

Guildford Borough Council

Report to: Executive

Date: 8 August 2024

Ward(s) affected: All wards

Report of Director: Place

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Report Status: Open

Adoption of the Planning Contributions for Open Space in New Developments SPD

1. Executive Summary

This report recommends the adoption of the Planning Contributions for Open Space in New Developments Supplementary Planning Document (SPD). The SPD does not create new policy, rather it provides guidance to support implementation of existing Policy ID6: Open Space in New Developments of the Local Plan: Development Management Policies ('the LPDMP'). Policy ID6 sets requirements for the provision and future maintenance of, open space in new residential developments. If adopted, the SPD will be a material consideration in planning decisions and will provide additional clarity, thereby helping applicants to submit, and decision makers to consistently determine planning applications that comply with the policy.

2. Recommendation to Executive

That the Executive adopts the Planning Contributions for Open Space in New Developments Supplementary Planning Document ('the SPD') as set out in Appendix 1 to this report.

3. Reason(s) for Recommendation:

- 3.1 Adopting the SPD will support implementation of adopted LPDMP Policy ID6: Open Space in New Developments. The SPD describes the types and standards of open space required in new developments and explains, with worked examples, how the amounts of onsite open space and financial contributions in lieu required by the policy are calculated. This advice will provide increased certainty to developers. The SPD will replace extant guidance on open space in the Planning Contributions SPD 2017.

4. Exemption from publication

None.

5. Purpose of Report

- 5.1 Formal adoption by the Executive is the final stage in the process of producing a new SPD. This will enable it to become a material consideration when determining planning applications. The draft SPD was consulted upon for five weeks during May/June 2024 (the statutory four weeks plus an additional week due to half term). The Consultation Statement sets out how this was undertaken, the comments that were received and the Council's response to these - see Appendix 2 of this report.

6. Strategic Priorities

- 6.1 The Council's Corporate Strategy 2024-2024 includes the following strategic priorities that this SPD will help deliver:
- A more sustainable borough

- A more inclusive borough.

7. Background

- 7.1 The Planning for Open Space in New Developments SPD provides guidance to support the implementation of Policy ID6 of the adopted LPDMP in respect of its requirement for provision, and ongoing future maintenance of, open space in new residential developments. This policy sets quantitative and qualitative standards for provision of open space, which is required in developments that propose a net population increase arising from 11 or more dwellings.
- 7.2 Paragraph (2) of Policy ID6 states that where the (net) number of dwellings in a proposed scheme falls below any of the thresholds where onsite provision of open space is required, the Council will seek an equivalent financial contribution in lieu of onsite provision of that type of open space. This will be used for offsite provision and/or enhancement of existing open space of the same typology within the catchment area of the proposed development.
- 7.3 The SPD sets out the value of these financial contributions in lieu and explains, with worked examples, how these amounts and the required amounts of onsite open space are calculated. Revised contribution amounts reflecting annual inflation adjustments and/or revised cost assumptions will be provided in future updates to it. The SPD also clearly describes the types of open space required by the policy and sets out minimum qualitative standards for them.
- 7.4 This SPD on adoption will replace section 9 of the Council's Planning Contributions SPD, 2017.

8. Consultations

- 8.1 The SPD was prepared by the Planning Policy team. Due to its technical nature and to ensure that the scope and content addressed known issues when determining applications, officers from the Parks and Countryside and Development Management teams were liaised with and consulted on its content.

- 8.2 Prior to formal public consultation, the draft SPD was shared with the cross-party Local Plan Panel. At the Panel meeting, representatives from each party had the opportunity to feedback comments from their respective parties. 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 statutory consultees for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) (Natural England, Historic England and the Environment Agency) were consulted on the screening report prepared to assess the SPD's likely impact on the environment (see Section 14: Climate Change/Sustainability Implications).
- 8.4 The draft SPD was subject to a five-week period of public consultation from 8 May 2024 to 12 June 2024. During this time a total of only 1 representation was received by the Council. The comments raised in this representation, together with the Council's response to them are in Appendix 1 of the Consultation Statement at Appendix 2 of this report.
- 8.5 The SPD is now finalised and officers recommend that it is adopted by Executive.

9. Key Risks

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

No financial implications will occur as a result of adopting this SPD. The SPD provides guidance to support implementation of Policy ID6 of the adopted LPDMP. The inflation-adjusted annual updates to the off-site open space tariff set by this policy ensure that development continues to provide appropriate funding for open space that keeps up with the provision of new dwellings.

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 Regulation 8 and 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. It replaces extant out-of-date guidance in the Planning Contributions SPD.
- 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 has been prepared in line with the requirements of section 19 of the Planning and Compulsory Purchase Act 2004. The SPD will comply with the requirements of Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the basis that once it is adopted, the adoption date will be stated on the SPD.
- 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 an 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; 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.
- 13.2 Officers have nevertheless taken a precautionary approach and subjected the SPD to an Equality Impact Assessment (see Appendix 3). The assessment indicates that no adverse equalities issues will arise as the result of the SPD's adoption.
- 13.3 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 in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('SEA Regulations') and the Conservation of Habitats and Species Regulations (2017) ('HRA Regulations').
- 14.2 The SEA Screening concluded that the SPD does not require a full SEA to be undertaken whilst the HRA screening concluded that the SPD will not lead to likely significant effects on European sites and therefore does not require an Appropriate Assessment. The statutory consultees for SEA and HRA (Natural England, Historic England and the Environment Agency) were consulted on the screening report for a period of four weeks and did not raise any objections. As a result, the Council has produced a SEA and HRA determination statement in line with the relevant regulations above.

15. Summary of Options

- 15.1 The Executive may resolve to adopt the SPD, reject it, 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 SPD. It will help applicants to submit, and decision makers to consistently determine planning applications that comply with LPDMP Policy ID6. Adopting the SPD will ensure that the guidance carries material weight in planning decisions.

17. Background Papers

- 17.1 The Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) – Statement of Determination is available at <https://www.guildford.gov.uk/planning-contributions-for-open-space>.

18. Appendices

- 1. Planning Contributions for Open Space in New Developments Supplementary Planning Document
- 2. Consultation Statement
- 3. Equality Impact Assessment