

Executive Report

Ward(s) affected: All

Report of Director of Planning and Regeneration

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## **Main Modifications consultation on the Submission Local Plan**

### **Executive Summary**

The Submission Local Plan: strategy and sites (“the Local Plan”) outlines the spatial development strategy for the borough up to 2034. The Local Plan was submitted to the Secretary of State on 13 December 2017 and sets out the quantum and location of development based on an evaluation of our objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development can be provided in a sustainable way following consideration of other policy constraints.

The Local Plan is also concerned with the protection and enhancement of our environment, the provision of appropriate infrastructure to support the planned growth of the borough and the promotion of sustainable transport.

As part of the Examination in public, this Local Plan has undergone hearing sessions into those issues the Inspector considered it necessary to explore further with all relevant parties. The Inspector has also requested further information from the Council in relation to matters that did not require to be considered at formal hearing sessions. The Inspector reached an interim conclusion that, subject to making necessary main modifications, the plan could be found to be ‘sound’. The necessary main modifications have been made to the plan and are required to undergo formal consultation for a six week period. The consultation relates to only the main modifications and not to minor modifications or the remainder of the plan. On completion of the consultation, the Inspector will consider the representations made and, along with all the other evidence provided, finalise his report assessing the soundness of the plan.

### **Recommendation to the Executive**

- (1) That the main modifications proposed to the Local Plan: strategy and sites document as shown in Appendix 1 to this report, be approved for formal public consultation beginning on or around 13 September 2018.

- (2) That the Director of Planning and Regeneration be authorised to make such minor alterations to improve the clarity of the submission documents as she shall determine following consultation with the Leader of the Council.

Reasons for Recommendation:

- The Local Plan provides a coherent approach to meeting future development needs and allocates sites to accommodate sustainable development in the borough up to 2034.
- The recommendations above will enable the main modifications to be consulted on and the responses to be considered by the Inspector in producing his formal report into the soundness of the Guildford Borough Local Plan.
- The second recommendation is to enable minor changes to be made to the submission documents if they come to light after the Executive decision but before the Main Modifications consultation begins.

**1. Purpose of Report**

- 1.1 An examination in public is the final stage in the process of producing a Local Plan prior to adoption. Following the formal hearing sessions this report seeks Executive authority to approve the Local Plan document (see Appendix 1), containing main modifications requested by the Inspector, for formal public consultation for a period of six weeks commencing in mid-September.

**2. Strategic Priorities**

- 2.1 The production of the Local Plan is a statutory requirement and will help the Council meet its strategic priorities. Once adopted, the Local Plan will enable the Council to provide for the needs of the community whilst promoting the area as a visitor destination, enhancing the rural and urban economy and protecting the borough's special built and natural environment. The Plan is therefore vital to achieving the Council's ambition to improve our society for the benefit of all residents. Whilst seeking to meet needs we have applied appropriate constraints and will ensure that growth is conditional upon the delivery of all crucial infrastructure, without which it would be unsustainable.
- 2.2 The Local Plan will provide a framework for development in the borough to ensure that Guildford's growth is sustainable and meets the needs of the existing and future populations.

**3. Background**

- 3.1 The current Local Plan – the Guildford Borough Local Plan 2003 – was adopted in January 2003. Policies from the 2003 Local Plan were saved for development management purposes pursuant to the transitional provisions set out in the Planning and Compulsory Purchase Act 2004 (the 2004 Act). Once the new Local Plan: strategy and sites is adopted, it will, where relevant, supersede the

various saved policies from the 2003 Local Plan. The second part of the new Local Plan, Development Management Policies, will provide policies that relate to development management matters. The two constituent development plan documents of the new Local Plan – ‘strategy and sites’ and ‘development management’ – will, once adopted, supersede all of the saved 2003 policies.

