

Guildford Borough Council

Report to: Executive

Date: 23 November 2023

Ward(s) affected: Ash South, Ash Vale, Ash Wharf, Bellfields & Slyfield, Burpham, Castle, Clandon & Horsley, Effingham, Merrow, Normandy & Pirbright, Onslow, Pilgrims, Send & Lovelace, Shalford, St Nicolas, Tillingbourne, Westborough, Worplesdon

Report of Director: Place

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Report Status: Open

Adoption of the Green Belt Supplementary Planning Document

1. Executive Summary

This report recommends the adoption of the Green Belt Supplementary Planning Document (SPD). The SPD does not create new policy rather provides guidance for existing Green Belt policy contained in Policy P2 of the Local Plan: strategy and sites 2015-2034. If adopted, the SPD will be a material consideration in planning decisions. Adoption of the SPD will help applicants and decision makers in the submission and determination of planning applications by providing additional clarity and ensuring better consistency.

2. Recommendation to Executive

That the Executive adopts:

1. The Green Belt Supplementary Planning Document as shown in Appendix 1 to this report

3. Reason(s) for Recommendation:

- 3.1. Adopting the new SPD will provide detailed guidance for adopted Local Plan: Strategy and Sites policy P2. This will help ensure clarity and consistency in decision making.

4. Exemption from publication

Is the report or any part of it exempt from publication?

No

5. Purpose of Report

- 5.1. Formal adoption by the Executive is the final stage in the process of producing a new Supplementary Planning Document (SPD). This will enable it to become a material consideration when determining planning applications in the Green Belt. The draft SPD was consulted upon for four weeks and the Consultation Statement setting out how this was undertaken, the comments that were received and the Council's response to these is contained in Appendix 2 of this report.

6. Strategic Priorities

- 6.1. The Council's Strategic Framework includes the following strategic priorities that this SPD will help deliver:

- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration

7. Background

- 7.1. The Council adopted the Local Plan: Strategy and Sites 2015-2034 (LPSS) in April 2019. The LPSS includes policy 'P2: Green Belt' which sets out how national planning policy on Green Belt will be applied in Guildford.
- 7.2. National Green Belt policy is contained in the National Planning Policy Framework (NPPF). This sets out that the construction of new buildings is generally considered to be 'inappropriate' and require the demonstration of 'very special circumstances'. There are however a number of exceptions to this listed in paragraphs 149 and 150 of the NPPF. New buildings and certain other forms of development falling within one of these exemptions is therefore considered 'not inappropriate' and do not require 'very special circumstances' to be demonstrated. In other words the presumption in favour of sustainable development applies. In these instances, other planning policies will apply instead to determine whether or not the proposal constitutes sustainable development, for example policies on design. Simply because a proposal is not considered 'inappropriate' does not automatically mean that the proposal is acceptable in planning terms and will be approved.
- 7.3. Whilst LPSS Policy P2 already contains a number of definitions in relation to these exceptions which provides some clarity, there remains some ambiguity regarding how the Council will assess each of these exceptions which this SPD attempts to resolve.

8. Consultations

- 8.1. The draft SPD was prepared in consultation with colleagues in Development Management given its technical nature and to ensure that the scope and content addressed any issues that they tend to experience when determining Green Belt planning applications.
- 8.2. Prior to formal consultation, the draft SPD was also shared with all councillors and taken to the cross-party Local Plan Panel. At the Panel meeting, representatives from each party fed back any comments that they had received from their group. The draft SPD was amended as appropriate and finalised for formal consultation. Comments received

together with subsequent changes made are set out in the Consultation Statement at Appendix 2.

8.3. The draft SPD was subject to a four-week consultation from 22 February 2023 to 22 March 2023. During this time a total of 18 respondents submitted comments. The Comments together with the Council's response to these is contained in Appendix 1 of the Consultation Statement at Appendix 2 of this report. Changes were made to the SPD in response to comments received where these were considered appropriate and justified.

8.4. The SPD has also been before the cross-party Planning Policy Board who supported its adoption.

8.5. The Green Belt SPD is now finalised and officers recommend that this is adopted by Executive.

9. Key Risks

9.1. There are considered to be no risks with adopting this SPD as it will provide increased clarity for applicants which should reduce unnecessary delays or refusals.

10. Financial Implications

10.1. No financial implications will occur as a result of adopting this SPD.

11. Legal Implications

11.1. In order to fulfil the statutory criteria for a Local Development Document (LDD), an SPD has to be prepared in line with the requirements of section 19 of the Planning and Compulsory Purchase Act 2004 and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

11.2. SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. They do not form part of the development plan and therefore they cannot introduce new planning policies into the development plan. As detailed in the report

above, the SPD is closely aligned with adopted policy and provides guidance for its provisions.

- 11.3. Once adopted as an LDD, the SPD will be a material consideration in the determination of relevant planning applications.
- 11.4. The SPD has been subject to due process under The Town and Country Planning (Local Planning) (England) Regulations 2012 and the SPD has been prepared in line with the requirements of section 19 of the Planning and Compulsory Purchase Act 2004.
- 11.5. Pursuant to section 9D of the Local Government Act 2000, the Executive of the Council has the power to adopt the SPD as a LDD.

12. Human Resource Implications

- 12.1. There are no Human Resource implications associated with adopting the SPD. The SPD provides guidance for adopted Local Plan policy and will assist in the assessment of applications, and additional staff resources will not be necessary as a result.

13. Equality and Diversity Implications

- 13.1. Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. The SPD is not policy but provides guidance to existing adopted policies within a local plan. As such it cannot impact on equality issues in any material way beyond the impact of the policies it supplements. Those policies have been subject to an EqIA screening and therefore it is not necessary to test the implications of this guidance.
- 13.2. The document has been formatted in compliance with the Council's rules on accessibility.

14. Climate Change/Sustainability Implications

- 14.1. A Strategic Environmental Assessment (SEA) Screening and Habitat Regulations Assessment (HRA) Screening has been undertaken for

the SPD. The SEA Screening concluded that the SPD does not require a full SEA to be undertaken whilst the HRA screening concludes that the SPD will not lead to likely significant effects on European sites and does not require an Appropriate Assessment. The statutory consultees for SEA and HRA (Natural England, Historic England and the Environment Agency) agreed with the conclusions. As a result, the Council has produced an SEA and HRA determination statement in line with the processes set out in the relevant regulations.

15. Summary of Options

- 15.1 The Executive may resolve to adopt the SPD, reject the SPD, or instruct officers to make amendments before returning the document to executive.
- 15.2 The third option (amendments) would result in a considerable delay in the adoption of the guidance and the benefits associated with it due to the need to reconsult on the amended document and take it back through the committee process.

16. Conclusion

- 16.1 Officers consider there are sound reasons to adopt the Green Belt SPD. Adopting the new SPD will ensure it carries material weight in planning decisions. This will help applicants and decision makers in the submission and determination of planning applications.

17. Background Papers

- 17.1 Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Determination Statement available at www.guildford.gov.uk/article/26970/Green-Belt-Supplementary-Planning-Document.

18. Appendices

- 1. Green Belt Supplementary Planning Document
- 2. Consultation Statement