alteration is necessary. Demolition of such buildings will be considered to cause harm to the significance of a Conservation Area and therefore will have to be considered against Policy D16(3): Designated Heritage Assets. Nevertheless, consent for demolition will only be deemed acceptable in exceptional circumstances where it can be demonstrated that the building or structure is beyond repair and incapable of beneficial use, or

the benefits of any succeeding redevelopment would be greater than the harm caused by the demolition. Examples of potential public benefits are referenced in the supporting text to Policy D16: Designated Heritage Assets.

- 5.343 There are occasions where buildings have been purposefully neglected and allowed to fall into disuse in the hope that planning permission will be granted to redevelop the site. To discourage such practices, where buildings and structures make a positive contribution to a Conservation Area, supporting evidence that demonstrates that the property has been offered for sale for a reasonable time, at a price that reflects its condition, rather than its redevelopment potential will be expected.
- 5.344 Where permission for demolition is approved, the Council will wish to ensure that the clearance of a site is only undertaken when the implementation of the replacement scheme immediately follows, in order to avoid leaving unsightly gaps in the Conservation Area. This will be controlled by means of conditions or planning obligations.
- 5.345 Not all forms of harm to significance are as result of demolition. Harm can equally come about from actions such as incongruous development, unsympathetic alterations, incremental or cumulative alterations, removal of trees and loss of open spaces. In instances where these are identified, the resultant harm will be considered against Policy D16(3): Designated Heritage Assets.

*Retention of buildings and features of significance*

- 5.346 Where planning permission is required for alterations and adaptations to an existing building, these should contribute to the character of a Conservation Area and be undertaken in a sensitive manner, taking account of both the host property and the wider streetscape. Changes that may appear relatively minor, can individually and cumulatively have a detrimental impact on the character of both the building and area, especially when it comes to the incremental loss of traditional or distinctive architectural details and features, such as historic windows, traditional front doors, decorative roof embellishments, and traditional dormers. This principle also applies to outbuildings and boundary structures. Therefore, there is a presumption in favour of retaining these features, especially in instances where they make a positive contribution to the special architectural and/or historic interest of a Conservation Area. Equally, the Council will seek to achieve appropriate enhancements through the removal and replacement of inappropriate and incongruous architectural details and features, such as uPVC windows and rainwater goods.
- 5.347 Where repairs are required to retain architectural detailing and features, this should be undertaken carefully, using materials and techniques that are sensitive to the fabric, such as, pointing/repointing being carried out using a suitable lime mortar of a good colour match. If it can be demonstrated that such components are beyond repair, replacement should typically be on a like-for-like basis. Historic England provides guidance on some of the more common repair works undertaken in the historic environment, this includes repointing works, window repairs and lead roof repairs. These documents should be consulted before embarking on any of the respective works.

- Historic England 2017 Repointing Brick and Stone Walls: Guidelines for best practice<sup>195</sup>
- Historic England 2017 Traditional Windows: Their care, repair and upgrading<sup>196</sup>
- Historic England 1997 Lead Roofs on Historic Buildings<sup>197</sup>

### *Views and landscape*

- 5.348 All of the borough's Conservation Areas are experienced through incidental, kinetic and transitional views, constantly changing as a viewer moves through the place. These views can range from the tightly framed, as glimpsed between buildings, to the panoramic, as observed across a foreground of open land, and those of key landmark buildings. It is important that new development respects key views and vistas and should not block or obstruct views of important landmarks either within or outside the Conservation Area. Likewise, the setting of a Conservation Area often makes a contribution to the special interest of the area. Elements of a setting may make a positive, negative or neutral contribution to the special interest of the Conservation Area. Views are often used to define the extent and importance of setting. However, whilst views of an area's surroundings play an important role in the way the setting of the Conservation Area is experienced, there are other factors which can also contribute. These include, but are not limited to, the pattern and appearance of the surrounding townscape/landscape, the noise, ambience and use of the surrounding area and the historic relationships. Careful consideration should be given to the setting of Conservation Areas in line with Historic England's published guidance.<sup>198</sup>
- 5.349 Trees, hedges and other street greenery can also be a vital element of Conservation Areas, not only in public places, but on private land as well. They can provide visual enclosure, act as an attractive backdrop, bring colour and soften the hard-urban environment, and deliver improved environmental and natural habitat benefits to the area. In more urban areas they are an important component of the urban landscape and public realm, whilst in more suburban and rural locations they are an integral part of the character and appearance of an area. Development proposals are required to protect trees or landscape features where they are deemed important to the character and appearance of a Conservation Area. Further to this, trees sited in Conservation Areas that are not protected by Tree Preservation Orders (TPO) are also given special protection. This means that written notice needs to be submitted to the Council for any proposed works to any tree within a Conservation Area greater than 7.5cm in diameter (as measured at 1.5m above ground level). Written notice should be given at least six weeks before works are due to start. This allows the Council to make an inspection of the tree(s) and consider if a TPO should be made.
- 5.350 In schemes where new planting and landscaping is being proposed consideration must be given to Policy P6/P7: Biodiversity in New Developments.

<sup>195</sup> Available online at: <https://historicengland.org.uk/images-books/publications/repointing-brick-and-stone-walls/heag144-repointing-brick-and-stone-walls/>

<sup>196</sup> Available online at: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

<sup>197</sup> Available online at: <https://historicengland.org.uk/images-books/publications/lead-roofs-on-historic-buildings/>

<sup>198</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

*Principles of development*

- 5.351 The character and appearance of a Conservation Area are inextricably linked with the physical fabric of which it is made, with many providing evidence of their past in their buildings, street patterns and open spaces, and which contribute significantly to the area's distinct identity. The placement of buildings within their plots and the layout, form and density of development, can be a characteristic of a place or area, nevertheless intensification of development, or the subdivision of plots, based on suburban plot shapes and modern expectation of size, can often result in conflict with the characteristic grain or settlement pattern, and can start to diminish its overall character and disposition.
- 5.352 The historic or locally distinctive character of Conservation Areas is not only attractive, but it can act as a catalyst for creative new designs. Whilst it is important for designers to look to and reference development in the immediate locality, particularly those buildings of a high architectural quality, in order to provide the equivalent quality of built form for the future, it however should not necessarily be directly copied. Instead, new development is required to positively respond to its context by having regard to the established qualities and characteristics on display.
- 5.353 Development, including extensions, within Conservation Areas must seek to enhance the special interest and character of the area and should embrace the opportunity it provides to mend potential mistakes of the past. The Council is keen to embrace new buildings and development in Conservation Areas, where justified, but not at the expense of the continuation or introduction of mediocre or poor design. Only designs which show a complete understanding of their context (including respect for views and vistas) and a clear design rationale for size, height, bulk, scale, layout, landscape, and appearance will be supported.
- 5.354 Materials, detailing, craftsmanship and finishes are equally important in achieving high quality design and should be carefully chosen on the basis of their appropriateness to the character of the area; their visual sympathy with the architectural form and composition; their long-term durability and their environmental sustainability. This means that the use of bricks of an inappropriate colour and/or texture, artificial stone, concrete and interlocking roof tiles, or plastics such as uPVC, which all detract from the local distinctiveness and character of Conservation Areas, will not be supported. The selection of appropriate materials also extends to both hard and soft landscaping and boundary treatments.
- 5.355 The Council recognises that in order to make properties situated within Conservation Areas robust for contemporary use, they are likely to necessitate some changes to deliver energy efficiencies and greater resilience to climate change. However, it is still expected that adaptation and mitigation measures should avoid harming the intrinsic qualities that contribute to the Conservation Areas special character and appearance, including giving due consideration to the effect on the appearance and characteristics of the host building. There are many measures that can be applied to properties to improve their energy performance, each will have benefits and harm that will need to be weighed-up and balanced. Getting the right balance between benefit and harm is therefore best done with a holistic approach that uses an understanding of the building, its context, its significance and all the factors affecting energy use as the starting point for devising an energy-efficiency strategy. This 'whole building approach' will ensure that the

measures employed are robust, well integrated, properly coordinated, and sustainable. Before embarking upon such works consultation of the following documents is strongly advised.

- Historic England 2018 Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency<sup>199</sup>
- Historic England 2020 Energy Efficiency and Traditional Homes. Historic England Advice Note 14<sup>200</sup>
- Historic England 2017 Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings<sup>201</sup>

## Key Evidence

- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2019) Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1
- Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition)
- Historic England (2020) Energy Efficiency and Traditional Homes. Historic England Advice Note 14

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D18	N/A	Planning Appeals
Number of Conservation Areas identified on the Heritage At Risk Register	N/A	Historic England

<sup>199</sup> Available online at: <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/heag094-how-to-improve-energy-efficiency/>

<sup>200</sup> Available online at: <https://historicengland.org.uk/images-books/publications/energy-efficiency-and-traditional-homes-advice-note-14/heag295-energy-efficiency-traditional-homes/>

<sup>201</sup> Available online at: <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/heag014-energy-efficiency-partll/>

## Policy D19: Scheduled Monuments

### Introduction

- 5.356 Scheduled Monuments are the most comprehensively protected archaeological remains in England. They constitute a finite and non-renewable resource that are valuable for their own sake and for their role in education, leisure and tourism, yet, in many cases these assets are highly fragile and vulnerable to damage and destruction. They are not only protected by the terms of the Ancient Monuments and Archaeological Areas Act 1979, but also through the Town and Country Planning Act 1990.
- 5.357 Under the terms of the 1979 Act, the Secretary of State has a duty to compile and maintain a schedule of monuments of national importance, the purpose being to help preserve them, so far as possible, in the state in which they present to us today. The Act also makes provision for a system of Scheduled Monument Consent for any works to a designated monument.
- 5.358 There are over 200 ‘classes’ of monuments on the schedule, and they can range from below-ground archaeological remains to freestanding buildings and structures, and date from any period of human history, however only deliberately created structures, features and remains can be scheduled.
- 5.359 There are presently 38 Scheduled Monuments within Guildford Borough, these are listed in Table D19a (below) and are identified on the policies map<sup>202</sup> as well as the National Heritage List for England,<sup>203</sup> where the asset’s list entry can also be found.

**Table D19a: Scheduled Monuments within Guildford Borough<sup>204</sup>**

Scheduled Monument	Date First Listed
Anglo-Saxon fortified centre, Eashing	1st July 1975
Bell Barrow on Cockcrow Hill, Wisley	16th November 1934
Bowl Barrow at Newlands Corner, Guildford	16th January 1998
Bowl Barrow on Shere Heath, Shere	3rd March 1993
Bowl Barrow west of Cockcrow Hill, Wisley	7th July 1993
Bowl Barrow 90m west of Tyting Farm, Chilworth	30th November 1925
Chilworth Gunpowder Works, Chilworth	14th April 1982
Disc Barrow on Whitmoor Common, Guildford	7th February 1949
Earth circles on St Martha’s Hill, Chilworth	30th November 1925
Eashing Bridge, Lower Eashing	30th November 1925
Frowsbury Mound: a Bowl Barrow of 70m south of Clear Barn, Puttenham Heath	30th November 1925
Guildford Castle, Guildford	1st January 1920
Hengi-form monument at Red Hill, Wisley	30th January 1980

<sup>202</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

<sup>203</sup> Available online at: <https://historicengland.org.uk/listing/the-list/>

<sup>204</sup> Accurate up to July 2021

Henley Fort: a London Mobilisation Centre, Guildford	21st June 1973
Hillbury Hillfort, Putterham Common	30th November 1925
Holmbury Camp: a small multivallate hillfort north of Three Mile Road, Holmbury St Mary	30th November 1925
Large Univallate Hillfort at Felday, Holmbury St Mary	5th July 1994
Linear boundary on Whitmoor Common, Guildford	7th February 1949
Medieval moated site and fishponds, Greatlee Wood, Effingham Junction	11th October 1954
Medieval moated site and earlier earthwork south of Boughton Hall, Send	11th October 1954
Medieval moated site at Guildford Park Manor, Manor Farm, Guildford	2nd May 1990
Medieval undercroft at 72/74 High Street, Guildford	27th August 1976
Medieval undercroft remains at 50-52 High Streets, Guildford	4th April 2011
Newark Priory: an Augustinian Priory north of the River Wey, Ripley	30th November 1925
Romano-British temple and enclosure on Farley Heath, Farley Green	16th November 1934
Romano-celtic temple complex 385m west of Long Common, Wanborough	9th March 2001
Roman villa north of Limnerslease, Down Lane, Compton	16th November 1934
Soldier's Ring Hillfort, Crooksbury Common, Seale	30th November 1925
St Catherine's Chapel, Artington	30th November 1925
The Treadwheel Crane, Guildford	20th April 1970
Two bowl barrows, Littleworth Clump, Seale	11th January 1993
Two bowl barrows on Culverswell Hill, Seale	16th November 1934

- 5.360 No works to a Scheduled Monument can occur without express permission from Historic England. This procedure is known as Scheduled Monument Consent (SMC). Works are defined by the 1979 Act as demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or tipping material onto the monument. It is an offence, punishable by fine, to do works to a scheduled monument without first obtaining scheduled monument consent. It is also an offence to damage or destroy a scheduled monument as well as failure to comply with the terms of an SMC. The maximum penalty for this is an unlimited fine and/or a period of two years imprisonment.
- 5.361 Under the NPPF, Scheduled Monuments are identified as a designated heritage asset and their conservation is to be given great weight in planning permission decisions. In some instances, Scheduled Monuments can also be identified as a Listed Building, where this occurs the Scheduled Monument legislation will take precedent.

## Policy D19: Scheduled Monuments

- 1) Development proposals are required to conserve and enhance those elements which contribute to the significance of a Scheduled Monument including setting, with a presumption in favour of preservation *in situ*. Where harm to/loss of significance is identified this will be considered against Policy D16(3): Designated Heritage Assets. Development proposals that adversely affect the physical survival, setting or historical or architectural significance will be refused.
- 2) Where development proposals are likely to affect the significance of a Scheduled Monument, including its setting, a preliminary archaeological desk-based assessment will be required as part of the planning application. The assessment must:
  - a) detail the extent, character and condition of the archaeological resource; and
  - b) assess the significance of the archaeological remains and the likely impact of the development on the archaeological remains.
- 3) In cases where the results of any preliminary archaeological desk-based assessment are inconclusive, or where they produce evidence of significant archaeological remains, an archaeological field examination may also be required.

### Definitions

- 5.362 *Setting* – The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.363 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

### Reasoned Justification

- 5.364 Scheduled Monuments provide important evidence of our past which brings an understanding and enjoyment of the present, however their significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Therefore, the preservation of these assets (standing or submerged), including their setting, will always be sought. Development proposals which adversely affect the physical survival, setting or historical or architectural significance of the monument, thereby causing harm to significance will be considered against Policy D16(3): Designated Heritage Assets.
- 5.365 Their identity as being of national importance means that there is a presumption for preservation *in situ*. The preservation of material *in situ* does not necessarily preclude development as such, deposits may be sealed or incorporated into the design of a structure, as a mitigatory strategy. In such circumstances details on the mitigation measures proposed will need to be provided in support of an application. Nevertheless, where preservation *in situ* is not, as a result of either a

desk-based assessment or field work, justifiably possible or not necessary, applicants will be required to make adequate provision for preservation through archaeological recording in accordance with an approved written scheme of investigation that is submitted in advance of an application's determination.

- 5.366 An archaeological desk-based assessment should be prepared prior to the submission of a planning application so that the archaeological implications of development can be fully considered. It should be an assessment of published and unpublished archive and historical material, including documentary, cartographic and photographic sources, and should focus upon the nature, character, quality, date and extent of known archaeological assets as well as the potential of new discoveries. Advice should preferably be sought from Historic England and/or Surrey County Council's Historic Environment Planning Team early in the process to discuss the potential for archaeological impact and to agree the scope and focus of the assessment, equally it is expected to conform to the Chartered Institute for Archaeology (CIfA) 'Standard for desk-based assessments'.<sup>205</sup>
- 5.367 Archaeological fieldwork, trial work and site investigation may be required where the proposed application has implications for surviving archaeological monuments or remains, or where the results of the desk-based assessment are inconclusive. It is used to verify the conclusions of an assessment and provide data on the nature, extent, date and character of the archaeological resource. This information can then be used to establish the impact that development may have on the remains, and the weight that should be attached to their preservation. This will be used as a material consideration when assessing a planning application. It may also be used to develop options for avoiding and/or minimising damage to the remains.
- 5.368 The field evaluation can take a number of forms including remote sensing, geophysical survey, trial trenches and/or test pits, and this will vary depending upon the scale, nature and importance of the site in question. Guidance on the most appropriate technique to employ will come from either Historic England and/or Surrey County Council's Historic Environment Planning Team, equally it is expected to conform to the Chartered Institute for Archaeology (CIfA) 'Standard for archaeological field evaluation'.<sup>206</sup>
- 5.369 All archaeological work should be undertaken by a suitably qualified party in accordance with professional standards and guidance published by Historic England and the Chartered Institute for Archaeologists (CIfA).

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<sup>205</sup> Available online at: [www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_4.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_4.pdf)

<sup>206</sup> Available online at: [www.archaeologists.net/sites/default/files/CIfAS%26GFieldevaluation\\_3.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GFieldevaluation_3.pdf)

## Key Evidence

- Department for Culture Media & Sport (2013) Scheduled Monuments & Nationally important but Non-scheduled Monuments
- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition)
- Chartered Institute for Archaeologists (2014) Standard and guidance for historic environment desk-based assessment
- Chartered Institute for Archaeologists (2014) Standard and guidance for historic environment archaeological field evaluation

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D19	N/A	Planning Appeals

## Policy D19a: Registered Parks and Gardens

### Introduction

- 5.370 Since 1983, Historic England has maintained a Register of Historic Parks and Gardens of Special Historic Interest<sup>207</sup> whose main objective is to celebrate designed landscapes of note and to encourage appropriate protection. As with Listed Buildings, these registered landscapes are graded as per the following criteria:
- Grade I sites are of exceptional interest
  - Grade II\* sites are particularly important of more than special interest
  - Grade II sites are of special interest, warranting every effort to preserve them
- 5.371 Those registered include private gardens, public parks and cemeteries, rural park land and other green spaces with the emphasis on inclusions being the significance of the place as a designed landscape, rather than its botanical importance. The criteria for inclusion on this list include age and rarity, influence, examples of styles of garden design or the work of important garden designers, historic association with significant events or people and examples of major planting schemes. More detail on these can be gained from the following Historic England publications:
- Register of Parks and Gardens Selection Guide – Landscapes of Remembrance (2018)<sup>208</sup>
  - Register of Parks and Gardens Selection Guide – Urban Landscapes (2018)<sup>209</sup>
  - Register of Parks and Gardens Selection Guide – Rural Landscapes (2018)<sup>210</sup>
  - Register of Parks and Gardens Selection Guide – Institutional Landscapes (2018)<sup>211</sup>
  - Introduction to Heritage Assets – War Memorial Parks and Gardens (2015)<sup>212</sup>
- 5.372 Inclusion on the register does not provide statutory protection nor does it imply any specific additional powers to control development or work, but the NPPF deems them to be a designated heritage asset and consequently the effect of any development on their significance or setting is a material consideration in the determination of a planning application.
- 5.373 There are currently 8 Registered Parks and Gardens within the borough, these are listed in Table D19b (below) but are also identified on the policies map<sup>213</sup> as well as the National Heritage List for England<sup>214</sup>, where the asset's list entry can also be found.