- 3.2 The policies of the Local Plan have been prepared to accord with the National Planning Policy Framework (NPPF), Planning Policy for Traveller Sites (PPTS) and the Localism Act 2011 (including the Duty to Cooperate). In preparing the Local Plan, officers have also had regard to requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning Practice Guidance (NPPG) has also been used as a guide throughout the plan-making process.

#### **4. Main Modifications to the Plan**

- 4.1 A report on the proposed adoption of a new Local Development Scheme (LDS) can be found as Item 4 elsewhere on the agenda for this special meeting. This document sets out the stages and timetable for plan preparation. The Examination in Public hearing sessions concluded on 5 July and at the final session the Inspector indicated that subject to certain main modifications, the Plan may be found “sound”. These modifications are set out in the Main Modification Local Plan and are required to be the subject of further consultation.
- 4.2 It is intended to carry out a six week consultation from 13 September 2018 to 25 October 2018. The number of representations likely to be received is very difficult to estimate and will impact on the timetable. Another unknown at present is whether the Inspector will consider it necessary to open the hearing sessions again in light of the issues raised by the comments received. If not then he will be in a position to complete his report into the soundness of the plan. If the hearings are re-opened, a notice period of at least six weeks needs to be provided before this can take place. Assuming this is not the case we anticipate the Inspector will be able to provide his report early in the New Year and this would enable the Council to adopt the plan prior to the local elections in May 2019.
- 4.3 The main modifications are changes the Inspector considers to be necessary to make the plan sound. All the main modifications are detailed in a schedule contained in Appendix 2. The following paragraphs seek to describe the most fundamental modifications sought by the Inspector.
- Strategic
- 4.4 Whilst the Inspector accepted that Guildford’s objectively assessed need (OAN) has reduced from that assessed in the West Surrey Strategic Housing Market Assessment: Guildford Addendum (SHMA), from 654 dwellings per annum (dpa) to 630 dpa, he has concluded that a proportionate contribution be made to Woking’s unmet need. However, given the constraints in Guildford, the Inspector has accepted that this contribution should be significantly lower than that which he required Waverley to meet (20% instead of 50%). The Inspector also required a new policy (Policy S3: Delivery of development and regeneration within Guildford Town Centre). This policy seeks to ensure that every opportunity is

taken in the future to make the most efficient use of land and make the most of this sustainable location for housing as well as commercial uses.

#### Housing

- 4.5 The Inspector considered that the Housing policies H1-H3 would benefit from further modifications and clarification of the wording relating to resisting the loss of existing and allocated housing sites, traveller accommodation (including affordable traveller pitches on rural exception sites), affordable housing and associated thresholds (to comply with the NPPF) and viability.

#### Protecting

- 4.6 Whilst Policy P2 on the Green Belt has been re-written substantially, this is presentational as there has been no change in policy approach. The Inspector did not agree that there were exceptional circumstances to create new Green Belt around Ash & Tongham. Instead, the Inspector considered that the countryside designation is used to prevent coalescence of the urban area with Ash Green village. Policy P3 has been expanded to include this area.
- 4.7 A modification was made to Policy P4 on flooding to state that development will only be approved in the developed Flood Zone 3B if it would not lead to increased vulnerability to flooding. This accords with national planning guidance and takes account of advice from the Environment Agency. Policy P5 on the SPA was amended as a result of the recent Sweetman judgement from the European Court which changes the approach to likely significant effects on the SPA, the text no longer states that developments that contribute to SANG and SAMM can avoid appropriate assessment. Changes also clarify that Natural England is a consultee.

#### Economy

- 4.8 The Inspector recommended that Guildford town centre be deleted from the list of Strategic Employment Sites in policy E1 to provide greater flexibility for mixed use redevelopment and that town centre regeneration and development should be covered by a separate new policy (S3). He considered that the Employment policies E2-E3 would benefit from being less restrictive in terms of both the sequential approach to directing development to preferred locations and in allowing existing users more scope for expansion. He also advised that the hot food takeaways clause in policies E7-E9 be deleted as he felt that it would be ineffective.

#### Design

- 4.9 Policy D2 Sustainable Design, Construction and Energy - the Inspector has accepted all the proposed main modifications, which include removing the energy technology hierarchy, but retain the focus on combined cooling heating and power. A further modification has been proposed in order to make the policy more effective by allowing the use of fabric improvements when meeting a 20% reduction in carbon emissions. Design policies D1 and D4 have been combined and expanded, and now also include requirements for masterplanning on strategic sites.

#### Infrastructure and Delivery

- 4.10 The Inspector has required that Policy ID1 include wording in relation to viability that was previously in the supporting text. Some wording that was previously in the policy but were more statements of intent have been removed from the policy to the supporting text.
- 4.11 The Inspector considered that it is appropriate to proceed with the Local Plan on the basis that the A3 Guildford Road Investment Strategy scheme will take place. He noted that there are uncertainties in respect of the scheme and accordingly he asked the Council to set out the triggers for, and steps to be taken, in the event of the slippage of the scheme. A modification to Policy ID2 is proposed to address this and other risks related to the scheme.
- 4.12 Regarding ID3, the Inspector identified that the use of planning obligations to ensure that future residents will not be eligible for residents' parking permits in stressed areas of the Guildford Controlled Parking Zone, was unlawful. This has therefore been modified. Additional policy wording has been added that consideration will be given to setting maximum parking standards for Guildford town centre. This is proposed on the basis of proposed new Policy S3 and paragraph 106 in the revised NPPF (July 2018) which allows maximum parking standards to be set where there is a clear and compelling justification that they are necessary for optimising the density of development in town centres (and other locations) that are well served by public transport.

#### Existing sites

- 4.13 The total allocation at A25: Gosden Hill Farm has been reduced from 2,000 homes to 1,800 with a minimum of 1,700 still expected to be delivered during the plan period. As a result of this reduction, the traveller allocation has also been reduced from 8 to 6 pitches. A landscape buffer requirement to mitigate its visual impact has been added to this, and other allocations, along this stretch of the A3.
- 4.14 The Inspector required that the area proposed to be removed from the Green Belt to enable access from the A31 should be widened to enable the most appropriate access road to A26: Blackwell Farm in relation to both design and landscape. In order to provide greater control over this increased area of land, it has been separated from the rest of A26: Blackwell Farm into a new Policy A26a which is allocated solely for the access road and associated landscaping.
- 4.15 The allocation at A43: Garlick's Arch has been increased from 400 to 550 homes. Further evidence was submitted by the site promoter indicating that 550 represented the appropriate capacity of the site. Of the additional 150 homes, 50 are projected to be delivered during the first five years of the plan (see discussion below regarding additional early delivery).
- 4.16 The allocation at A58: Burnt Common has also increased from 7,000 sqm of industrial floorspace to 14,800 sq m. The allocation of 7,000 sqm was based on the quantum of floorspace necessary to meet the identified industrial need rather than the capacity of the site. During the hearing sessions, a recalculation of the residual industrial need was undertaken which now indicates that 14,800 sqm is

necessary to meet the need identified in the Employment Land Needs Assessment (ELNA).

#### Policies Map amendments

- 4.17 The Inspector has directed that the Site of Nature Conservation Importance (SNCI) designation at A35: former Wisley airfield be removed from the developable area. Further discussions have been undertaken with Surrey Wildlife Trust regarding this and an amendment has been made which more accurately reflects those parts of the site that are of SNCI value and consistent with the delivery of the site.
- 4.18 The Green Belt inset boundary has been amended at West Horsley (south) to follow an alternative boundary that is closer to the built up area following further consideration after the issue was raised at a hearing session.