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<sup>207</sup> Available online at: <https://historicengland.org.uk/listing/the-list/>

<sup>208</sup> Available online at: <https://historicengland.org.uk/images-books/publications/drpgsg-landscapes-remembrance/heag091-landscapes-of-remembrance-rpgsg/>

<sup>209</sup> Available online at: <https://historicengland.org.uk/images-books/publications/drpgsg-urban-landscapes/heag093-urban-landscapes-rpgsg/>

<sup>210</sup> Available online at: <https://historicengland.org.uk/images-books/publications/drpgsg-rural-landscapes/heag092-rural-landscapes-rpgsg/>

<sup>211</sup> Available online at: <https://historicengland.org.uk/images-books/publications/drpgsg-institutional-landscapes/heag090-institutional-landscapes-rpgsg/>

<sup>212</sup> Available online at: <https://historicengland.org.uk/images-books/publications/iha-war-memorial-parks-gardens/heag076-war-memorial-parks-gardens-iha/>

<sup>213</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

<sup>214</sup> Available online at: <https://historicengland.org.uk/listing/the-list/>

**Table D19b: Registered Parks and Gardens within Guildford Borough<sup>215</sup>**

Name	Grade	Date first listed
Albury Park	I	1 <sup>st</sup> June 1984
Clandon Park	II	1 <sup>st</sup> June 1984
Compton Cemetery	II*	5 <sup>th</sup> March 2014
Hatchlands	II	27 <sup>th</sup> July 2007
Jellico Roof Gardens, Guildford	II	30 <sup>th</sup> August 2000
Littleworth Cross	II	1 <sup>st</sup> April 1988
Merrow Grange	II	1 <sup>st</sup> June 1984
RHS Wisley	II*	1 <sup>st</sup> June 1984

- 5.374 The Local Planning Authority is required to consult Historic England when considering applications which affect those assets which are either Grade I or II\*, whilst the Gardens Trust is consulted for all registered sites, irrespective of grade.

### Policy D19a: Registered Parks and Gardens

- 1) Development proposals affecting a Registered Park and Garden or its wider setting are required to demonstrate that it would:
  - a) cause no unacceptable harm to the asset's significance, taking into account layout, design, character, setting and appearance of those features, both built and natural, that form part of and contribute to its special interest;
  - b) respect the integrity of the landscape and key views into, through or out of the park or garden, particularly those which are an integral part of the design;
  - c) not lead to the unsympathetic sub-division of the landscape; and
  - d) not prejudice its future restoration.
- 2) Where harm to/loss of significance is identified this will be considered against Policy D16(3): Designated Heritage Assets.

#### Definitions

- 5.375 *Setting* – The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.376 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance

<sup>215</sup> Data accurate up to July 2021

derives not only from a heritage asset's physical presence, but also from its setting.

### **Reasoned Justification**

- 5.377 Registered Parks and Gardens are a fragile and finite heritage asset resource that not only adds substantial value to both the landscape and environmental quality within the borough, but also reveals facets of the cultural and social history of an area. Each historic landscape is unique, a consequence of location, natural growth and designed alteration, and is also a dynamic entity that changes over time. Although the purpose of the designation is to protect and preserve the essential features of Registered Parks and Gardens, this is not intended to restrict change. Historic landscapes continue to evolve as they always have done, and change is often necessary to secure their long-term sustainability. Change can involve many types of activity ranging from routine maintenance to the provision of new structures or alterations. Nevertheless, there is a need to protect such sites and their setting from new development, which would otherwise destroy or harm their historic interest, and to encourage sympathetic management wherever possible.
- 5.378 In accordance with Policy D16(1): Designated Heritage Assets, the special architectural or historic interest of a Registered Park or Garden needs to be understood and articulated for all development proposals that directly or indirectly impact upon them. Identifying this significance and the cultural and heritage value requires first an understanding of its history, fabric and character, how and why it has changed over time, together with the technology of its construction and the form and condition of its constituent elements and materials. As required by Policy D16(1): Designated Heritage Assets, an assessment of these issues should be submitted as part of a planning application, in a degree of detail proportionate to the nature and scale of the proposed development. Further details on this are provided in the supporting text to Policy D16: Designated Heritage Assets.
- 5.379 Features that contribute to the significance of a Registered Park or Garden should be retained and their sensitive restoration encouraged. Features that may be considered significant can include:
- Historic layouts, buildings, structures and landscape features including water features
  - Relationship between features and structures
  - Topography, geology and landform
  - Soft and hard landscaping including trees, lawns and planting beds
- 5.380 There is a presumption of preserving buildings, structures or features which make a positive contribution to a Registered Park and Garden's special character and significance. When harm to significance is identified this will be considered against Policy D16(3): Designated Heritage Assets.
- 5.381 Historic designed landscapes invariably include buildings and structures. They may contribute to the reason that it was designated or equally may predate it. However, new development within a Registered Park and Garden should be kept to a minimum, as visual clutter can significantly detract from the appearance of the landscape. If structures are shown to be necessary and can be justified, they should be designed and positioned to be appropriate for the character, appearance and historic importance of the landscape, and should be of a high standard of

design. Advantage is to be taken of existing topography to reduce the visibility of a proposal, with structures designed to follow the existing contours proving to be less visually prominent than those which do not. Materials, detailing, craftsmanship and finishes are equally important in achieving high quality design and should be carefully chosen on the basis of, their appropriateness to the character of the area; their visual sympathy with the architectural form and composition; their long-term durability and their environmental sustainability.

- 5.382 Setting and views are fundamentally important design components of a Registered Park or Garden. They contribute to the character and 'sense of place' and can influence the way the heritage asset is experienced, understood and appreciated. The designed nature of many Registered Parks and Gardens means that many, typically, have important accidental and/or planned views to, from, or within the site. These may include viewpoints where long views are available, related views between significant features and structures within the site and sequential views. Similarly, many designers took advantage of the wider setting and the landscape beyond the boundary by positively utilising it to form a backdrop, or to terminate internal vistas. Development proposals therefore must be sensitive towards the potential impact on internal views as well as setting, no matter the season. Unsympathetic development adjacent to a Registered Park or Garden can often have as detrimental an impact on the asset's character and appearance as works to the landscape itself.
- 5.383 Certain types of new uses or development can have a tendency to result in subdivision and divisions of land management, as they seek to provide individual units their own areas of privacy and seclusion, for example, the conversion of outbuildings or the sale of land for residential. The consequence of this is that in some circumstances it can reduce the cohesion and integrity of the designed landscape resulting in harm to significance.

### Key Evidence

- Historic England (2021) Maintenance, Repair and Conservation Management Plans for Historic Parks and Gardens (<https://historicengland.org.uk/advice/technical-advice/parks-gardens-and-landscapes/maintenance-repair-and-conservation-management-plans-for-historic-parks-and-gardens/>)
- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition)
- The Gardens Trust (2019) The Planning System in England and the Protection of Historic Parks and Gardens: Guidance for Local Planning Authorities
- The Gardens Trust - Planning Conservation Advice Notes 1-14

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D19a	N/A	Planning Appeals
Number of Registered Parks and Gardens identified on the Heritage at Risk Register	N/A	Historic England

## Policy D20: Non-designated Heritage Assets

### Introduction

- 5.384 Throughout Guildford borough there are buildings, sites, monuments, landscapes and areas of local historic, architectural or townscape interest, that whilst not benefiting from designated heritage asset status, nevertheless contribute to the borough's distinctiveness and sense of place, and hold a degree of significance meriting consideration in planning decisions because of their heritage interest. These are known as Non-designated Heritage Assets. However, national guidance does make it clear that a substantial majority of buildings/assets will have little or no heritage significance and that only a minority will have enough heritage significance to merit identification as a Non-designated Heritage Asset.
- 5.385 The concept of Non-designated Heritage Assets as a planning consideration has been part of planning policy guidance since the 1990's, however the National Planning Policy Frameworks (NPPF) now gives significant policy weight in planning decision-making to heritage assets that are not nationally designated. The framework places an obligation on local planning authorities to identify heritage assets and to define the significance of these assets.
- 5.386 Annex 2 of the NPPF provides the following definition of a heritage asset – 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing). The definition makes it clear that heritage assets include those parts of the historic environment that may not be subject to a statutory designation (such as listing or scheduling).
- 5.387 These assets can be identified in a number of ways, including Local Heritage Lists; Local and Neighbourhood Plans; Conservation Area Appraisals and Reviews and Decision-making on planning applications.
- 5.388 A summary of the diversity of Guildford's Non-designated Heritage Assets as currently identified is provided in Table D20a (below) but are also identified on the Policies Map<sup>216</sup> and within the following reference document Guildford Borough Council (2016) Guildford Borough Historic Environment Information.<sup>217</sup> They are also additionally identified in Surrey's Historic Environment Record (HER).<sup>218</sup>

**Table D20a: Non-designated Heritage Assets in Guildford Borough<sup>219</sup>**

Heritage Assets	Numbers in Guildford Borough
Locally Listed Buildings	313
Locally Listed Parks and Gardens	52
County Sites of Archaeological Importance	34
Area of High Archaeological Potential	151

<sup>216</sup> Available online at: <https://www.guildford.gov.uk/planningmap>

<sup>217</sup> Available online at: <https://www.guildford.gov.uk/article/25520/Historic-environment-information>

<sup>218</sup> Available online at: <https://www.exploringsurreypast.org.uk/collections/search/?s=surrey&map=1>

<sup>219</sup> Data accurate up to July 2021

### *Locally Listed Buildings*

- 5.389 A Locally Listed Building is a building or structure which is identified by the Council as being of local architectural or historic interest worthy of preservation, but which is not of sufficient importance to warrant national statutory listing (i.e. grade I, II\* and II), yet whose significance merits special consideration in the planning process as identified in the NPPF.
- 5.390 The Council has an adopted list of buildings of special local architectural or historic interest. This is known as the Local List. Inclusion of a building or structure on the 'List' does not affect the permitted development rights of a building. However, where an application is submitted to the Council for works including alteration, extension or demolition, the special interest of the building and its Local Listing status will be a material consideration.
- 5.391 There are presently 313 entries on the Local List. Assets included range from houses, barns, railway bridges, walls and telephone boxes, however this number is not static, with the Council considering proposals for additions as they emerge. The selection criteria designation follows the framework set by Historic England outlined in their guidance document *Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7.*<sup>220</sup>

### *Locally Listed Parks and Gardens*

- 5.392 This category of Non-designated Heritage Asset is formed of designed landscapes, such as private gardens, public parks and cemeteries, which are deemed to be of local or historical interest worthy of preservation, but which is not of sufficient importance to warrant national statutory listing (i.e. grade I, II\* and II), yet whose significance merits consideration in the planning process as identified by the NPPF. Unlike statutory designated parks and gardens, these assets are not identified by Historic England, but are instead, in the case of Guildford, selected by the Council based on a criteria drawn up in collaboration with Surrey County Council and the Surrey Gardens Trust.
- 5.393 There are presently 52 entries on Guildford's local list, these include amongst others Stoke Park; Hatchlands and Guildford Castle Gardens.

### *Non-designated Heritage Assets of Archaeological Interest*

- 5.394 Within the borough there are two forms of Non-designated Heritage Assets of Archaeological Interest. These are County Sites of Archaeological Importance, which are sites which are locally important in the context of Surrey and identified by Surrey County Council (SCC), of which there are presently 34 identified, and Areas of High Archaeological Potential, which are identified by the SCC as being of archaeological potential based on previous finds, maps or other evidence, of which there are presently 151 identified.

### *Assets identified in Neighbourhood Plans*

- 5.395 The Localism Act 2011 has increased the role of communities in determining how planning decisions are made at the local level, including those involving heritage assets. Communities can play a key role in preparing neighbourhood plans which establish the general planning

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<sup>220</sup> Available online at: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag301-local-heritage-listing/>

policies for the development and use of land in a neighbourhood and work in preparing a Neighbourhood Plan may indicate buildings and sites which merit inclusion as Non-designated Heritage Assets. The Act also requires local authorities to maintain a list of assets of community value that have been nominated by the local community. As long as they meet the requirements set out in the Act, assets on a local heritage list may also qualify as Assets of Community Value.

### **Policy D20: Non-designated Heritage Assets**

- 1) Development proposals affecting Non-designated Heritage Assets and their setting are required to be supported by an evidence-based statement of significance. The level of detail provided within the statement is expected to be proportionate to the asset's importance and sufficient to facilitate an informed assessment of the significance of the asset and its setting, and the impact of the proposed development on that significance.
- 2) Development proposals are expected to preserve or enhance the significance of Non-designated Heritage Assets, with an expectation that development proposals:
  - a) respond to and respect the special architectural and historical interest of the heritage asset and its local importance; and
  - b) are designed and sited so as to conserve the asset, any features of interest and its setting.
- 3) Development proposals which result in harm to, or loss of the significance of a Non-designated Heritage Asset, or their contribution to the character of a place will be considered in line with national policy and guidance.
- 4) Non-designated Heritage Assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments will be considered against Policy D16: Designated Heritage Assets and Policy D19: Scheduled Monuments.
- 5) An archaeological desk-based assessment, and where appropriate a field evaluation, will be required to inform the determination of development proposals for:
  - a) sites which affect, or have the potential to affect, County Sites of Archaeological Importance and Areas of High Archaeological Potential; and
  - b) all other development sites exceeding 0.4ha.
- 6) Where archaeological remains of significance are found to exist, applicants are expected to demonstrate that the particular archaeological interest of the site can be justifiably preserved in situ. Alternatively, where permanent preservation is not justified the remains are to be investigated, recorded and subsequently published and archived in an appropriate repository by an archaeological organisation or consultant in line with accepted national professional standards.

#### **Definitions**

- 5.396 *Heritage assets* – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage

interest. Heritage assets are either designated heritage assets or non-designated heritage assets. Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas, designated under the relevant legislation. Non-designated Heritage Assets are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, these include locally listed buildings and locally listed parks and gardens.

- 5.397 *Setting* – The surrounding in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.398 *Significance* – The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

### **Reasoned Justification**

- 5.399 Crucial to the conservation and enhancement of heritage assets is an understanding of what makes them significant, and how the setting contributes to that significance. Historic England guidance<sup>221</sup> states that 'the ability to assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process is very important to an applicant in order to conceive and design a successful development'. In the context of heritage, significance is defined as the sum of all the heritage values attached to a place, be it a building, an archaeological site or a large historic area.
- 5.400 The National Planning Policy Framework (NPPF) is clear that local planning authorities should be requiring applicants to describe the significance of any heritage asset affected by a development proposal, including any contribution made by their setting. This information may be provided as part of a Heritage Statement, an Archaeological Report or as part of a Design and Access Statement. Only by requiring this assessment can it be ensured that the impact of proposed development on an asset(s) or its/their setting, be it positive or negative, is understood and appropriately considered. Guidance on the preparation of statements of significance is available from Historic England Advice Note 12 - *Statements of Heritage Significance: Analysing Significance in Heritage Assets*.<sup>222</sup> If an application is submitted which affects a site that is then found to qualify as a Non-designated Heritage Asset, the applicant will be informed and will be required to provide a statement of significance.
- 5.401 The NPPF also sets out that the level of detail provided is expected to be proportionate to the asset's importance but, as a minimum, the Historic Environment Record (HER), should have been consulted and that this needs to be evidenced within the submission. A copy of the list entry will not be sufficient to meet this requirement.

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<sup>221</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/>

<sup>222</sup> Available online at: <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>

- 5.402 In assessing the significance of a heritage asset, its heritage values need to be considered and there are a number of values which should be taken into consideration when determining the significance of a heritage asset, of particular relevance are those core principles identified by Historic England in *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (2008):
- 5.403 Heritage assets, including those which are not statutory designated, are an irreplaceable resource. As custodians of our past there is an onus to ensure that they are preserved for the enjoyment of future generations to which the Council is committed. Non-designated Heritage Assets are not afforded any additional statutory protection, but they are a material consideration in the planning process. The NPPF makes it clear that not only should the significance of a Non-designated Heritage Asset be taken into account when determining applications, but a balanced judgement on the acceptability of the proposal will be required, having regard to the scale of any harm or loss and the significance of the asset, thereby applications will be considered against national policy and guidance. As an informative the significance of heritage assets can be harmed or lost through actions such as, inappropriate repairs; unsympathetic, incremental or cumulative alterations and extensions; incongruous development (including within curtilage and/or the setting); and demolition.
- 5.404 Non-designated Heritage Assets do vary greatly in the extent to which they can accommodate change without harm to their architectural and/or historic significance, with some assets more likely to be able to accommodate change or development than others. The extent to which an asset can sustain alterations, extensions or development within their setting will depend on the assets type and significance and the merit/attributes of the proposal. Every Non-designated Heritage Asset will have its own unique set of characteristics and features of interest, usually related to its original or subsequent function, and its evolution, therefore this should be respected to the greatest extent practicable when it comes to development proposals that directly or indirectly affect a Non-designated Heritage Asset.
- 5.405 Development proposals within or which would affect the setting of a Non-designated Heritage Asset will be expected to have regards to the guidance set out in Historic England's *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*,<sup>223</sup> or guidance superseding it.
- Non-designated Heritage Assets of Archaeological Interest*
- 5.406 The borough has a rich archaeological heritage which comprises remains both above and below ground, in the form of individual finds, evidence of former settlements and standing structures. These features and deposits are recognised by the Council as a fragile and finite community asset, which can provide a valuable understanding of the history and development of the local area, yet these remains have a vulnerability to modern development and land use.
- 5.407 The fact that an archaeological resource is not designated as a Scheduled Monument does not necessarily infer that it is not of national importance. There are Non-Designated Archaeological Assets which can be identified as being nationally important yet are unable to be scheduled due

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<sup>223</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

to one of the following:

- a) have the potential capability of being designated under the terms of the Ancient Monuments and Archaeological Areas Act 1979 when regarding the Principles of Selection, but which are yet to be formally assessed by Historic England
- b) have been positively identified by Historic England as being capable of designation under the terms of the Ancient Monuments and Archaeological Areas Act 1979 when regarding the Principles of Selection, but which the Secretary of State has chosen not to designate; or
- c) have been positively identified by Historic England but are incapable of being designated as a Scheduled Monument by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 as a consequence of their physical nature

5.408 Archaeological assets that fall into one of the above categories will be acknowledged as being demonstrably of equivalent significance to Scheduled Monuments. In making this distinction the NPPF<sup>224</sup> requires that such assets should be considered subject to the policies for designated heritage assets. Therefore, these assets will be considered in line with Policy D16: Designated Heritage Assets and Policy D19: Scheduled Monuments.