#### Additional site allocations

- 4.19 A site at White Lion Walk in Guildford town centre was included in the Land Availability Assessment (October 2017) for 50 homes in the 6-10 year period. The site only became available after the last consultation on the Regulation 19 Local Plan in June/July 2017. Given the scale of the site, the opportunity has been taken to formally allocate this site as part of the amendments to the plan. As this site was already counted as part of the housing supply in the Submission Local Plan, the addition of this site allocation does not represent an increase in actual numbers.
- 4.20 The Inspector did not accept the justification for a phased approach to housing delivery which increased towards the latter part of the plan period. In order to deliver a more even trajectory, the Inspector required additional sites of a sufficient scale that would deliver and maintain a robust rolling five year supply of housing. The Council considers that this requires c. 550 additional homes to be delivered within the first five years of the plan, 50 of which are provided through the increase to A43: Garlick's Arch discussed above.
- 4.21 In arriving at the most appropriate choice of sites compatible with achieving these aims, the Council has undertaken a full and thorough assessment of all potential sites (or parts of sites) that are currently known to be available, and have been identified as potentially suitable for development with the ability to deliver **in full** within the first five years. The plan already contains sufficient flexibility in overall supply. Given the issue is about increasing early delivery, the primary objective is to allocate sites that can deliver within this period.
- 4.22 The assessment has been undertaken through the Sustainability Appraisal (SA) process. In arriving at the reasonable alternative options, the SA considers a number of high level issues including:
- Consistency with the established spatial strategy which the Inspector considered was sound
  - The Inspector's direction that sites are not in locations that are dependent upon the delivery of the RIS2 A3 scheme through Guildford
  - The ability of the scenarios to deliver and maintain a robust five year housing supply. In order to minimise the risk of non-delivery this is

considered to be best delivered from a package of sites, rather than a single site, and spread across the borough

- 4.23 Working down the spatial hierarchy, the plan already allocates all suitable and available sites within existing settlements. Given the evidence presented at the hearing sessions, further development on Countryside beyond the Green Belt is not considered to be deliverable within the first five years given the number of homes already permitted here (almost 1,000). For this reason, it is necessary to allocate additional Green Belt sites. All available and potentially suitable sites have been assessed, including smaller areas of larger promoted sites in order to meet the criteria and principles set out above.
- 4.24 This assessment results in a total of seven reasonable alternative scenarios being tested further. Of these, the preferred approach for additional early delivery site allocations, totalling the remaining c. 500 homes, are:
- Urban extension to Godalming (Aaron's Hill – 200 homes)
  - Village extensions to:
    - Flexford (East of Glazier's Lane – 105 homes)
    - Chilworth (Hornhatch Farm – 80 homes)
    - Send Marsh (Alderton's Farm – 120 homes)
- 4.25 This option is considered to be the most appropriate strategy for securing additional early delivery. Additional information has been sought by GBC and provided by the site promoters as to the level of confidence we can have in relation to early delivery of these sites. Further detail on the preferred approach can be found in the Sustainability Appraisal chapter 7.

#### Scope of consultation

- 4.26 The consultation is specifically targeted at the proposed main modifications. Only those representations that specifically relate to the proposed main modifications will be considered by the Inspector. The Council has made and can adopt minor modifications to the plan without the need for consultation. The main modifications are highlighted within the Main Modification Local Plan and are also contained within a schedule where they are numbered. Those making comments as part of the consultation should make reference to this main modification number as part of their submissions. Minor modifications are set out within a separate schedule for information only.

#### Further evidence base documents

- 4.27 An addendum to the Sustainability Appraisal (SA) and an addendum to the Habitat Regulations Assessment (HRA) have also been published alongside the Main Modifications Local Plan. Both documents form part of the evidence base that supports the Local Plan. The Inspector has requested that the Council provide additional housing allocations to aid early delivery and eliminate the need for a phased (or back-loaded) trajectory. The SA considers a number of options that could contribute to achieving this end. The HRA addendum assesses the additional sites and amended policies/sites to establish whether they will have any likely significant effects on European habitat sites and whether proposed mitigation and avoidance measures are adequate. An addendum to the Land Availability Assessment will also be published to identify the changes in housing supply upon which the plan relies.