5.409 An archaeological desk-based assessment should be prepared prior to the submission of a planning application for all Non-designated Heritage Assets of archaeological interest (County Sites of Archaeological Importance and Areas of High Archaeological Potential), so that the archaeological implications of development can be fully considered. It should be an assessment of published and unpublished archive and historical material, including documentary, cartographic and photographic sources, and should focus upon the nature, character, quality, date and extent of known archaeological assets as well as the potential of new discoveries. Advice should preferably be sought from Surrey County Council's Historic Environment Planning Team early in the process to discuss the potential for archaeological impact and to agree the scope and focus of the assessment, equally it is expected to conform to the Chartered Institute for Archaeology (CIfA) '*Standard for desk-based assessments*'.<sup>225</sup>

5.410 Equally, many archaeological remains have yet to be discovered, so their extent and significance is not fully known. Experience shows that the unknown nature of archaeology means that new sites may be discovered at any time. Whilst it is not expedient to monitor all proposed development, the Council takes the view that it is reasonable to target larger development sites, on the basis that the greater the area the greater the likelihood of unpredictable discoveries. Therefore, a starting threshold of 0.4 hectares has been set. Meaning that all development proposals that are 0.4ha or greater will be required to be supported by an archaeological desk-based assessment.

5.411 Archaeological fieldwork, trial work and site investigation may be required where the proposed application has implications for surviving archaeological monuments or remains, or where the results of the desk-based assessment are inconclusive. It is used to verify the conclusions of an assessment and provide data on the nature, extent, date and character of the archaeological

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<sup>224</sup> National Planning Policy Framework (2021), footnote 63 Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>225</sup> Available online at: [www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_4.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_4.pdf)

resource. This information can then be used to establish the impact that development may have on the remains, and the weight that should be attached to their preservation. This will be used as a material consideration when assessing a planning application. It may also be used to develop options for avoiding and/or minimising damage to the remains. Guidance on the most appropriate technique to employ will come from either Historic England and/or Surrey County Council's Historic Environment Planning Team, equally it is expected to conform to the Chartered Institute for Archaeology (CIfA) '*Standard for archaeological field evaluation*'.<sup>226</sup>

5.412 All archaeological work should be undertaken by a suitably qualified party in accordance with professional standards and guidance published by Historic England and the Chartered Institute for Archaeologists (CIfA).

### Key Evidence

- Historic England (2008) Conservation Principles, Policy and Guidance
- Historic England (2021) Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7 (2nd Edition)
- Historic England (2019) Statements of Heritage Significance: Analysing Significance in Heritage Assets - Historic England Advice Note 12
- Historic England (2015) Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning:2
- Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3 (2<sup>nd</sup> Edition)
- Department for Culture Media & Sport (2013) Scheduled Monuments & Nationally important but Non-scheduled Monuments
- Chartered Institute for Archaeologists (2014) Standard and guidance for historic environment desk-based assessment
- Chartered Institute for Archaeologists (2014) Standard and guidance for historic environment archaeological field evaluation
- Guildford Borough Council (2016) Guildford Borough Historic Environment Information

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D20	N/A	Planning Appeals

<sup>226</sup> Available online at: [www.archaeologists.net/sites/default/files/CIfAS%26GFieldevaluation\\_3.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GFieldevaluation_3.pdf)

## Policy D21: Enabling Development and Heritage Assets

### Introduction

- 5.413 Enabling development in the context of the historic environment and heritage assets can be defined as development that would otherwise be in conflict with local and/or national planning policy, thus making it unacceptable in planning terms but for the fact that it would secure heritage benefits to the future conservation of a heritage asset to justify it being carried out, which could not otherwise be achieved. For the avoidance of doubt this applies to both designated and non-designated heritage assets, as well as the setting of these assets.
- 5.414 While normally considered as a means of last resort, enabling development is an established and useful planning tool by which the long-term future of a heritage asset can be secured. The term 'enabling development' is not a statutory term but was confirmed as a legitimate planning tool in 1988 as a consequence of the upheld Court of Appeal case *R v Westminster City Council ex parte Monahan*.
- 5.415 The NPPF<sup>227</sup> is clear that:
- Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*
- 5.416 The Framework<sup>228</sup> also indicates that enabling development may be an acceptable exception to the restriction on isolated homes in the countryside.
- 5.417 The vast majority of heritage assets survive because they are capable of beneficial use, with their maintenance being justified by their usefulness to, and appreciation by, their owners and not just their value in the property market, either in their own right or as part of a collective entity. The challenge which enabling development typically seeks to address occurs when the cost of the maintenance, repair or conversion to the optimum viable use<sup>229</sup> is greater than its resulting value to its owners or in the property market. This noted shortfall is commonly referred to as the Conservation Deficit.
- 5.418 The scale and range of an enabling development proposal can vary greatly. Though a typical example may be the proposition for the development of houses within the curtilage or setting of a listed building that would not normally be given planning permission (for example because it would be in breach of greenbelt or other policies), but where the listed building's future, both in the short and long term, can only be safeguarded through the utilisation of the consequential land value uplift resulting from that development.

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<sup>227</sup> National Planning Policy Framework (2021), paragraph 208 – Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>228</sup> National Planning Policy Framework (2021), paragraph 80(b) – Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>229</sup> PPG, Paragraph:015 Reference ID 18a-015-20190723 – Available online at: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

## Policy D21: Enabling Development and Heritage Assets

- 1) Development proposals for enabling development that would otherwise conflict with other planning policies, but which would secure the future conservation of a heritage asset are required to demonstrate that:
  - a) the enabling development would not materially harm the significance of the heritage asset or its setting and is the minimum necessary required to address the 'conservation deficit';
  - b) the enabling development is necessary to solve the conservation needs of the asset or place and not the financial needs of the present owner or to compensate the price paid for the asset or site;
  - c) there are no alternative means of delivering the same outcomes for the heritage asset, and that a full range of realistic possible options has been explored; and
  - d) it meets the guidance set out in the Historic England document, Enabling Development and Heritage Asset: Historic Environment Good Practice Advice in Planning Note 4 (or guidance superseding it).
- 2) Development proposals are required to be accompanied by a conservation management plan which identifies the scale and cost of the current repairs and maintenance requirements of the heritage asset.
- 3) Development proposals are required to demonstrate that the resultant benefits of the enabling development outweigh the disbenefits. Applications which fail to demonstrate this will be refused.
- 4) Development proposals are required to undertake necessary repairs and maintenance of the heritage asset to secure its future conservation prior to the completion of the enabling development. This will be secured by planning condition or legal agreement.

### Definitions

- 5.419 *Conservation deficit* – The amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.
- 5.420 *Conservation Management Plan* – Document which sets out the ongoing actions necessary to sustain the significance of the heritage asset once the enabling works have been completed. It should identify who will be responsible for the long-term management of the asset; the necessary maintenance tasks and the frequency with which they will be undertaken; and how future maintenance will be funded.
- 5.421 *Heritage asset* – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are either designated heritage assets or non-designated heritage assets. Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed

Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas, designated under the relevant legislation. Non-designated heritage assets are identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, these include locally listed buildings and locally listed parks and gardens.

- 5.422 *Maintenance* – Routine work necessary to keep the fabric of a place in good order. The main objective of maintenance is to limit deterioration. Although it is seen as mundane, it forms a cornerstone of building conservation, with the time and money invested protecting the value of the building.
- 5.423 *Repair* – Work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving alteration or restoration.

### **Reasoned Justification**

#### *General Guidance*

- 5.424 By definition, enabling development should be a tool of last resort in securing the future conservation of a heritage assets that is at risk, after all other reasonable efforts that would secure the assets survival have been exhausted. It is not in the public interest to pursue enabling development if there are alternative means of delivering the same outcomes for the heritage asset, including other sources of public or private investment. Whilst the sums of money generated through enabling development are on condition that it directly solves the conservation needs of the asset. It is not there to solve the financial needs of the present owner, nor is it there to support/finance a business or to compensate the purchase price paid for the site.
- 5.425 The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the asset. If no conservation deficit can be demonstrated, then the application will be refused. Equally, a proven conservation deficit does not automatically lead to permission or consent being granted.
- 5.426 Ideally enabling development would not harm the significance of the heritage asset it is intended to conserve. Nevertheless, in some instances, where it is evident that there is not a reasonable alternative means of delivering or designing a scheme with less or no harm, it may be necessary to be accepting of some harm. In such cases, the identified harm would still need to be balanced against the benefits of the proposals and the disbenefits from departing from those policies, as directed by the NPPF.<sup>230</sup> Undoubtedly there comes a critical point at which the harm to the heritage asset's significance is so great it would make the exercise of securing its future self-defeating and futile. In such situation, the Council would, if justified, consider accepting the risk of further decay or loss until circumstances change.

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<sup>230</sup> National Planning Policy Framework, paragraph 208 – Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

- 5.427 An enabling development proposal can be used in tandem with other solutions to the asset's continued conservation, however these would all have to be identified and shown to be deliverable as part of any application.

*Early engagement*

- 5.428 Making a case for enabling development is resource heavy as each application requires a significant amount of supporting detailed information. It is therefore good practice for applicants to consider realistically whether a scheme might work in principle and gain an understanding of what is and is not possible. Engaging in pre-application discussions with the Council and Historic England is one way of achieving this and may help reduce the chance of wasted expenditure on specialist advice.
- 5.429 It is also in the applicant's best interest to undertake some preliminary work, such as research into a range of alternative uses, and market testing. Not only would the outcome of this work provide a more holistic understanding of whether enabling development can be justified, it would also form part of the required evidence to support an application involving enabling development.
- 5.430 Should the noted preliminary assessments demonstrate that the enabling development is genuinely necessary, a desk-based viability assessment can then be used to identify the need for further detailed evaluation to improve the confidence in pursuing such a scheme.

*Demonstrating and justifying enabling development*

- 5.431 If the outcome of early engagement and preliminary assessments indicates that enabling development may be justified, then the extent and detail of the work entailed in supporting the application needs to be proportionate and appropriate to the specific circumstances and context of the heritage asset, as well as the proposed scheme. The information provided should be sufficiently detailed to allow the Council to validate the need for and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest. Ultimately, if the Council is to support proposals for enabling development, it would need to be justified and substantiated by clear and convincing evidence.
- 5.432 The information provided by an applicant should cover all the financial aspects of the proposed enabling development, at an appropriate degree of detail to enable scrutiny and validation. This applies to both the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the applicant to demonstrate that sufficient funds are not available from other sources, such as grant aid.
- 5.433 The Council will also refer and utilise the detailed guidance set out by Historic England in order to determine planning applications that propose enabling development.

*Necessary to solve the conservation needs of the heritage asset*

- 5.434 Understanding the impact of enabling development on the significance and integrity of a place involves the same approach as any other development proposal. It requires an understanding of the original purpose, development, use, design context and history of the heritage asset and its setting, and then to consider the following:

- a) who values the place and why they do so;
- b) how those values relate to its fabric;
- c) their relative importance;
- d) whether associated objects contribute to them;
- e) the contribution made by the setting and context of the place; and
- f) how the place compares with others sharing similar values.

- 5.435 Proposals should demonstrate that they will secure the restoration, appropriate re-use and ongoing management/maintenance of the heritage asset, this can be achieved through the submission of a Condition Survey / Conservation Plan and a Conservation Management Plan.
- 5.436 Enabling development is not just about securing the repair of the heritage asset, it is also about ensuring its future, as far as reasonably possible. Once repaired, regular maintenance should ensure no further enabling development will be required. In most circumstances, assets are small enough for their upkeep to be in the direct interest of the owner, however assets of a larger nature may need other approaches. One alternative approach is for a third party, such as a trust or public body, to discharge the responsibility for long-term maintenance.
- 5.437 There may be occasions where the condition of a heritage asset has deteriorated to the extent that its full repair would involve substantial and possibly speculative reconstruction that could harm the significance of what remains. In these circumstances the effect of the repairs on the asset's significance will need to be understood using the NPPF criteria before making a balanced judgement about the merits of enabling development.

*The only means possible*

- 5.438 In order to establish if enabling development can be justified, thus is unavoidable, applicants will be required to investigate and evidence that genuine attempts have been made to find alternative uses or owners to secure the future conservation of the heritage asset. This ideally would include early consideration of proposals that avoid the acceleration of the conservation deficit – for example, sale to another, grant or other funding sources, or transfer of ownership to a building preservation trust or similar charity. Equally, the Council may consider the possibility of using its enforcement or compulsory purchase powers as a feasible alternative. It is important that a wide range of realistic possibilities are considered, not just the original or most recent uses, although these naturally may be the most appropriate. Information and guidance regarding the local authority's preventive measures can be found in the Historic England publication *Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings*.<sup>231</sup>
- 5.439 Market experts can provide an insight into the possibility of an alternative owner who would be prepared to acquire the asset and secure its future conservation without the need for enabling development works or a scheme with less adverse impact, however only proper and appropriate marketing can demonstrate the accuracy in this.
- 5.440 All marketing should be carried out by a suitable firm of chartered surveyors or estate agents and include the placing of advertising in all relevant journals and media platforms. There should be no inflation of the price in the hope of demolition or additional development. Assuming normal

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<sup>231</sup> Available online at: <https://historicengland.org.uk/images-books/publications/stoppingtherot/>

market conditions, the minimum period of active marketing the Council expects will be six months. Additional good practice advice on appropriate marketing is provided by Historic England in their publication *Good Practice Advice in Planning Note 2: Managing Significance in Decision-taking in the Historic Environment*.<sup>232</sup>

5.441 Where an asset forms part of a larger historic entity, e.g. a listed building within a historic park or garden, it is expected that the entire historic entity will be market tested, unless it can be demonstrated, to the satisfaction of the Council and where necessary, Historic England, that this would be inappropriate. This is to safeguard the historic entity from detrimental fragmentation through the isolation and sale of those non-viable parts, as depriving the asset of the expected amenities for its type and size is likely to prejudice its sustainable future.

5.442 The potential for grant aid is also expected to have been investigated by the applicant. Where grant aid is available, but is insufficient to cover the entire conservation deficit, this should be used in combination with enabling development. Available grant aid should be evidence in the planning application.

*The minimum necessary*

5.443 To ascertain how much money the enabling development proposal will be required to raise, applicants will need to do a comparative assessment of the market value of the asset in its current state and once complete. If the current value, plus the cost of the reasonably required conservation repairs and, if appropriate, conversion to optimum viable use exceeds the value when completed, then there is a 'conservation deficit'. It is this amount that the enabling development will need to raise.

5.444 Applicants will be expected to demonstrate that the proposed enabling development is the minimum necessary by submitting a development appraisal. This appraisal should be substantiated by the following:

- a) justification for current value, if not nominal;
- b) justification for end value, based on comparable transactions;
- c) detailed costed schedule of works;
- d) justification for any other exceptional costs; and
- e) a sensitivity analysis.

5.445 With this financial information and assessments being critical to the question of whether enabling development is required, failure by applicants to provide such information will result in the refusal of planning permission. Concerns regarding the disclosure of commercially sensitive information do not outweigh the need for accurate financial evidence to be provided, as it forms a fundamental part of the assessment.

5.446 A schedule of repair costs to the heritage asset must always start from a sound understanding of the assets existing condition. It is also vital to establish whether the works proposed conform to good conservation practice, involving neither too much or too little work; and whether they are realistically costed. To aid with this a specification synopsis describing the standard of repair,

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<sup>232</sup> Available online at: <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2>

and a schedule or the extent of the repair are essential to the process.

### *Benefits*

- 5.447 Enabling development is often contrary to one or more planning policies and justified on the basis that the benefits of the proposal decisively outweigh any disbenefits. In light of this a proposal should demonstrate how it will provide a significant public benefit, in addition to the conservation of the heritage asset.
- 5.448 It is expected that the benefits identified will be directly related to the use of the heritage asset and/or its setting, however, off-site benefits which are proportionate to the proposed development will be considered where appropriate.
- 5.449 Whilst not exhaustive, the following is a list of potential public benefits.
- New or improved public access to the heritage asset and/or its setting
  - Conversion of the asset to a public use (i.e. tourist attraction, education facility etc...)
  - Restoration/reinstatement of the setting of the heritage asset with associate public access
  - Biodiversity enhancement on site with associated public access
  - Provision of employment opportunities
- 5.450 The appropriateness and significance of the benefits identified by the applicant will be examined by the Council in the round. Just because an application demonstrates a public benefit output does not necessarily mean that the application will be supported by the Council.

### *Ensuring deliverability*

- 5.451 Where a decision has been taken that a proposal for enabling development is acceptable in principle, the resultant benefits need to be properly secured via a legally enforceable arrangement. It is preferable that the conservation benefits are secured as early as possible, however occasionally the conservation works approved are dependent on funds becoming available as the enabling development progresses or at a very late stage. In these cases, the justification of delayed payment(s) and works will need to be set out at an early stage and the agreed arrangement secured in advance between the applicant and the Council. In those circumstances where a phased approach is planned and agreed, it is critical that enforceable trigger points are identified and mutually agreed.
- 5.452 To prevent enabling development being carried out with the heritage benefits (including long-term maintenance arrangements) being realised the Council will employ the use of legally enforceable mechanisms such as planning conditions and Section 106 (S.106) legal agreement. The Council will use its professional discretion in determining the most appropriate method, however, because of the importance of meeting the heritage objective and the potential for matters that are beyond the scope of planning conditions, a S.106 agreement is usually the most appropriate, especially where issues such a payment of monies / transfer of land are apparent or phasing.
- 5.453 Whilst the repair of the heritage asset is perhaps the primary objective of enabling development, it does not serve as its sole purpose. It is also used as a mechanism to secure the heritage assets future, as far, as reasonably possible. In most instances, assets are small enough for their upkeep to be in the direct interest of the owner(s), however the Council will look to include

an obligation within any S.106 agreement, to ensure regular future maintenance. This way if problems do arise then it is likely to be more effective than the use of statutory powers such as urgent works notices.

### Key Evidence

- Historic England (2020) Enabling Development and Heritage Asset: Historic Environment Good Practice Advice in Planning Note 4

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D21	None	Planning Appeals

## 6. Infrastructure chapter

### Policy ID5: Protecting Open Space

#### Introduction

- 6.1 National planning policy places importance on the provision of an accessible network of high-quality open spaces<sup>233</sup> and opportunities for sport and physical activity. Planning authorities are required to plan positively to ensure that open space provision reflects current and future needs in order to support communities' health, social and cultural well-being. This is set out in the NPPF<sup>234</sup>. Further guidance on open space, sport and recreation is also set out in Planning Practice Guidance<sup>235</sup>.
- 6.2 LPSS 2019 Policy ID4: Green and Blue Infrastructure protects open space in line with NPPF policy. The NPPF<sup>236</sup> prohibits building on open space except where:
- an assessment has been undertaken that clearly shows the open space is surplus to requirements;
  - the loss would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
  - the development is for alternative sports and recreational provision, the benefits of which would clearly outweigh the loss.

#### Policy ID5: Protecting Open Space

- Open space will be protected in line with LPSS 2019 Policy ID4: Green and Blue Infrastructure and national policy. Exceedance of the minimum standards set out in the Open Space, Sport and Recreation Assessment will not mean that land designated as Open Space is surplus to requirements. A surplus will only be considered to exist where analysis has shown that:
  - the land is no longer needed as open space, and its loss would not result in, or worsen, a local deficit of that particular open space typology in terms of accessibility, quality or quantity; and
  - the site cannot be improved or repurposed to correct deficits in other open space typologies.
- Development proposals on open space are required to achieve biodiversity net gains in line with Policy P6/P7: Biodiversity in New Developments.

<sup>233</sup> See Definitions for an explanation of what is meant by open space, for this policy's purpose.

<sup>234</sup> National Planning Policy Framework (2021), paragraphs 8b, 84 d), 93 and 98-102.

<sup>235</sup> Available online at: <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

<sup>236</sup> National Planning Policy Framework (2021), paragraph 99.

- 3) Development proposals for ancillary uses that support the open space's role and function may be supported.

### Definitions

- 6.3 *Open space*: The NPPF Annex 2: Glossary defines Open Space as "all open spaces of public value which offer important opportunities for sport and recreation and can act as visual amenity". Policy ID4 clarifies that the definition applies to all open space within urban areas, land designated as open space on the policies map and all land and water that provides opportunities for recreation and sport as identified in paragraph 4.6.57 of the Council's Open Space, Sport and Recreation Assessment 2017 (OSSRA)<sup>237</sup>. This can include land that is not publicly accessible but has public visual amenity. It does not however include Local Green Spaces, which are subject to a different level of protection under the NPPF<sup>238</sup> and the exceptions that allow development on them are also different to those applicable to open space.

### Reasoned Justification

- 6.4 The Council's Open Space, Sport and Recreation Assessment 2017 (OSSRA) assessed various typologies of open space across the borough in terms of quantity, accessibility and quality, established minimum guideline standards of provision for each, and audited existing provision against those standards, including potential for improvement.
- 6.5 The OSSRA's audit of open space provision indicates wards of the borough in which minimum quantitative standards of provision have been met, as well as those wards in which there is a highlighted local quantitative deficit<sup>239</sup>; however, it does not establish whether any sites are surplus to requirements, as all such provision may be well used.
- 6.6 There are two separate elements to demonstrate surplus as indicated in paragraph 1) of the policy. The onus is therefore on applicants proposing development involving loss of an open space to provide evidence to support their position that a site can be considered surplus as defined in paragraph (1) a) and b) of the policy.
- 6.7 Whether a local deficit in open space would result under (1) (a) will depend partly on the accessibility and quantity of existing open space provision available nearby (this is in accordance with the standards set out in Policy ID6, including its catchment area for the purpose of accessibility, which varies for each open space typology), and also upon its quality. It will therefore need to be considered on a case-by-case basis.
- 6.8 The evidence of local need for the space that is likely to be considered as potentially appropriate justification for its loss will vary depending on the type and location of the space. However, it

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<sup>237</sup> Available online at <https://www.guildford.gov.uk/localplan/openspace>. N.B. The OSSRA did not consider Suitable Alternative Natural Greenspace (SANGs); although SANGs can provide recreational benefits, they are specifically purposed as compensatory measures for development that would otherwise lead to adverse effects on habitats and other sites protected for their biodiversity value. SANGs are not designated by the Local Plan but are protected by the NPPF paragraph 176 c), which affords them the same protection as European designated sites. However, legally designated common land was included within the assessment and falls within the amenity and natural green space open space typologies (as referred to in Policy ID6).

<sup>238</sup> National Planning Policy Framework (2021), paragraphs 101-103.

<sup>239</sup> See Chapter 7, Table 17.

might include, for example, data on usage from more recent household surveys than those undertaken for the OSSRA, and a detailed further assessment of access and quality issues. If it is considered that a site is surplus, then paragraphs (2) to (3) of the policy will remain relevant.

- 6.9 This policy is intended to protect open space for its recreational value. Open spaces are also protected through other policies where they have significant heritage, agricultural or biodiversity value<sup>240</sup>.
- 6.10 It is important to note that some development on open spaces can be beneficial for the role and function of the space. Where alternative sports and recreational provision is proposed, and the benefits of this would clearly outweigh loss of the current or former open space use, it is not precluded by the NPPF<sup>241</sup> or LPSS 2019 Policy ID4: Green and Blue Infrastructure. Paragraph (3) of Policy ID5 clarifies that ancillary development that would support the role or function of an open space may also be supported. These might include engineering works to improve drainage or new or upgrades to existing sports or play facilities.
- 6.11 The Council intends to produce a Playing Pitch Strategy which will supplement the OSSRA and include more detailed guidance covering the need and requirement for sports pitches<sup>242</sup>.

<b>Key Evidence</b>
<ul style="list-style-type: none"> <li>• Guildford Open Space, Sport &amp; Recreation Assessment 2017</li> </ul>

<b>Monitoring Indicators</b>		
<b>Indicator</b>	<b>Target</b>	<b>Data Source</b>
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy ID5	N/A	Planning Appeals

<sup>240</sup> See the Open Space, Sport and Recreation Assessment 2017 (p73), available online at <https://www.guildford.gov.uk/localplan/openspace>

<sup>241</sup> National Planning Policy Framework (2021), paragraph 99.

<sup>242</sup> Sports pitches fall within the Parks and Recreation Space typology in Policy ID6 and the OSSRA.

## Policy ID6: Open Space in New Developments

### Introduction

- 6.12 Open space is a key component of green infrastructure, which is defined as “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”<sup>243</sup>. These quality of life benefits include access to nature, and opportunities to increase physical fitness and social interaction, all of which can potentially improve mental health.
- 6.13 The primary purposes of open space are for sport, recreation and amenity but with appropriate design many areas of open space provide further benefits in line with other local plan policies, for example they may be managed to support and enhance biodiversity. In particular, open space in new developments is expected to contribute to the achievement of net gains in biodiversity where this is compatible with recreational uses (see Policy P6/P7: Delivering Biodiversity in New Developments). The NPPF<sup>244</sup> requires local plans to enhance public rights of way and access, for example by adding links to existing networks. As publicly accessible land, open space may make an important contribution to this.
- 6.14 Whilst open space is frequently owned by the Council or parish, private open space (for example, sports pitches owned by a club) also plays an important role in meeting recreational needs and may also offer informal permissive access, e.g. for dog walking. The purpose of this policy is to promote provision of either public or privately owned space that offers access to local communities, i.e. the general public. Private space in this category is considered to be space provided by private providers for outdoor amenity, recreation and sport that are reasonably accessible to all members of the public, either free of charge or (in the case of sports pitches) available for hire at affordable rates.
- 6.15 The NPPF<sup>245</sup> states that plans should seek to accommodate open space, sport and recreational provision based on needs identified in up-to-date assessments. The Council’s Open Space, Sports and Recreation Assessment (OSSRA)<sup>246</sup> identifies the need for the following range of typologies of open space and proposes locally developed standards that aim to meet these identified needs:
- a) Allotments;
  - b) Amenity Green Space – informal recreation space, predominantly grassed, in and around housing and commercial developments;
  - c) (Accessible) Natural Green Space - natural space for informal recreation<sup>247</sup>;
  - d) Parks and Recreation Grounds – formal parks; recreation grounds and outdoor sports space;

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<sup>243</sup> National Planning Policy Framework (2021), glossary.

<sup>244</sup> National Planning Policy Framework (2021), paragraph 100

<sup>245</sup> National Planning Policy Framework (2021), paragraph 98

<sup>246</sup> Available online at: <https://www.guildford.gov.uk/localplan/openspace>

<sup>247</sup> The OSSRA introduces standards on provision of open space for all typologies, except for Natural Green Space, for which it refers (in paragraph 7.3.2) to the established Access to Natural Green Space Standard (ANGSt), produced by Natural England.

- e) Play Space (Children) – designated areas of play for children up to around 12 years old including formal play equipment and more natural play areas; and
- f) Play Space (Youth) – designated informal recreation space for 13- to 17-year-olds and formal space like skateboard parks, basketball courts etc.

6.16 Further detailed descriptions of these typologies can be found in the OSSRA<sup>248</sup>.

### Policy ID6: Open Space in New Developments

**Residential developments**

- 1) Development proposals that would result in a net increase in number of residential units are required to provide or fund open space based on the expected occupancy of the new development and the quantity standards set out in Table ID6a. New open space is expected to meet the access standards in Table ID6a.

**Table ID6a**

Typology	Quantity standards (ha/1,000 people)	Access standard (expected maximum distance from new homes)
Allotments	0.25	720 metres or 15 minutes' walk time
Amenity Green Space	1 (total)	720 metres or 15 minutes' walk time
Natural Green Space		ANGSt standard
Parks & Recreation Grounds, including playing pitches	1.35 of which a minimum of 0.8 is public space	720 metres or 15 minutes' walk time (except playing pitches)
Play Space (Children)	0.05	480 metres or 10 minutes' walk time
Play Space (Youth)	0.03	720 metres or 15 minutes' walk time

- 2) Development proposals that meet the thresholds in Table ID6b are expected to provide open space on-site unless it can be clearly shown not to be feasible. Where the size of a scheme falls below any of the onsite thresholds, an equivalent financial contribution in lieu will be sought for offsite provision and/or enhancement of existing open space of that typology.
- 3) Where required onsite open space provision is unable to meet the quantity standards in Table ID6a, an equivalent financial contribution based on the amount and type of open space omitted will be sought as above.

**Table ID6b**

Open space typology	11-49 dwellings	50-249 dwellings	250+ dwellings	Strategic sites (In LPSS 2019)

<sup>248</sup> (page 35 onwards)

Amenity/Nat. Green Space	✓	✓	✓	✓
Parks & Rec. Grounds	-	-	✓	✓
Play Space (children)	-	✓	✓	✓
Play Space (Youth)	-	-	✓	✓
Allotments	-	-	-	✓

**Key**

✓ On-site provision

- 4) The standard for parks and recreation grounds in Table ID6a includes an allowance for playing pitches. Where artificial grass pitches (AGP) are proposed in place of natural grass pitches, this is required to be justified by evidence of local need for this type of pitch.
- 5) Both artificial and grass pitches are required to be designed to a high standard and applicants are required to demonstrate by means of a community use agreement that any privately owned pitch will be accessible to the public and that any charges for their use will be affordable. Contributions towards private sport provision will be acceptable where there is clear public benefit.
- 6) New residential development proposals are expected to consider provision of community growing space in addition to other types of open space.
- 7) Deviations from the mix of open space typologies set out in this policy may be permitted where deficiencies in provision in the local area of the site are corrected and the required provision of open space in terms of total quantity is still provided.

**Non-residential developments**

- 8) Non-residential development proposals are encouraged to provide areas of amenity open space of a proportionate size, scale and character within or adjacent to the development.

**Quality and design of new open space**

- 9) New open space is required to meet the Council’s minimum standards for site size, design and quality as set out in its most recently published strategies.
- 10) New open space is expected to:
  - a) be multi-functional space that delivers a range of benefits including biodiversity gains, flood risk management and climate change measures;
  - b) be safe and secure for all members of the community and their design and management should promote social inclusivity;
  - c) support and enhance the existing rights of way network, providing new footpaths and cycle links where possible; and
  - d) be designed to link up open spaces as much as possible.

## Definitions

- 6.17 *Allotment* – An allotment is land wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by him/her or his/her family<sup>249</sup>. They do not include private gardens or commercial premises. The statutory definition of an allotment within Guildford borough is an area of land with a measurement greater than 20 poles (100.5 sqm). The Council has a statutory duty to provide sufficient statutory allotments to meet assessed demand.
- 6.18 *Community growing space* – These are accessible plots designed into developments that enable shared community use for growing fruit or vegetables<sup>250</sup>.
- 6.19 *Occupancy* – Household occupancy is the number of persons living in a household. The occupancy of a proposed development (referred to in paragraph (1) of the policy) is estimated by multiplying the number of proposed dwellings of each size, i.e. number of bedrooms, by the average occupancy rate for that size of dwelling in the borough, based on the latest census data.
- 6.20 *Play space (children)* – Play space intended mainly for children include LAPs (Local Areas for Play) and LEAPs (Local Equipped Areas for Play)<sup>251</sup>.
- 6.21 *Play space (youth)* – Play space for youths includes NEAPs (Neighbourhood Equipped Areas for Play), which are laid out and equipped mainly for older children, but potentially with play opportunities for younger children as well<sup>252</sup>. Youth play space also includes MUGAs (Multi-Use Games Areas) and skateboard parks.
- 6.22 *Strategic sites (in LPSS 2019)* – The strategic sites referred to in Table ID6b are all of those strategic sites listed in paragraph 4.1.10 of the LPSS 2019, with the exception of North Street (Site A5). They therefore include the following sites: A24 – Slyfield Area Regeneration Project, A25 – Gosden Hill Farm; A26 – Blackwell Farm; and A35 – Former Wisley Airfield.

## Reasoned Justification

- 6.23 Whilst the policy applies only to proposed developments that would result in a net increase in residential units, the amount of open space required is calculated based on the expected occupancy of the proposed development with reference to the quantity standards in Table ID6a (see occupancy definition for explanation of the calculation). This approach ensures that open space delivered alongside new residential development keeps up with population growth by taking account of demand for open space arising from net population increase within the site<sup>253</sup>.

### *Open space standards*

- 6.24 The quantity and access standards for open space in Table ID6a follow recommendations in the

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<sup>249</sup> Allotment Act 1922

<sup>250</sup> Available online at: <https://www.verdantearth.co.uk/community-growing-spaces/>

<sup>251</sup> See Fields in Trust Guidance: Available online at: <http://www.fieldsintrust.org/knowledge-base/guidance-for-outdoor-sport-and-play>

<sup>252</sup> Available online at: <http://www.fieldsintrust.org/knowledge-base/guidance-for-outdoor-sport-and-play>

<sup>253</sup> It is intended that the Planning Contributions SPD will clarify this approach further, with worked examples. The approach to securing off-site contributions will also be reviewed on the future introduction of any infrastructure levy.

OSSRA, and reflect current evidence of local need.

- 6.25 The access standards in Table ID6a are *expected* maximum distances from new homes, rather than *fixed* maximum distances, and will be considered in respect of site-specific considerations. This allows for flexibility in cases where they cannot be precisely met without compromising a scheme's design and layout.
- 6.26 The thresholds for onsite provision in Table ID6b take account of the OSSRA's recommendations. However, they also reflect the types of sites allocated in the LPSS 2019 and the Council's experience of negotiating with developers on open space provision, as well as the importance for open space to be appropriately facilitated and designed, and sensitively located in relation to other land uses.
- 6.27 Quality standards for open space (referred to in policy paragraph (9)) are included in section 6 of the OSSRA, covering site size, design, facilities to be incorporated, etc. For more detailed quality standards on play space, applicants should also refer to Section 2 of the Council's Play Strategy<sup>254</sup>.
- 6.28 For strategic sites<sup>255</sup> in the LPSS 2019, open space provision as per the quantity and access standards in Table ID6a is expected to be achieved across the whole site and outline application master plans are expected to demonstrate how this will be achieved. The Strategic Development Framework SPD<sup>256</sup> expands on this principle and includes illustrative maps which show areas of existing open space and appropriate locations for new open space typologies within these sites.

*Financial contributions in lieu of onsite provision of open space*

- 6.29 Where sites are considered too small to provide open space onsite, as indicated in Table ID6b, the policy requires an equivalent financial contribution in lieu of onsite provision. Money from these smaller developments will be collected to provide offsite open space or improvements to existing space in the locality of the proposed development. The contribution amounts will be based on the expected occupancy of the proposed development as per policy paragraph 1) and will be provided in updates to the Council's Planning Contributions SPD<sup>257</sup>.

*Flexibility of provision*

- 6.30 In the interest of promoting open space within new developments where feasible, provision of on-site open space may be considered for schemes that fall below the thresholds for onsite provision in Table ID6b provided the open space meets the minimum standards for site size, design and quality referred in policy paragraph (9). This is to prevent a proliferation of spaces that are too small, poorly designed/located and impractical to manage.
- 6.31 The OSSRA shows that every ward in the borough has an identified shortage of at least one

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<sup>254</sup> The Play Strategy is available online at: <https://www.guildford.gov.uk/playstrategy>. As the Play Strategy is updated, its key requirements and those of the OSSRA in relation to quality of play space will be incorporated into the Planning Contributions SPD.

<sup>255</sup> See definition in this policy for strategic sites.

<sup>256</sup> Available online at <https://www.guildford.gov.uk/strategicdevelopmentframeworkspd>.

<sup>257</sup> Available online at <https://www.guildford.gov.uk/article/22848/Supplementary-planning-documents>

typology of open space. Priority will be given to correcting local deficits; however, while developers cannot be asked to correct pre-existing deficiencies, policy paragraph (7) allows for negotiation on the type of open space delivered and its on-site location without increasing the total obligation placed on developers. An example is where there is a quantitative deficit of parks and recreation grounds in the area or ward in which the site is located, but sufficient amenity and natural green space, after accounting for demand arising from the proposed development. In this situation it may be acceptable to substitute part of the amenity and natural green space requirement (in hectares) for parks and recreation grounds.

#### *Specialist residential units*

- 6.32 Development that increases demand for open space will be required to address this in line with the policy. This includes residential dwellings within Use Class C3, which are required to contribute to all typologies of open space listed in Table ID6b.
- 6.33 Certain types of development are unlikely to increase demand for particular types of open space. The requirement to provide open space for children and youths, and allotments does not apply to the following types of accommodation:
- Specialist accommodation for older people within Use Class C2 and C3, for example, sheltered housing/retirement housing, extra care housing and residential care; and
  - Purpose-built student accommodation.
- 6.34 The requirement to provide parks and recreation grounds (including outdoor sports facilities/playing pitches) does not apply to residential development in Use Class C2. Residents in residential care homes are likely to require a high level of care and are therefore unlikely to increase the demand for these open space typologies.