## **5. Equality and Diversity Implications**

- 5.1 All public authorities are required by the Equality Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in society and, in particular, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations (tackling prejudice, and promoting understanding) between persons who share a relevant protected characteristic and persons who do not share it.
- 5.2 Due regard should be had to removing or minimising disadvantages, meeting the special needs, and encouraging the participation in public life of those having protected characteristics.
- 5.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.4 It is our responsibility to ensure that our policies, procedures and service delivery are formulated and delivered with regard to this duty. Council policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening.
- 5.5 An EqIA screening was carried out for the Draft Local Plan (July 2014). This document was reviewed in light of the further changes to the Local Plan made in both the 2016 and 2017 Regulation 19 consultation versions to ensure it was still fit for purpose. It was considered appropriate to update EqIA screening to accompany the forthcoming consultation on main modifications in part as recognition of the length of time the plan has been in production. It is still not considered necessary to carry out a full EqIA. The updated EqIA screening is attached at Appendix 5.

## **6. Financial Implications**

- 6.1 Since 2009, the Council has spent £2.6 million on developing the draft Local Plan. Projected expenditure for 2018-19 is £848,700, which includes a contingency for judicial review costs of £300,000 which will be funded from reserve, and we estimate that a further £372,200 will be spent on the Local Plan in 2019-20. The cost of the additional consultation process will be absorbed by employee related savings in other areas of the service.

## **7. Legal Implications**

- 7.1 Following submission to the Secretary of State, the Local Plan was examined by an independent planning inspector. The Inspector will in his report consider whether we have fulfilled our legal Duty to Cooperate and whether the plan meets the tests of soundness set out in paragraph 182 of the NPPF. There are various potential risks to the plan being found sound, and it may be vulnerable to a legal challenge by way of judicial review on grounds such as procedural defect or flaw, or failure to take into account any relevant material consideration. In either case, it is essential that we can show that we have observed the procedural steps and requirements set out in the relevant legislation. These include not only the Town and Country Planning (Local Planning) (England) Regulations 2012, but also the Environmental Assessment of Plans and Programme Regulations 2004 and possibly also the Conservation of Habitats and Species Regulations 2017.
- 7.2 We will need to show that the plan is consistent with the NPPF and NPPG and that the evidence base is up to date and proportionate. The evidence base includes the documents that show objectively assessed need within the borough. The NPPF makes it clear that one of the Government's objectives is to boost significantly the supply of housing. Without a housing target that the Inspector considers satisfactory, the Local Plan would not be found sound.
- 7.3 The failure to adopt a new local plan and the reliance on a dated plan makes the borough council less able to focus development in areas that meet wider strategic objectives. Furthermore, the Government has announced that where Local Plan progress is not considered acceptable the Secretary of State for Housing, Communities, and Local Government may intervene.
- 7.4 The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 place a duty on local planning authorities to produce and adopt a Local Plan. The Plan will ultimately replace the current Borough Local Plan adopted in 2003.

## **8. Human Resource Implications**

- 8.1 There are relatively minor HR implications associated with consulting on the main modifications. Additional temporary staff may be required to speed up the processing of the representations but this will still require the officers to help ensure the representations are properly recorded.

## **9. Conclusion**

- 9.1 Following the hearing sessions, part of the Examination in public into the Guildford Local Plan the Inspector has indicated that the plan is likely to be found sound subject to a number of main modifications. In proposing these modifications, the Council has produced an addendum to both the SA and the HRA. Following the consultation, the responses will be made available to the Inspector to consider as he concludes his report into assessing the soundness of the plan.

**10. Background Papers**

None

**11. Appendices**

Appendix 1: The Local Plan incorporating Main Modifications

Appendix 2: Schedule of Main Modifications

Appendix 3: The Draft Sustainability Appraisal (SA) addendum

Appendix 4: The Draft Habitats Regulations Assessment (HRA) addendum

Appendix 5: The updated Draft Equalities Impact Assessment (EqIA) screening