#### *Open space in non-residential developments*

- 6.35 Whilst the requirement for provision of open space applies only to new residential developments (including mixed use schemes that deliver residential uses), policy paragraph (7) encourages amenity green space in non-residential developments, including business, retail and commercial premises. This is primarily for the benefit and well-being of the workforce and visitors; however it also contributes towards green and blue infrastructure networks and biodiversity.

#### *Allotments and community growing space*

- 6.36 New allotments provided onsite to comply with the standards in policy ID6 will be required to be of at least the minimum size for a statutory allotment (see definitions), unless there is adequate existing provision of allotments of this size in the local area to meet demand arising from the proposal. Applicants should be aware that community growing space will not be considered as a substitute for provision of allotments on strategic sites, or for financial contribution towards allotments on non-strategic sites. The OSSRA (Section 6.2) provides some general quality recommendations for new allotments<sup>258</sup>.

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<sup>258</sup> Additional guidance on provision of allotments is available in the Local Government Association document, 'Growing in the Community: Second Edition'. Available online at: <https://www.local.gov.uk/publications/growing-community-second-edition>

6.37 The expectation in paragraph (6) for developers to consider providing community growing space in new residential developments includes denser developments, for example flats or apartments, where private outdoor space may be limited. In such cases, smaller shared plots, which might include community orchards or community gardens, may help engender community cohesiveness among new residents, as well as contributing towards climate change mitigation through urban greening/urban cooling and reducing food miles. In very dense developments, the use of rooftop space could be considered for the provision of growing space for food.

6.38 Provision of community growing space is considered an addition to, and not a substitute for private open space within residential gardens, which serves a different function.

*Design of open space for accessibility and wildlife*

6.39 It is expected that new open space will maximise connections to existing or other areas of open space being provided – see policy paragraph (10)(d). The purpose of this is to facilitate the creation of green corridors for wildlife and enable ease of access on foot and/or by bicycle. This will help to increase biodiversity within and close to new developments and make open space more attractive, thereby increasing its overall use.

6.40 The expectation in paragraph (10)(c) for new open space to provide footpaths and cycle links where possible is compatible with open space's intended recreational use. In considering whether opportunities exist to support and enhance the public rights of way network, developers are expected to have regard to other Local Plan policies, including identified opportunities for high quality walking and cycling networks (see Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network).

*Maintenance of open space*

6.41 Responsibility for maintenance of open space provided under this policy lies initially with developers. Discussions between developers and the Council are therefore expected to take place as early as possible to establish arrangements for future maintenance. For example, developers may wish to transfer the ownership and responsibility for ongoing maintenance to a management company, or to a public body, subject to the Council's agreement and a one-off contribution by the developer to cover physical upkeep of the facility. Details of any other intended maintenance option, including the means by which its long-term maintenance and access will be secured, will be required to be submitted in writing and agreed by the Council.

6.42 The Planning Contributions SPD provides more detail on the method for securing maintenance funding for open space transferred to public ownership.

*Artificial and grass playing pitches*

6.43 The proportion of the quantity standard in Table ID6a for Parks and Recreation Grounds that will be expected to be playing pitches will be determined on the basis of local need. It will be considered on a case-by-case basis, taking account of the OSSRA, evidence provided by applicants and advice from the Council's Parks team and other bodies, such as Sport

England<sup>259</sup>.

- 6.44 Synthetic or artificial grass or turf pitches (AGPs or ATPs) have some benefits over traditional grass pitches as they can be used in all weather conditions and all year round. This gives them the potential to support a high intensity of usage compared to traditional grass pitches. However, they can incur relatively high costs to maintain long-term, are less likely to deliver biodiversity gains and they may not be suitable for all grass pitch sports.
- 6.45 Taking account of these factors, the Council may, in some circumstances and on a site-by-site basis, consider accepting playing pitch provision below the required quantitative standard in Table ID6a if one or more AGPs are proposed as part or all of the pitch requirement. This decision will reflect evidence of specific need for an artificial rather than grass pitch.
- 6.46 The decision will also be subject to receipt of satisfactory evidence from the applicant that the proposed AGP's design will be of high standard, compliant with the latest sports performance standards<sup>260</sup> including suitable fencing markings, and availability of opportunities for it to be used for a wide range of sports<sup>261</sup>. On multi-sport sites, consideration will also be given to any adverse potential impact of an AGP on use of the site for other pitch sports. The use of sport specific playing surfaces is preferred. The applicant's evidence is also required to demonstrate that a sinking fund will be in place for ongoing maintenance and replacement of the pitch surface.

*Shared use of playing pitches*

- 6.47 Applicants are required to provide a community use agreement, to be secured by appropriate planning condition or legal agreement, to demonstrate that any privately owned artificial or grass pitch provided in respect of the policy requirement, including on education sites, will be reasonably available for public use, and that any charges for the pitch's use and use of its facilities are affordable – see policy paragraph (5).
- 6.48 The community use agreement is expected to be prepared in consultation with Sport England and required to be approved in writing by the Council. It will be required to include details of pricing policy, hours of access, management responsibilities and a mechanism for review. Conditions may be imposed on any scheme required to provide a playing pitch(es) to ensure that these matters are addressed satisfactorily.

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<sup>259</sup> The Council intends to produce a playing pitch strategy in future that will establish the proportion of space within this typology that should be playing pitches and may recommend specific access standards for them, and instances where financial contributions towards off-site pitch provision and/or improvement of existing facilities may be preferable, which we will consider in future.

<sup>260</sup> For basic technical standards for AGPs see Sport England's Design Guidance Note, *Artificial Surfaces for Outdoor Sport*. Available online at: <http://direct.sportengland.org/media/4536/artificial-surfaces-for-outdoor-sports-2013.pdf>.

<sup>261</sup> This requirement is in accordance with Fields In Trust's *Guidance for Outdoor Sport and Outdoor Play* (updated November 2020). Available online at: <http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England.pdf>.

## Key Evidence

- Guildford Open Space, Sport & Recreation Assessment 2017
- Guildford Play Strategy 2016-2021
- Strategic Development Framework Supplementary Planning Document 2020

## Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy ID6	N/A	Planning appeals

Draft

## Policy ID7: Sport, Recreation and Leisure Facilities [Deleted]

This policy has been deleted.

Draft

## Policy ID8: Community Facilities

### Introduction

- 6.49 The provision of community facilities is integral to achieving healthy, inclusive and safe communities. In Guildford borough, significant new growth is planned over the next 10-15 years. The Council has already planned and made provision for necessary key supporting infrastructure with its partners, such as SCC. This includes for the delivery of a range of community facilities, including new and expanded schools, health care facilities and other community uses, catering for planned growth and future needs of the borough. In this regard, the LPSS 2019 includes site allocations for new community facilities and associated requirements for new and expanded facilities on which delivery of the plan depends in its Infrastructure Schedule. The Council requires contributions via s106 agreement toward community facilities, such as for new or expanded school provision, from related new development in line with LPSS 2019 Policy ID1 and the NPPF.
- 6.50 There is a need for further policy to guide the planning of new or expanded community facilities and to retain existing facilities to ensure that they effectively serve and are accessible to potential users within the borough now and into the future. In this regard, national planning policy reflects that the Council should enable the retention and development of accessible community facilities as well as guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Furthermore, the Council should ensure that established facilities and services are able to develop and modernise and are retained for the benefit of the community. This is set out in the NPPF at paragraphs 84d) and 93.

### Policy ID8: Community Facilities

- 1) Development proposals for new, expanded or replacement community facilities are required to:
  - a) be appropriate in design terms;
  - b) avoid an unacceptable impact on the amenity of neighbouring residents; and
  - c) avoid unacceptable transport impacts.
- 2) Development proposals for new, expanded or replacement community facilities are:
  - a) expected to be located and designed so that they can be conveniently accessed by their intended users via public transport, walking and cycling; and
  - b) encouraged to be co-located with compatible and mutually supportive facilities or uses.

- 3) Complementary or ancillary uses, closely associated with or as part of a community facility are encouraged, provided that they do not detract from the facility and its primary function.
- 4) Development proposals for new Local Centres or community hubs are encouraged to be designed to be flexible and adaptable to accommodate changing needs and modern lifestyles.
- 5) Community facilities will be retained for the benefit of the community and development proposals resulting in their loss or change of use will be resisted unless it is demonstrated that:
  - a) adequate alternate provision exists or a replacement facility of an equivalent or better standard is to be provided in a location equally or more conveniently accessible to the facility's current catchment area; or
  - b) there is no longer a need for the facility in its existing or alternative community use and its retention for such uses has been fully explored without success.

### Definitions

- 6.51 *Community facility* - includes education, health and welfare facilities, meeting halls, public libraries, youth and community centres, public halls, places of worship (generally, those uses within Classes E(e - f), F1 and F2(b) of the Town and Country Planning (Use Classes) Order 1987<sup>262</sup> (as amended<sup>263</sup>) and certain uses within use Class C2). Whilst uses beyond those referred to may be regarded as community facilities more generally, for the purposes of this policy and for clarity in Local Plan policy guidance, several types of facility are dealt with separately and this policy is not applicable. These include visitor, leisure and cultural attractions, including arts and entertainment facilities, hotels and indoor sports venues as addressed in LPSS 2019 Policy E6: The leisure and visitor experience; open space as addressed in Policy ID5: Protecting Open Space and Public Houses as addressed in ID9: Retention of Public Houses. Local community shops (Use Class F2(a)) are included within the definition only to the extent that paragraph 5 of the policy is applicable.
- 6.52 *Community hub* - a place that is a focal point for local activities, services, and facilities, accessible to the local community which may or may not be located within a centre.

### Reasoned Justification

- 6.53 It is important that community facilities reflect high-quality, safe, accessible and inclusive design to meet the needs of all users. The Local Plan's general design policies will ensure that facilities are appropriate to their context and meet the Council's adopted standards with regard to sustainable, low impact development and adapting to and mitigating the impacts of climate change.
- 6.54 A new, expanded or replacement community facility must avoid unacceptable impact on the

<sup>262</sup> Available online at: <http://www.legislation.gov.uk/ukxi/1987/764/contents/made>

<sup>263</sup> Available online at: <http://www.legislation.gov.uk/changes/affected/ukxi/1987/764>

amenity of neighbouring properties. This includes the loss of privacy, sunlight, daylight, but could also cover aspects such as noise and light impacts which may be associated with this type of use. These issues are covered in more detail in Policy D5: Protection of Amenity and Provision of Amenity Space, Policy D10: Noise Impacts and Policy D10a: Light Impacts and Dark Skies. Furthermore, careful consideration is needed in relation to avoiding unacceptable transport impacts, which includes ensuring provision of sufficient parking in line with Policy ID11: Parking Standards and Neighbourhood Plans, where relevant.

- 6.55 Whilst acknowledging the distinct operating needs and locational requirements of certain community facilities, it is critical that facilities are accessible to the residents they serve. This is particularly the case for potential users that do not have access to private cars and groups with protected characteristics. Proposals should reflect upon access considerations both at the wider area and neighbourhood scale as well as in relation to detailed site and building design.
- 6.56 Exploration of opportunities for a community facility to be co-located with mutually supportive facilities or uses, either together in a building or within close proximity to each other (forming a community hub), is encouraged at an early stage in the design process. Co-location can increase levels of convenience for users, who can make one trip for multiple purposes and promotes sustainable forms of travel. It can also contribute to place-making, promote social integration and enable the sharing of space, infrastructure and operational aspects thereby contributing to cost-effective delivery of services.
- 6.57 Proposals for complementary or ancillary uses may include new uses on an existing community facility site or within the building. These uses (such as a cafe or restaurant) can enhance the utilisation and functioning of the community facility, whilst creating the potential for additional revenue to support its operation. Development proposals for such uses will need to demonstrate that they will not detract from the primary function of the facility, including existing levels of service offered to users.
- 6.58 Careful consideration is required in relation to the design of new centres or community hubs. It is important that local community uses proposed in these hubs or centres are secured and retained in the long term for the benefit of the community. Concurrently, these uses need to be designed in an integrated manner as part of a mix of uses to ensure that centres or hubs are adaptable to changing needs. This may include the development of flexible, multi-use spaces with high quality digital connectivity that complement community facilities.
- 6.59 Where community facilities are proposed to be lost, justification may include the presence of alternate provision or of a replacement facility. In considering whether the accessibility of such provision is equally convenient to the facility's current catchment area, a degree of judgement will be necessary rather than an absolute measurement. This may include consideration given to the comparative ease with which alternate provision or the replacement facility can be accessed including by sustainable forms of transport, broadly acceptable travel times and catchment areas in relation to the type of facility, and any improvements in access to less well-served users that replacement provision may enable. Proposals should include sufficient detail to justify proposals and enable such judgement.
- 6.60 Evidence to demonstrate that the retention of a community facility in its existing or alternative community use has been fully explored will need to be robust. It is accepted that there are a

wide range of community facilities, a number of which do not operate on a commercial basis. In most cases, a continuous period of comprehensive and active marketing for its current or alternate community use, reflecting a fair market value, will be necessary to support justification for its loss. This should reflect evidence in line with Appendix 4 of the LPSS 2019 and the Council's Marketing Requirements SPD. It is important that the exploration of a facility's continued community use extends to direct engagement with potentially suitable public service providers. This exploration should include evidence of engagement with SCC, local CCGs, GBC, the Parish Council and other providers as relevant regarding the potential lease or purchase of the facility for community uses. In some instances, marketing may also need to be commercially focussed such as in the case of a local community shop (Use Class F2(a)). The state of repair of a building is not considered to be a basis to justify redevelopment to non-community uses without first demonstrating that the policy requirements have been met.

- 6.61 The Council recognise that local communities are often best placed to identify buildings or land that furthers their social wellbeing or social interests as well as neighbourhood infrastructure needs. In this regard, area and neighbourhood infrastructure needs may be set out in Neighbourhood Plans and should be considered in relation to proposals for community facilities. Furthermore, there is a process available for communities to nominate such land or buildings as Assets of Community Value (ACVs) and for the Council to list these as ACVs. Whilst this is separate to the planning application process, the listing of ACVs provides an indication of the significance of buildings and land, including community facilities, to the local community. This listing may be regarded as a material consideration when making planning decisions.

### Key Evidence

- No key evidence to support this policy

### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy ID8	N/A	Planning appeals

## Policy ID9: Retention of Public Houses

### Introduction

- 6.62 Public houses have been an intrinsic part of Britain's social and cultural heritage for almost 2,000 years<sup>264</sup> and are often a focal social meeting point for local communities. They typically add character, vibrancy and vitality, employment, and a place for social interaction. Many frequently provide space for clubs, activities and live performances, and some also make important architectural contributions to the local area. In recent times some public houses have expanded their traditional scope of business to provide other benefits to communities, for example at the height of the Covid-19 pandemic some were able to provide hot food for collection or local delivery at a time when vulnerable residents may have struggled to access these from supermarkets and shops. This can be a particular issue in rural or otherwise less populated areas which are less well served by other facilities.
- 6.63 However, the success of the pub industry remains under continuous threat. More than 11,000 pubs in the UK closed in the last decade, from around 50,000 in 2008 to around 39,000 in 2018 – representing a fall of almost a quarter (23%)<sup>265</sup>. Whilst some areas have seen new public houses being developed in recent years, the South East has nevertheless been the hardest hit UK region, followed by the North West, for pub closures<sup>266</sup>.
- 6.64 Several public houses in Guildford borough have been the target of planning applications for change of use in recent years. At the same time, a number of public houses have been nominated and included on the Council's list of Assets of Community Value (ACVs)<sup>267</sup>. Some of the borough's adopted neighbourhood plans<sup>268</sup> highlight specific public houses as being of community importance and particularly valued by residents. This illustrates the local support that they have as well as the pressure for conversion to other uses that they have come under.
- 6.65 The ongoing loss of public houses is a concern to the Council for the reasons outlined above. The NPPF<sup>269</sup> indicates that Local Plan policies should enable the retention of accessible local services and community facilities, which include public houses. Whilst clearly supporting rural economies, the economic and social benefits that public houses provide are not limited to rural populations but also apply to urban areas, particularly urban areas outside the town centre where there are few such facilities close to where residents live.
- 6.66 Within the town centre, the vitality these venues provide is particularly important from an economic perspective as it directly benefits the night-time economy. This has suffered adverse impacts since the start of the Covid-19 pandemic in terms of fluctuation and overall decline in

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<sup>264</sup> Available online at: <https://www.historic-uk.com/CultureUK/The-Great-British-Pub/>

<sup>265</sup> Available online at: Office for National Statistics data, November 2018 (<https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/articles/economiesofalesmallpubscloseaschainsfocusonbigbars/2018-11-26>)

<sup>266</sup> Available online at: CAMRA ([https://camra.org.uk/press\\_release/deja-brew-as-pub-closures-stay-high/](https://camra.org.uk/press_release/deja-brew-as-pub-closures-stay-high/))

<sup>267</sup> Available online at: [https://www.guildford.gov.uk/media/20239/List-of-Assets-of-Community-Value/pdf/List\\_of\\_Assets\\_of\\_Community\\_Value.pdf?m=636900565322200000](https://www.guildford.gov.uk/media/20239/List-of-Assets-of-Community-Value/pdf/List_of_Assets_of_Community_Value.pdf?m=636900565322200000).

<sup>268</sup> Effingham and Send Neighbourhood Plans.

<sup>269</sup> National Planning Policy Framework (2021), paragraph 84 d)

footfall and an increased proportion of vacant commercial units<sup>270</sup>.

## Policy ID9: Retention of Public Houses

- 1) Development proposals resulting in the loss or partial loss of a public house will be resisted unless the existing use is unviable and its retention has been fully explored. Evidence is required to be provided that the building has been marketed actively and comprehensively as a public house and alternative community facility for a continuous period of at least 18 months, ending close to or immediately prior to submission of the planning application.
- 2) In addition, for development proposals involving the loss or partial loss of a public house outside the boundary of Guildford Town Centre, applicants are also required to undertake and provide details of:
  - a) a comprehensive evaluation of the public house's continued viability, with detailed consideration of its existing and potential trade; and
  - b) an assessment of alternative public houses within reasonable walking distance of residential properties within the catchment area of the public house that is the subject of the application.
- 3) The loss of part of a public house, including car parking or other facilities complementary to its operation as a public house, will be resisted where it would adversely affect such operation.

### Definitions

- 6.67 *Evidence of active and comprehensive marketing* - Marketing will be required to fulfil the detailed criteria for active and comprehensive marketing set out in Appendix 4 of the LPSS 2019 and the Council's Marketing Requirements Supplementary Planning Document (SPD).
- 6.68 *Evidence of continued viability* - Information on the types of factors that applicants should consider when undertaking an evaluation of existing trade and trade potential will be published as part of the Marketing Requirements SPD. Some useful guidance has also been published by CAMRA, including a method of evaluation that applicants may opt to use<sup>271</sup>.
- 6.69 *Reasonable walking distance* - These premises will be considered to be those falling within a catchment of approximately 800 metres (i.e. a walking distance of approximately 10 minutes) from the majority of residential properties that are currently served by, i.e. within this distance of, the public house that is the subject of the planning application.

<sup>270</sup> Source: Experience Guildford: Vacancy rate survey reports

<sup>271</sup> Available online at [https://camra.org.uk/campaign\\_resources/public-house-viability-test/](https://camra.org.uk/campaign_resources/public-house-viability-test/)

## Reasoned justification

### *Removal of permitted development rights*

- 6.70 On 23 May 2017, the Government enacted legislation<sup>272</sup> which removed permitted development rights for buildings in the previous A4 use class now classed as sui generis (public house and other drinking establishments) that are not listed as, or nominated to become, Assets of Community Value (ACVs). This means that planning permission is now a legal requirement for change of use of all public houses, rather than just those listed or nominated as ACVs (which already required planning permission for such development<sup>273</sup>). The 2017 order also removed the permitted development right for demolition of a public house.<sup>274</sup>
- 6.71 While public houses are no longer required to be listed as an ACV to require planning permission to be sought for change of use, local planning authorities may consider ACV listing as a material consideration when assessing planning applications. Furthermore, when a listed ACV is to be sold or otherwise disposed of, a six week period must elapse following receipt of a planning application for demolition and/or change of use during which a community interest group may make a written request to be treated as a potential bidder (under the 'community right to bid') to purchase the asset on the open market; after this time, the Council can trigger a six month 'moratorium' period during which it cannot be sold to another buyer<sup>275</sup>. The ACV process therefore offers an extra layer of protection for communities wanting to keep venues operating as pubs. At the time of drafting this policy, most of the ACVs on Guildford Borough Council's list of ACVs<sup>276</sup> were pubs.

### *Period and extent of required marketing / additional evidence required*

- 6.72 For all areas of the borough, applicants are required under paragraph (1) of the policy to undertake an 18-month period of active and comprehensive marketing in order to test a public house's commercial viability prior to submitting an application for demolition or change of use that involves its loss or partial loss. This is the same minimum marketing period for loss of employment uses on locally significant employment sites required by LPSS 2019 Policy E3: Maintaining employment capacity and improving employment floorspace, as well as for loss of leisure, visitor and cultural uses as required by LPSS 2019 Policy E6: The leisure and visitor experience.
- 6.73 For public houses located outside the town centre boundary, where fewer facilities are likely to be available, paragraph (2) of the policy requires applicants to ascertain the value of the public house to the local community by means of a comprehensive evaluation of the business's

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<sup>272</sup> The Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2017.

<sup>273</sup> Permitted development rights for pubs listed or nominated as ACVs were previously removed under Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<sup>274</sup> From Class B of Part 11 (Heritage and demolition) of the GDPO 2015 (As amended).

<sup>275</sup> See Part 5, Chapter 3, Section 95 of the Localism Act 2011

(<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>) and Community Right to Bid: Non-statutory advice note for local authorities (DCLG, October 2012)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14880/Community\\_Right\\_to\\_Bid\\_-\\_Non-statutory\\_advice\\_note\\_for\\_local\\_authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)).

<sup>276</sup> Available online at: <https://www.guildford.gov.uk/acv>

existing and potential trade and an assessment of alternative premises in the local area. This assessment is required to consider not just the number and range of alternative premises (distance can be a significant factor influencing use of public houses, especially if they are far enough from people’s homes to require travel by car); but also whether these alternative premises offer similar facilities and community offering (for example restaurants, function rooms, beer gardens).

- 6.74 Evidence of marketing is required for partial loss of pub building(s) to other uses, as well as for loss of entire buildings. Some applicants may seek changes which would reduce the size of a public house or its plot, often involving the loss of upper storeys (living accommodation, meeting rooms, kitchens). These changes may well threaten the viability of the business even where it is currently financially viable and of value to the local community.
- 6.75 A checklist of matters that will be considered when appraising applicants’ marketing evidence, including the types of consideration that should be borne in mind when evaluating a public house’s existing and potential trade, will be published as part of a Marketing Requirements SPD.

Key Evidence
<ul style="list-style-type: none"> <li>• The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) and The Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2017.</li> <li>• Part 5, Chapter 3, Section 95 of the Localism Act 2011; and Community Right to Bid: Non-statutory advice note for local authorities (DCLG, October 2012)</li> <li>• Office for National Statistics, November 2018</li> </ul>

Monitoring Indicators		
Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy ID9	N/A	Planning Appeals

## Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network

### Introduction

- 6.76 Within Gear Change: a bold vision for cycling and walking<sup>277</sup>, the Government recently set out the expectation that “Cycling and walking will be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030.” Active Travel England, a new inspectorate and funding body, is to be established to accelerate delivery of active travel infrastructure schemes and enforce standards. Similarly, the release of Local Transport Note (LTN) 1/20 Cycle Infrastructure Design guidance (Department for Transport, 2020)<sup>278</sup> promotes a higher standard of cycling infrastructure to support the above vision.
- 6.77 Cycling provides a range of benefits. As well as numerous mental and physical health gains to the individual, higher cycling rates, as part of a modal shift from the private vehicle as opposed to additional travel journeys, bring several environmental benefits to the community. Greenhouse gas emissions, noise pollution and congestion are reduced, which in turn improves air quality. Currently, 46% of Surrey’s carbon emissions result from transport, equivalent to 2.3 tonnes per person annually<sup>279</sup>. Meeting the targets to double cycling and walking rates nationally would lead to savings of £567 million annually from air quality improvements alone, preventing 8,300 premature deaths each year<sup>280</sup>. This provides a case for further investment in cycling infrastructure, including road space reallocation to allow for separate cycle lanes or tracks - and also potentially footway enhancements - making these modes more favourable and ‘locking in’ such shifts in demand.
- 6.78 A higher quality of cycle network is more inclusive and can help reduce transport inequality. A network delivered to a high standard aligns with the Government’s vision to ensure that infrastructure is ‘accessible for those aged 8-80 years old’. Those using adaptive cycles are afforded greater opportunity to travel independently and by sustainable modes. Furthermore, the rising popularity of ebikes allow individuals to cycle further or more often, reducing some of the typical barriers to cycling.
- 6.79 This policy will facilitate the development of a high-quality comprehensive Guildford borough cycle network which enhances and expands current provision and supports accessibility.

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<sup>277</sup> Available online at: <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

<sup>278</sup> Available online at: <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

<sup>279</sup> Surrey’s Climate Change Strategy 2020 (Surrey County Council, 2020). Available online at: [https://www.surreycc.gov.uk/\\_data/assets/pdf\\_file/0003/225615/Surreys-Climate-Change-Strategy-2020.pdf](https://www.surreycc.gov.uk/_data/assets/pdf_file/0003/225615/Surreys-Climate-Change-Strategy-2020.pdf)

<sup>280</sup> Clean Air Strategy 2019 (Department for Environment and Rural Affairs, 2019). Available online at: <https://www.gov.uk/government/publications/clean-air-strategy-2019>

## Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network

- 1) The routes and infrastructure which comprise the Comprehensive Guildford Borough Cycle Network, including the cycle elements of the Sustainable Movement Corridor, as represented on the Policies Map, will be the basis and starting point for the identification of improvements, primarily for utility cycling, provided and/or funded by new development.
- 2) Development proposals are also required to deliver the site-specific requirements for cycle infrastructure as identified in site allocation policies and also any further requirements identified as part of the planning application process.
- 3) The mechanisms for improvements resulting from new development are:
  - a) constructing or improving cycle routes and infrastructure on land within the applicant's control;
  - b) providing under licence and/or funding the Local Highway Authority to deliver the cycle routes and infrastructure on the public highway or land in its control.
- 4) Cycle routes and infrastructure are required to be designed and adhere to the principles and quality criteria contained within the latest national guidance.
- 5) Development proposals are expected to have regard to updated plans prepared by Guildford Borough Council and/or Surrey County Council which detail local cycling infrastructure improvements, such as a Local Cycling and Walking Infrastructure Plan.

For consultation purposes, the mapped routes which comprise the 'Comprehensive Guildford Borough Cycle Network' can be found in Appendix A.

### Definitions

- 6.80 *Infrastructure* – can include high quality cycle tracks segregated from motorised and pedestrian traffic, crossings, low traffic neighbourhoods<sup>281</sup>, 20mph speed limits and modal filters<sup>282</sup>, dependant on location.
- 6.81 *Sustainable Movement Corridor* - will provide a priority pathway through the urban area of Guildford for buses, pedestrians and cyclists, serving the new communities at Blackwell Farm, Weyside Urban Village and Gosden Hill Farm.
- 6.82 *Utility cycling* - refers to cycling done simply as a means of transport rather than as a sport or leisure activity.

<sup>281</sup> Groups of residential streets, bordered by main or 'distributor' roads, where 'through' motor vehicle traffic is discouraged or removed by use of modal filter.

<sup>282</sup> A physical restraint that stops motor traffic driving beyond a certain point, placed at strategic points around the neighbourhood e.g., a bollard, bus gate, width restrictions or pocket parklets made up of tree planting, planters, seats etc.

## Reasoned Justification

- 6.83 The mapped network contained within the Policies Map has been developed by combining three evidence sources, Surrey County Council's [Guildford Local Cycling Plan](#) (Surrey County Council, undated circa 2015)<sup>283</sup>, Guildford Borough Council's [Guildford Route Assessments Feasibility Study](#) (Transport Initiatives and Urban Movement, 2020)<sup>284</sup> and the council's concept proposals for the routing of the Sustainable Movement Corridor<sup>285</sup>. This provides for a denser and safer cycle network in the Guildford urban area while also addressing gaps in the network outside the urban area. It provides a common, updated basis for the improvement of the Guildford borough cycle network and connections onto, an approach which has received positive endorsement from Surrey County Council.
- 6.84 As well as the mapped network of routes, the Guildford Route Assessments Feasibility Study (2020) contains a set of 14 tables (Tables 17-30) detailing proposed cycling improvements for the main routes identified. The identified issues, proposals and cost estimates should be reviewed in scheme development.
- 6.85 The map is not exhaustive, and consideration will be given to proposals not presently included in the Policies Map.
- 6.86 Utility trips are of prime importance in terms of encouraging modal shift. The local cycle network is incomplete at present with short sections of infrastructure in place, but which do not join up, sometimes ending at key junctions or when carriageway width narrows. Natural and built barriers hinder the quality of infrastructure provided and access – such as guardrail and bollards, a lack of dropped kerbs or safe crossing facilities and crossings for rail, road and waterways which include steps or steep gradients on approach. Many cycle routes in the borough cater for leisure trips which, while attractive for a relaxed, quieter cycle, typically do not offer users with a direct, high-quality route which can compete with other modes of travel such as the private car in terms of convenience. Similarly, current facilities on the carriageway do not necessarily present an attractive choice for those less confident or returning to cycling.
- 6.87 Travel behaviour change interventions have the greatest impact when a new routine is to be developed, such as a new home or new place of work, further highlighting the importance of delivering a comprehensive network for utility trips to and from new development.
- 6.88 Site specific requirements can be found in the relevant site allocation policies and further requirements may develop during the planning application process, such as safe routes to school.
- 6.89 The delivery of a comprehensive Guildford borough cycle network may involve the upgrade of existing routes or connections, or new infrastructure, or a combination of both. In the design and delivery of elements of the network, proposals should appropriately respond to the opportunities and constraints of the built and rural environments, land uses and designations.

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<sup>283</sup> Available online at: <https://www.guildford.gov.uk/article/25508/Guildford-Cycle-Route-Assessments-Report>

<sup>284</sup> Available online at: <https://www.guildford.gov.uk/article/25508/Guildford-Cycle-Route-Assessments-Report>

<sup>285</sup> 'Note – The Sustainable Movement Corridor: Scheme feasibility and design, funding and delivery and links to the strategic sites' (Guildford BC, 2018). This note was submitted to the examination of the LPSS with the reference GBC-LPSS-025a.

- 6.90 Developers should ensure the highest standard of infrastructure is delivered. Latest guidance for the development of cycling infrastructure, as of 2020, can be found within the Department for Transport's LTN 1/20 Cycling Infrastructure Design. If this LTN is superseded, the successor document(s) will be applicable.
- 6.91 The measures applicable to each development proposal will vary on a case-by-case basis, but all should take account of the needs of cyclists, for example by providing safe, secure, convenient, accessible and direct access to, from and within development. This can be achieved through cycle lanes or tracks, low traffic neighbourhoods, 20mph speed limits and modal filters, dependant on location. Infrastructure should be integrated, well signed, lit with high quality surfaces, attractive landscape design, comprehensive wayfinding and further enhanced by sufficient, convenient, safe and secure cycle parking facilities (discussed further in Policy ID11 Parking Standards).
- 6.92 The Strategic Development Framework SPD<sup>286</sup> contains design principles for the strategic sites of Slyfield Area Regeneration Programme (now known as Weyside Urban Village), Gosden Hill Farm, Blackwell Farm, the former Wisley airfield and the Ash & Tongham location for growth. Developers of these sites should adhere to the principles within this SPD in developing on and off-carriageway cycle links.
- 6.93 Conflict can arise between walkers and cyclists on shared use paths. By providing a comprehensive Guildford borough cycle network and adhering to national guidance, this conflict will be reduced as shared use facilities will generally no longer be appropriate, unless it can be demonstrated that segregated facilities cannot or should not be provided. The delivery of a comprehensive Guildford borough cycle network does not mean the importance of the pedestrian network should be overlooked.
- 6.94 Future innovation in mobility, such as e-scooters (electric scooters), may compliment current modes such as pedal cycles and e-bikes. If e-scooters were to be legalised - either privately owned e-scooters or as part of a public hire scheme, or both - it is envisaged that e-scooters would be treated in the same vein as pedal cycles and therefore able to be used on the road or on dedicated cycling infrastructure.

### Key Evidence

- Guildford Route Assessments Report (Transport Initiatives & Urban Movement, 2020)
- Guildford Local Cycling Plan (Surrey County Council, undated circa 2015 with later updates)
- Local Transport Note 1/20 Cycle infrastructure design (Department for Transport, 2020)
- Gear Change: A bold vision for walking and cycling (Department for Transport, 2020)

<sup>286</sup> Available online at: <https://www.guildford.gov.uk/strategicdevelopmentframeworkspd>

## Monitoring Indicators

Indicator	Target	Data Source
Proportion of adults that walk, for travel*, three times per week (Guildford borough)	Increase over time	National Travel Survey and Active Lives Survey (Department for Transport) - annual
Proportion of adults that cycle, for travel*, three times per week (Guildford borough)	Increase over time	National Travel Survey and Active Lives Survey (Department for Transport) - annual

\* refers to utility cycling which is cycling done simply as a means of transport rather than as a sport or leisure activity.

## Policy ID11: Parking Standards

### Introduction

- 6.95 Parking standards, identified in this policy and the Parking SPD, define the amount and qualities of parking, for both motor vehicles and pedal cycles, that is provided by new development of all types within the land use planning system. The National Planning Policy Framework (NPPF) (2021) allows local parking standards to be set.
- 6.96 Parking policy resides at the heart of an integrated land use and transport strategy and is part of a complex decision-set. Parking acts are related to activities such as parking at home or parking in town to shop and eat out. As these activities are different in nature there is a need to develop parking policies which take account of the characteristics of these activities. It is essential to seek to balance the number of spaces, providing an appropriate level and type of parking whilst taking into account the characteristics of the location in the borough, protecting highway safety, promoting transport sustainability and a more efficient use of land. Depending on the objectives that are sought to be achieved, this will affect the quantum, allocation, and design of parking that is planned for in new developments.
- 6.97 This policy aims to make provision to meet the needs of new residents and occupiers whilst limiting overspill parking on adjacent streets. The policy requires the provision of unallocated visitor spaces to be considered and provides flexibility in application tailored to both urban and rural settings. This allows for the design of a development proposal to respond to place-specific opportunities for the promotion of transport sustainability and the efficient use of land.
- 6.98 The provision of high-quality cycle parking and the implementation of Electric Vehicle Charge Points (EVCPs) through this policy contribute to an integrated transport system. Appropriate cycle parking promotes and makes cycling a more attractive mode choice, aiding modal shift. The delivery of EVCPs builds a network of charging facilities, helping to encourage and facilitate the uptake of Ultra Low Emission Vehicles (ULEVs) with a combination of domestic charging supplemented by facilities at destinations.

### **POLICY ID11: Parking Standards**

- 1) The parking standards in adopted Neighbourhood Plans, irrespective of when these were adopted, will take precedence over standards set by the Local Planning Authority in the Local Plan and Supplementary Planning Documents, should there be conflict, except in relation to strategic sites.
- 2) For strategic sites:
  - a) the provision of residential car parking, for use by residents themselves, will not exceed the maximum standards set out in Table B1;
  - c) the provision of additional unallocated parking, to allow for visitors, deliveries and servicing, at the ratio of 0.2 spaces per dwelling will only be required where 50% or more of the total number of spaces, provided for use by residents themselves, are allocated;

- d) the provision of non-residential car parking will not exceed the maximum standards set out in Table B2;
- e) the provision of electric vehicle charging will provide at least the minimum requirements set out in Table B3; and
- f) the provision of cycle parking will provide at least the minimum requirements set out in Table B4.

Tables B1- B4 can be found in Appendix B.

3) For non-strategic sites:

- a) the provision of car parking in new residential development in Guildford town centre or suburban areas, for use by residents themselves, will not exceed the maximum standards set out in the Parking SPD;
- b) the provision of car parking in new residential development in village and rural areas, for use by residents themselves, should meet the expected standards set out in the Parking SPD;
- c) the provision of additional unallocated parking, to allow for visitors, deliveries and servicing, at the ratio of 0.2 spaces per dwelling will only be required where 50% or more of the total number of spaces, provided for use by residents themselves, are allocated;
- d) the provision of non-residential car parking will not exceed the maximum standards set out in the Parking SPD;
- e) the provision of electric vehicle charging will provide at least the minimum requirements set out in the Parking SPD; and
- f) the provision of cycle parking will provide at least the minimum requirements set out in the Parking SPD.

4) For residential and non-residential development on strategic sites and also non-strategic sites in urban areas:

- a) the provision of car and motorised vehicle parking at lower than the defined maximum standards must be justified by a coherent package of sustainable transport measures which will be proportionate to the level of reduction sought. Evidence will be expected to address:
  - i) generous provision of unallocated car parking as a proportion of all car parking spaces provided by the development proposal, where this enables more efficient use of land;
  - ii) excellent quality of walking and cycling access to a local centre, district centre or Guildford town centre;
  - iii) high public transport accessibility; and

- iv) planning obligations and/or on-street parking controls such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.
- b) the provision of car-free development must be justified by a coherent package of sustainable transport measures. Evidence will be required to demonstrate:
  - i) excellent quality of walking and cycling access to a district centre or Guildford town centre;
  - ii) high public transport accessibility;
  - iii) access to a car club for residents and/or users;
  - iv) that the car-free status of the development can be enforced by planning obligations and/or on-street parking controls;
  - v) appropriate incentivisation of these measures; and
  - vi) appropriate monitoring of these measures.
- 5) For all sites:
  - a) car parking spaces external to a dwelling will be required to meet the minimum size requirements of 5 by 2.5 metres;
  - b) a garage will only count as providing a car parking space if it meets the minimum internal dimensions of 6 by 3 metres. A garage with the minimum internal dimensions of 7 by 3.3 metres will be considered to also have the capacity to park up to 2 cycles, allowing independent access. A garage with the minimum internal dimensions of 7 by 4 metres will be considered to have the capacity to park up to 5 cycles, allowing independent access. Alternate layouts for garages which can be demonstrated to provide equivalent or better space provision and access for a vehicle and cycles may be acceptable;
  - c) car parking spaces for disabled drivers will be designed and provided in accordance with national guidance;
  - d) development proposals will be required to demonstrate that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.

## Definitions

- 6.99 *Strategic sites* – for the purposes of this policy these are Slyfield Area Regeneration Project (now known as Weyside Urban Village), Gosden Hill Farm, Blackwell Farm and the former Wisley Airfield as defined in the introduction to Policy S2 at paragraph 4.1.10. The parking standards for strategic sites will not apply to the North Street redevelopment site due to its town centre location.
- 6.100 *Unallocated parking* – a parking space that is available for use by any resident or visitor to a site, including deliveries and servicing.

- 6.101 *Allocated parking* – a parking space found within the curtilage of the property, such as a garage or driveway, and includes any space found in off-plot provision clearly dedicated to a particular property.
- 6.102 *Guildford Town Centre* – as defined by the ‘Guildford Town Centre’ boundary set out on the Policies Map.
- 6.103 *Suburban* – areas outside the ‘Guildford Town Centre’ boundary but within the ‘urban’ boundary, including the urban area of Ash & Tongham, as defined on the Policies Map.
- 6.104 *Village & rural* – areas outside the ‘urban’ boundary as defined on the Policies Map. Whilst the Former Wisley Airfield is within the village and rural area, the standards for strategic sites will be applicable on this site given its proposed size and characteristics.
- 6.105 *Urban* – includes Guildford town centre as defined by the ‘Guildford Town Centre’ boundary set out on the Policies Map and ‘suburban’ areas defined as areas outside the town centre boundary but within the ‘urban’ boundary, including the urban area of Ash & Tongham, as defined on the Policies Map.
- 6.106 *Local Centre* – includes the urban local centres set in Policy E9(3) and shown on the Policies Map and new local centres set in E9(5):
- Aldershot Road, Westborough
  - Collingwood Crescent, Boxgrove
  - Kingspost Parade, London Road, Burpham
  - Epsom Road, Merrow
  - Kingfisher Drive, Merrow
  - Madrid Road, Guildford Park
  - Southway, Park Barn
  - Stoughton Road, Bellfields
  - The Square, Onslow Village
  - Woodbridge Hill, Guildford
  - Woodbridge Road, Guildford
  - Worplesdon Road, Stoughton
  - Ash Vale Parade, Ash
  - The Street, Tongham
  - Gosden Hill (site allocation A25)
  - Blackwell Farm (site allocation A26); and
  - the former Wisley Airfield (site allocation A35).
- 6.107 *District Centre* – for the purposes of this policy, this applies to the urban district centre of Wharf Road, Ash as set in Policy E8(2).
- 6.108 *Car club* – provides shared access to vehicles typically on a pay-as-you-drive basis for members. Vehicles are parked in dedicated parking spaces locally.
- 6.109 *Car-free* – development in which there are no parking spaces provided within the curtilage of the site for use by residents, employees or customers, other than for disabled residents or visitors. This will not preclude the provision of a designated area or areas for delivery and service

vehicles, as well as car club spaces which should be suitably managed to ensure their use as such.

- 6.110 *Independent access* – this refers to the need for cycles parked in garages to be able to be accessed obstruction free from parked cars, bins or household storage.

### **Reasoned Justification**

- 6.111 The NPPF allows local parking standards to be set. This includes the setting of maximum parking standards where there is 'a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport'.<sup>287</sup>
- 6.112 The setting of local parking standards can be in either a Local Plan or a Neighbourhood Plan.
- 6.113 Surrey County Council (SCC), as the Local Highway Authority, is responsible for local roads and transport policy, which includes responsibility for on-street parking. They have published non-statutory Vehicular and Cycle Parking Guidance (2018)<sup>288</sup> which proposes a series of maximum car parking standards, minimum cycle parking standards and standards for the provision of electric vehicle charging points for residential and non-residential development. SCC's guidance is commended to Local Planning Authorities to consider for use within their own Local Plan as it is within the competency of the Plan maker to set the off-street parking standards. In setting car parking, cycle parking and electric vehicle charging standards in this policy, SCC's guidance has been taken into account, alongside local evidence.

### *Neighbourhood Plans*

- 6.114 Neighbourhood Plans can, and often do, include local parking standards. It is explicit in the policy that, with the exception of strategic sites, parking standards in Neighbourhood Plans (both existing and future plans) will continue to take precedence where these are specified.
- 6.115 The parking standards contained within Neighbourhood Plans are not applicable to strategic sites located, either wholly or in part, within a neighbourhood planning area. Strategic sites are masterplanned from the outset and are required to deliver a range of sustainable transport measures to enable modal shift. Maximum parking standards set at levels for the urban area will complement these measures, allowing their potential to be maximised whilst also making more efficient use of land.
- 6.116 In instances where Neighbourhood Plans are silent on parking issues, the standards set out here and the Parking SPD shall apply. More detail on Neighbourhood Plans can be found at <https://www.guildford.gov.uk/neighbourhoodplanning>.

### *Residential parking for cars and motorised vehicles (strategic and non-strategic sites)*

- 6.117 Residential parking standards for cars and motorised vehicles identified in this policy and the Parking SPD define the maximum and expected levels of parking permitted for various sizes of residential development in different areas of the borough. This approach involves a spatially-

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<sup>287</sup> National Planning Policy Framework (2021), paragraph 108.

<sup>288</sup> Available online at: <https://www.surreycc.gov.uk/roads-and-transport/policies-plans-consultations/transport-plan/surrey-transport-plan-strategies/parking-strategy>

differentiated approach to the provision of vehicle parking for new residential developments with the focus of restraint increasing closer to Guildford town centre. Residential car parking standards are based on car availability<sup>289</sup> recorded by the 2011 Census, analysed to understand the variations across the borough between rural and urban settings, flats<sup>290</sup> and houses<sup>291</sup>, and number of bedrooms.

- 6.118 Car availability trends are influenced by a number of longer-term societal trends such as urbanisation, advances in information and communication technologies, work patterns, changing demographics, shifts in income across the population, economic growth or recession and the rise of alternative modes of transport such as ride hailing apps and car clubs. These factors all play a part in an evolving travel demand setting. Locally, the number of vehicles registered in the borough since the 2011 Census has increased, however this rate mirrors the increase in the housing stock locally with the average number of vehicles per household remaining approximately static.
- 6.119 Recent research has identified that modal shift is required at a UK scale to meet the Government's net-zero policy. The Committee on Climate Change's (2019) net-zero scenarios assume a 10% transport modal shift from private cars to other modes of transport by 2050. Similarly, Transport for Quality of Life (2018) find that 'electrification [of vehicles] is insufficient on its own, and demand management to reduce traffic volumes will also be necessary.'
- 6.120 As such, the setting of parking standards could be, and has in this instance, used to plan for matching current, and enabling a potentially lower provision of, car availability in new residential developments in urban settings and for the strategic sites, in line with the societal trends, potential future scenarios and net zero target set out above. In rural and village areas, expected standards match current levels of car availability, which are of themselves reflective of differences in accessibility to key services and facilities by non-car modes.
- 6.121 The calculation of the maximum or expected number of car parking spaces required in a new development may give a non-whole number. In these instances, the number will need to be rounded up or rounded down. The council expects that rounding will apply to the development as a whole as opposed to each individual property. It may be appropriate to round up in the case of a village and rural setting, whereas in an urban setting - where maximums are to be applied - provision will generally be rounded down to the nearest whole number. For example, the delivery of 5 two-bedroom houses in a suburban location, with a maximum car parking provision of 1.5 spaces each (a total of 7.5 spaces throughout the development), would be rounded down to 7. In the example of a development of a single property, the same rounding method would apply.

*Allocation of residential spaces (strategic and non-strategic sites)*

- 6.122 A key consideration in the design process for a residential development is the proportion of

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<sup>289</sup> Car availability is a term used by the Office of National Statistics in the Census for England and Wales. It is a measure of the number of cars or vans that are owned, leased, or available for use, by one or more members of a household (including company cars and vans that are available for private use). It does not include motorbikes or scooters, or any cars or vans belonging to visitors.

<sup>290</sup> The term flat is used to refer to flats, maisonettes and apartments (including bedsits and studios).

<sup>291</sup> The term house is used to refer to houses and bungalows.

spaces to allocate to specific dwellings. Whilst the provision of allocated spaces in a residential development provides certainty to the owner, unallocated parking is more flexible and, in turn, more efficient in terms of land take. Research by English Partnerships (2006) show if each dwelling is allocated 2 car parking spaces each, around one-quarter of residents will either have too much or too little parking. Therefore, a greater proportion of unallocated spaces accommodates differences in car availability between dwellings and changes over time more effectively, while also providing for, visitors, servicing, and deliveries. This approach is advocated in Manual for Streets (DfT, 2007)<sup>292</sup> and the National Model Design Code (Ministry of Housing, Communities and Local Government, 2021) guidance notes<sup>293</sup>. Specifically, the influential research work by Noble and Jenks (1996) indicates that no additional provision needs to be made for visitor parking where 50% or more of the total parking stock being provided is unallocated.

*Non-residential parking for cars and motorised vehicles (strategic and non-strategic sites)*

- 6.123 The car parking standards for non-residential developments define the maximum levels permitted for various types of development in the borough, based on that provided as guidance by SCC in their Vehicular and Cycle Parking Guidance (2018).
- 6.124 Restricting car parking at the destination has been proven to influence mode choice. A study of commuters working in Cambridge investigated statistical associations between mode choice and personal and environmental characteristics (Dalton et al, 2013). Car availability was found to be a strong predictor of mode of travel to work and the absence of free car parking at work was associated with a markedly higher likelihood of walking, cycling, and public transport use.
- 6.125 For some land use types where transport patterns are difficult to generalise parking provision will be approved on merit, on the basis of a transport assessment.

*Electric Vehicle Charge Points (strategic and non-strategic sites)*

- 6.126 The expansion of electric vehicle (EV) charging infrastructure supports, and is necessary to meet, the government's ambition to phase out the sale of new petrol and diesel vehicles by 2030. These standards aim to allow the majority of charging to take place at home, within off-street parking provided by new development, and be carried out overnight with supplementary charging taking place in the likes of workplaces, retail destinations and public car parks.
- 6.127 EV charging is a developing technology and connection points should be installed in line with the relevant technical requirements and standards at the time of application.

*Cycle parking (strategic and non-strategic sites)*

- 6.128 The provision of high quality and easily accessible cycle parking is important to encourage cycling and reduce the theft of bikes. Like car parking, cycle parking should be 'designed in' to

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<sup>292</sup> Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

<sup>293</sup> Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957207/Guidance\\_notes\\_for\\_Design\\_Codes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957207/Guidance_notes_for_Design_Codes.pdf)

developments from an early stage of design. Cycle parking should be as convenient, if not more, than access to car parking.

- 6.129 Cycle parking characteristics may differ dependant on the length of time the cycle is to be parked. For example, short term parking must be as close to the destination as possible (within 20m), convenient and adequately signed whereas long term parking must be more weatherproof and have greater security provided through an enclosed and lockable shelter, store or compound.
- 6.130 Garages can be used for secure cycle parking if they meet the minimum dimensions and allow spaces to be independently accessible, i.e., that each bike can be reached without manoeuvring other bikes, vehicles or objects which may be being stored.
- 6.131 The emergence of ebikes, which are typically of a higher value than standard pedal cycles, reinforces the need for secure parking with surveillance (either by CCTV cameras or natural surveillance from people going about their normal business).
- 6.132 The needs of users of non-standard cycles must be considered when developing cycle parking proposals including the likes of secure space for cargo cycles at retail developments and space for adaptive cycles at transport interchanges. Non-standard cycles have differing dimensions from standard pedal cycles and may not be able to be securely locked to traditional stands.
- 6.133 Further information is contained within the Parking SPD and Local Transport Note (LTN) 1/20 Cycle Infrastructure Design (DfT, 2020)<sup>294</sup> which should be referred to as best practice guidance.

*Encouraging lower car use through low-car and car-free development*

- 6.134 In instances where significantly lower car use<sup>295</sup> may be expected, and is being planned for by developers, then external best practice guidance such as Planning for Walking (CIHT, 2015)<sup>296</sup>, LTN 1/20 Cycle Infrastructure Design (DfT, 2020) and Buses in Urban Developments (CIHT, 2018)<sup>297</sup>, should be consulted to ensure high quality access to safe walking and cycling routes and public transport. In terms of public transport accessibility, high quality access may include close proximity to bus stops with a high frequency of services, a broad range of destinations served and availability of real-time information and/or rail stations with frequent services. Further measures which could be included in a proposal to help demonstrate a particular transport strategy could include a car club and/or mobility hub<sup>298</sup>. Best practice guidance for shared mobility provision can be sought from CoMoUK. The prioritisation of walking, cycling, public and shared transport, especially where the development is close to the town centre, local centre or

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<sup>294</sup> Available online at: <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

<sup>295</sup> This may include 'low car' developments which are those which offer a limited amount of parking and are designed to encourage travel by sustainable modes.

<sup>296</sup> Available online at: [https://www.ciht.org.uk/media/4465/planning\\_for\\_walking\\_-\\_long\\_-\\_april\\_2015.pdf](https://www.ciht.org.uk/media/4465/planning_for_walking_-_long_-_april_2015.pdf)

<sup>297</sup> Available online at: [https://www.ciht.org.uk/media/4459/buses\\_ua\\_tp\\_full\\_version\\_v5.pdf](https://www.ciht.org.uk/media/4459/buses_ua_tp_full_version_v5.pdf)

<sup>298</sup> Mobility hubs are a recognisable place with a variety of facilities for accessing modes of transport other than the private car, which could include shared transport options such as car clubs or bikes share, supplemented with enhanced facilities and information features. A mobility hub is modular in nature and can be tailored to local needs. Example components of a hub could also include bus stops, cycle parking, an information sign/screen and neighbourhood facilities such as package delivery lockers, café, coworking space and/or mini fitness/play area.

district centre, may lead to it being acceptable to provide a lower than required provision of car parking spaces.

- 6.135 Car club vehicles are typically newer and environmentally cleaner than the average car and the requirements for car club spaces to be fitted with an EVCP reflects the popularity of EVs or Plug-in Hybrid Electric Vehicles (PHEVs) for these schemes. On average, each car club car displaces 6.1 private cars and a further 12 purchases are deferred<sup>299</sup> highlighting the potential for car club vehicles to reduce reliance on a personal private vehicle as users may not have the need to own (or lease) a car, or a second car. Guidance on car clubs in new developments (SCC, 2019) should be referred to for local guidance.
- 6.136 The Strategic Development Framework SPD<sup>300</sup> also promotes the provision of a car club and/or mobility hub(s) for the strategic sites of Slyfield Area Regeneration Project (now proposed as Weyside Urban Village), Gosden Hill Farm, Blackwell Farm and the Former Wisley Airfield.
- 6.137 Car free development can deliver a more efficient use of land and contribute to lower carbon emission levels and reduced congestion in the local area. This type of development is appropriate in areas in or close to Guildford town centre or urban district centres with frequent public transport and accessible active travel routes. Space should still be provided for disabled drivers, visitors and deliveries, and managed as such, whilst a car club could be part of this transport strategy.
- 6.138 In cases of car-free development undertaken in the town centre in recent years, the developer pays for the Traffic Regulation Order for the Controlled Parking Zone to be amended through a Section 106 contribution, ensuring residents of car-free development are not entitled to an on-street parking permit. Similarly, the sustainable alternatives offered must be actively incentivised and monitored over the lifetime of the development. Further information in relation to these aspects can be found in the Parking SPD.

#### *Space dimensions and garages*

- 6.139 Due to the proliferation of larger domestic motor vehicles, parking space dimensions have been increased from the typical UK parking bay dimension of 4.8 x 2.4m. This is to better allow convenient parking and access and egress of the vehicle.
- 6.140 The Parking SPD should be consulted for further guidance with regards to space and garage dimensions, garage set back distances from the carriageway and also typical types of parking that may be appropriate in different situations. For instance, where the use of underground (including podium or undercroft) or multi-storey car parking may be appropriate to aid an efficient use of land and increase density.

#### *Parking for disabled drivers*

- 6.141 Accessible parking must be included as a proportion of the overall vehicle parking provision specified in these standards. The following guidance should be consulted for best practice,

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<sup>299</sup> England & Wales Car Club Annual Survey 2017/18 (CoMoUK, 2019)

<sup>300</sup> Available online at: <https://www.guildford.gov.uk/strategicdevelopmentframeworkspd>

Inclusive Mobility (DfT, 2005)<sup>301</sup> and Traffic Advisory Leaflet 5/95 Parking for Disabled People (DfT, 1995)<sup>302</sup>.

6.142 As with car parking, a proportion of total parking should be provided for non-standard cycles to accommodate people with mobility impairments (typically 5%).

### Key Evidence

- Vehicular and Cycle Parking Guidance (Surrey County Council, 2018)
- Local Transport Note 1/20 Cycle Infrastructure Design (Department for Transport, 2020)
- Planning for Walking (Chartered Institution of Highways and Transportation, 2015)
- Buses in Urban Developments (Chartered Institution of Highways and Transportation, 2018)
- Guidance on car clubs in new developments (Surrey County Council, 2019)
- Inclusive Mobility (Department for Transport, 2005)
- Traffic Advisory Leaflet 5/95 Parking for Disabled People (Department for Transport, 1995)

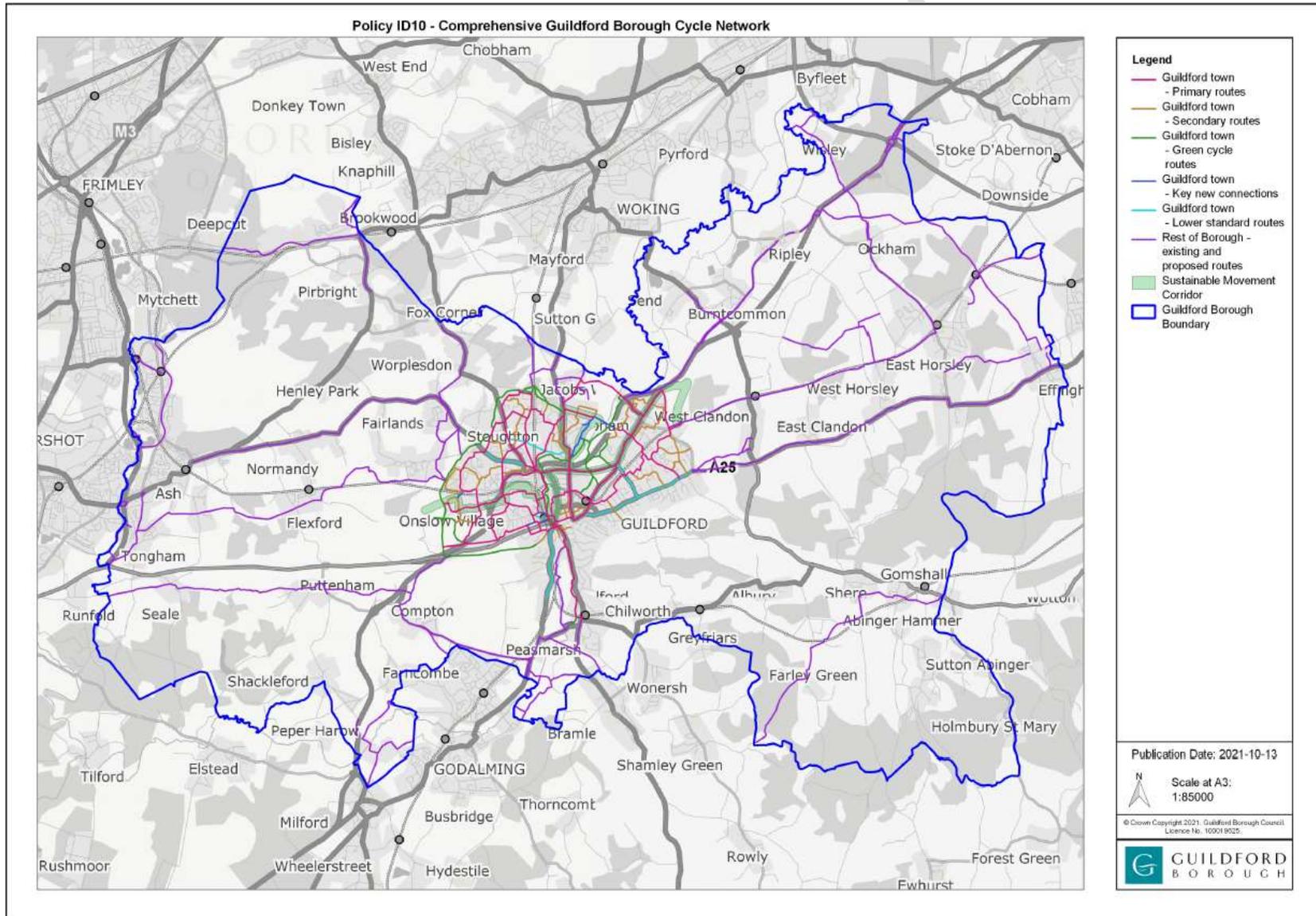
### Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy ID11	N/A	Planning Appeals

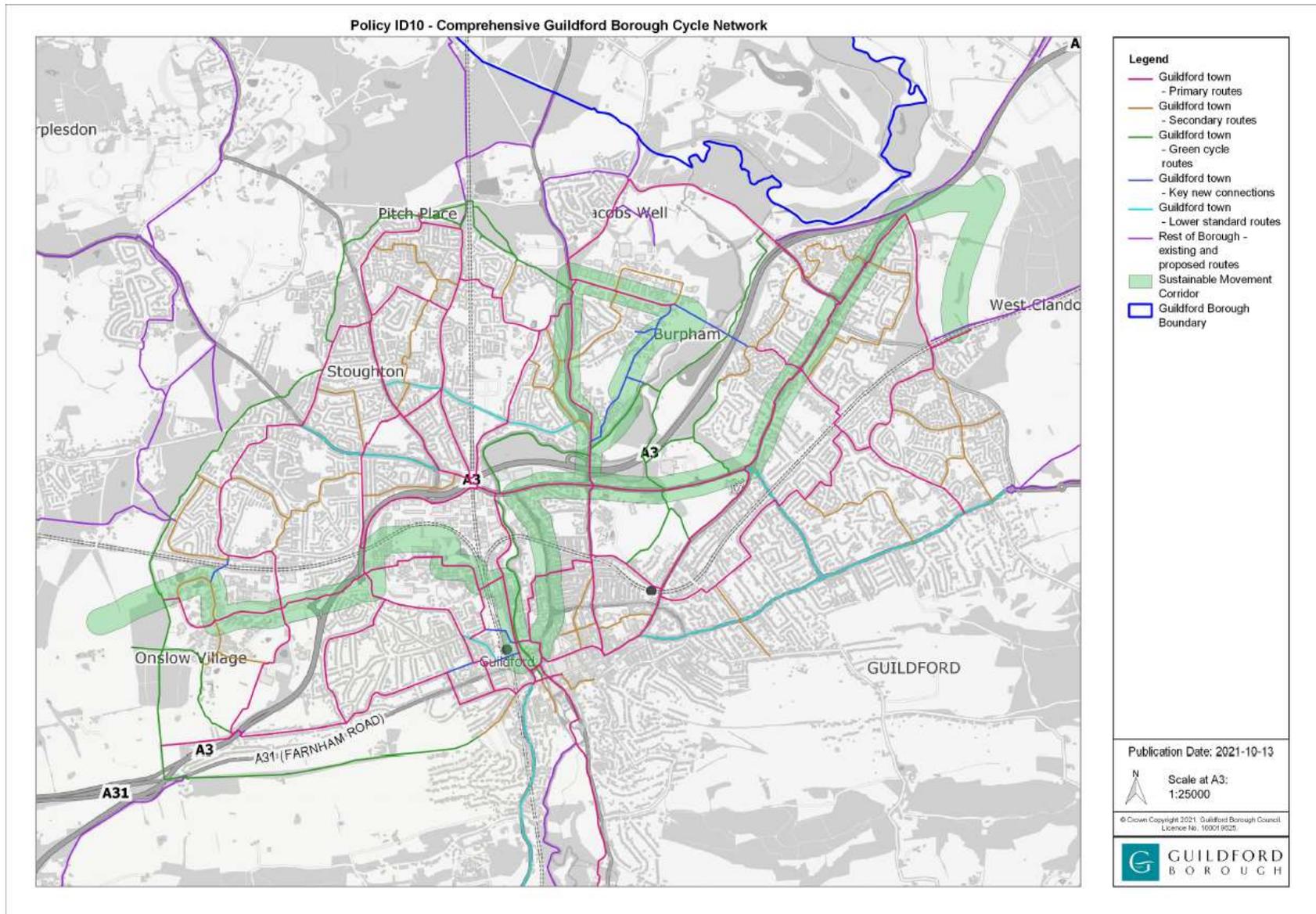
<sup>301</sup> Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3695/inclusive-mobility.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf)

<sup>302</sup> Available online at: <https://tsrgd.co.uk/pdf/tal/1995/tal-5-95.pdf>

## Appendix A – Comprehensive Guildford Borough Cycle Network



**Figure A1. Comprehensive Guildford Borough Cycle Network – Full Borough View**



**Figure A2. Comprehensive Guildford Borough Cycle Network – Guildford Town Centre View**

## Appendix B – Parking Standards for Strategic Sites

**Table B1. Strategic sites – maximum provision of residential car parking, for use by residents themselves**

Number of bedrooms	1 bed flats (including studios & bedsits)	2 bed flats	1 bed houses	2 bed houses	3 bed houses	4+ bed houses
Maximum vehicle parking spaces	1 space per unit	1 space per unit	1 space per unit	1.5 spaces per unit	2 spaces per unit	2.5 spaces per unit

**Table B2. Strategic sites – maximum provision of non-residential car parking standards**

Development Type	Maximum vehicle parking spaces provided (if expressed as a provision for a given floor area then this is per m <sup>2</sup> GFA)
<b>Retail</b> (Note: Retail parking to be provided as shared use where appropriate. Based on the Surrey CC non-residential car parking standards for suburban locations)	
Food or non-food retail e.g. small parades of shops serving the local community (up to 500m <sup>2</sup> )	1 car space per 37.5m <sup>2</sup>
Food or non-food retail (over 500 m <sup>2</sup> )	1 space per 31.5m <sup>2</sup>
<b>Food and drink</b>	
Restaurants, snack bars and cafés. For sale & consumption on the premises.	1 car space per 6m <sup>2</sup>
<b>Drinking establishments</b>	
Public houses, wine bars or other drinking establishments but not nightclubs.	Individual assessment/justification
<b>Hot Food Takeaways</b>	
For sale & consumption of hot food off the premises.	1 car space per 6m <sup>2</sup>
<b>Business</b>	
Offices, research & development, light industry appropriate in a residential area – threshold of 2500m <sup>2</sup>	A maximum range of 1 car space per 30m <sup>2</sup> to 1 car space per 100m <sup>2</sup> depending on location
<b>General Industrial</b>	

<b>Development Type</b>	<b>Maximum vehicle parking spaces provided</b> (if expressed as a provision for a given floor area then this is per m <sup>2</sup> GFA)
General industrial use	1 car space per 30m <sup>2</sup>
<b>Storage/distribution (including open air storage)</b>	
Warehouse – storage	1 car space per 100m <sup>2</sup> 1 lorry space per 200m <sup>2</sup>
Warehouse – distribution	1 car space per 70m <sup>2</sup> 1 lorry space per 200m <sup>2</sup>
Cash and carry	1 car space per 70m <sup>2</sup> 1 lorry space per 200m <sup>2</sup>
<b>Residential Institutions</b>	
Care home Nursing home	1 car space per 2 residents OR Individual assessment/justification
<b>Dwelling houses</b>	
Elderly (sheltered)	1 car space per 1 or 2 bed self-contained unit OR 0.5 per communal unit OR Individual Assessment
<b>Non-residential institutions</b>	
Day Nurseries/Crèche	0.75 car spaces per member of staff plus 0.2 spaces per child
Doctor's practices	Individual assessment/justification
Dentist's practices	Individual assessment/justification
Veterinary practices	Individual assessment/justification
Libraries, museums and art galleries	1 car space per 30m <sup>2</sup> OR Individual assessment/justification
Public halls licensed for entertainment, unlicensed youth and community centres and Scout huts etc	1 car space per 3 persons OR per 3 seats OR per 20 m <sup>2</sup> OR Individual assessment/justification
Places of worship	1 car space per 10 seats OR Individual assessment/justification
Schools/colleges/children's centres	Individual assessment/justification See notes on School Parking on page 7 of Surrey County Council's Vehicular and Cycle Parking Guidance (2018).

<b>Development Type</b>	<b>Maximum vehicle parking spaces provided</b> (if expressed as a provision for a given floor area then this is per m <sup>2</sup> GFA)
<b>Other uses</b>	
Vehicle repair, garage and spares stores	1 car space per 20m <sup>2</sup> OR Individual assessment/justification
Car sales establishments	1 car space per 50m <sup>2</sup> car display area OR Individual assessment/justification
Exhaust and tyre centres	1 car space per 0.3-0.5 bays OR Individual assessment/justification
All other uses not mentioned above	Individual assessment/justification

Please note:

- All parking levels relate to gross floor area and are recommended as a maximum unless otherwise stated.
- Provision for uses marked “individual assessment” will require their own justification and the inclusion of parking management plans, travel plans and cycle strategies where appropriate. The content of each and need for the plan would be discussed and agreed with the County Highway Authority.
- Levels of parking per member of staff (full time equivalent) should be calculated using the average of those employed on site at any one time.

**Table B3 - Strategic sites – minimum provision of electric vehicle charging points for residential and non-residential development**

<b>Residential Development</b>	<b>Minimum EV Charging Requirement</b>	<b>Charge Point Specification</b>	<b>Power Requirement</b>
Houses and flats/ apartments – allocated parking	1 fast charge socket per house/ flat/ apartment with one or more allocated car parking space	7kw Mode 3 with Type 2 Connector	230v AC 32 Amp Single Phase dedicated supply
Houses and flats/ apartments – unallocated parking	20% of unallocated car parking spaces to be fitted with 1 fast charge socket		
Care /Nursing Home Elderly (Sheltered)	A further 20% of available spaces to be provided with power supply to provide additional fast charge sockets	Feeder pillar or equivalent permitting future connection	230v AC 32 Amp Single Phase dedicated supply
<ul style="list-style-type: none"> <li>• ‘Car-free’ development is exempt, excluding that the provisions for allocated parking for residential developments will apply to any car parking spaces provided such as for drop off, deliveries, servicing and visitors</li> <li>• Car club bays: 1 fast charge socket per bay</li> </ul>			

<ul style="list-style-type: none"> <li>Allocated parking includes instances in which a parking space is 'allocated' by way of being rented to the occupier of a specific dwelling</li> </ul>			
Commercial Development	EV Charging Requirement	Charge Point Specification	Power Requirement
<ul style="list-style-type: none"> <li>Offices, light Industry &gt;500m<sup>2</sup></li> <li>General Industrial &gt;500m<sup>2</sup></li> <li>Storage &amp; Distribution &gt;1000m<sup>2</sup></li> <li>Doctors/Dentists practices</li> <li>Schools/Colleges</li> <li>Retail &gt;500m<sup>2</sup></li> </ul>	10% of available car parking spaces to be fitted with a fast charge socket	7kw Mode 3 with Type 2 Connector	230v AC 32 Amp Single Phase dedicated supply
	A further 10% of available car parking spaces to be provided with power supply to provide additional fast charge socket	Feeder pillar or equivalent permitting future connection	230v AC 32 Amp Single Phase dedicated supply
All other uses not mentioned above	Individual assessment / justification	Individual assessment / justification	To be determined by charge point specification

**Table B4. Strategic sites – Minimum provision of cycle parking requirements for residential and non-residential development**

Development Type	Minimum cycle parking spaces provided – short stay	Minimum cycle parking spaces provided – long stay
<b>All</b>		
Parking for adapted cycles for disabled people	5% of total capacity co-located with disabled car parking	5% of total capacity co-located with disabled car parking
<b>Retail</b>		
Small (<200m <sup>2</sup> )	1 per 100m <sup>2</sup>	1 per 100m <sup>2</sup>
Medium (200-1000m <sup>2</sup> )	1 per 200m <sup>2</sup>	1 per 200m <sup>2</sup>
<b>Employment</b>		
Office/ Finance	1 per 1000m <sup>2</sup>	1 per 200m <sup>2</sup>
Industrial/ Warehousing	1 per 1000m <sup>2</sup>	1 per 500m <sup>2</sup>
<b>Leisure and Institutions</b>		
Leisure centres, assembly halls, hospitals and healthcare	Greatest of: 1 per 50m <sup>2</sup> or 1 per 30 seats/ capacity	1 per 5 employees

<b>Development Type</b>	<b>Minimum cycle parking spaces provided – short stay</b>	<b>Minimum cycle parking spaces provided – long stay</b>
Educational Institutions	-	Separate provision for staff and students, based on Travel Plan mode share targets, minimum: Staff – 1 per 20 staff Students – 1 per 10 students
<b>Residential</b>		
All except sheltered/ elderly housing or nursing homes	-	1 per bedroom
Sheltered/ elderly housing or nursing homes	0.05 per residential unit	0.05 per bedroom
<b>Public Transport Interchange</b>		
Standard Stop	Upon own merit	-
Major Interchange	1 per 200 daily users	-
<b>All other uses not mentioned above</b>		
Individual assessment		

## Appendix C – List of Strategic and Non-strategic Policies

<b>Policy</b>	<b>Strategic / non-strategic</b>
H5: Housing Extensions and Alterations including Annexes	Non-strategic
H6: Housing Conversion and Subdivision	Non-strategic
H7: Review Mechanisms	Non-strategic
H8: First Homes	Non-strategic
E11: Equine-related Development	Non-strategic
P6/P7: Biodiversity in New Developments	Strategic
P8/P9: Protecting Important Habitats and Species	Strategic
P10: Land Affected by Contamination	Non-strategic
P11: Air Quality and Air Quality Management Areas	Non-strategic
P12: Water Quality, Waterbodies and Riparian Corridors	Strategic
P13: Sustainable Surface Water Management	Strategic
P14: Regionally Important Geological / Geomorphological Sites	Strategic
D4: Achieving High Quality Design and Respecting Local Distinctiveness	Non-strategic
D5: Protection of Amenity and Provision of Amenity Space	Non-strategic
D5a: External Servicing Features and Stores	Non-strategic
D6: Shopfront Design and Security	Non-strategic
D7: Advertisements, Hanging Signs and Illumination	Non-strategic
D8: Public Realm	Non-strategic
D9: Residential Infill Development	Non-strategic
D10: Noise Impacts	Non-strategic

<b>Policy</b>	<b>Strategic / non-strategic</b>
D10a: Light Impacts and Dark Skies	Non-strategic
D11: The Corridor of the River Wey and Godalming Navigations	Non-strategic
D12: Sustainable and Low Impact Development	Strategic
D13: Climate Change Adaptation	Strategic
D14: Carbon Emissions from Buildings	Strategic
D15: Renewable and Low Carbon Energy Generation and Storage	Strategic
D16: Designated Heritage Assets	Strategic
D17: Listed Buildings	Non-strategic
D18: Conservation Areas	Non-strategic
D19: Scheduled Monuments	Non-strategic
D19a: Registered Parks and Gardens	Non-strategic
D20: Non-designated Heritage Assets	Non-strategic
D21: Enabling Development and Heritage Assets	Non-strategic
ID5: Protecting Open Space	Non-strategic
ID6: Open Space in New Developments	Strategic
ID8: Community Facilities	Non-strategic
ID9: Retention of Public Houses	Non-strategic
ID10: Achieving a Comprehensive Guildford Borough Cycle Network	Strategic
ID11: Parking Standards	Strategic