

Place-making and Innovation Executive Advisory Board Report

Ward(s) affected: All

Report of Director of Strategic Services

Author: Stuart Harrison

Tel: 01483 444 512

Email: stuart.harrison@guildford.gov.uk

Lead Councillor responsible: Jan Harwood

Tel: 07507 505363

Email: jan.harwood@guildford.gov.uk

Date: 17 February 2020

Regulation 18 consultation on Local Plan: Development Management Policies

Executive Summary

The Local Plan: Development Management Policies (hereafter referred to as ‘the draft Local Plan’) is the second part of Guildford’s Local Plan. Once adopted it will, together with the recently adopted Local Plan: Strategy and Sites document (LPSS), fully supersede the existing Local Plan 2003 as the Council’s Development Plan. The draft Local Plan provides the more detailed policies to be used by Development Management in the determination of planning applications. It should be noted that the LPSS includes a small number of development management policies where these were necessary in implementing the strategic policies, for examples in relation to Green Belt, employment and retail.

The structure of the draft Local Plan is consistent with that contained in the LPSS. The chapters therefore consist of: Housing, Protecting, Economy, Design, and Infrastructure and Delivery. A list of all the proposed policies and a brief summary as to their aims and how they seek to achieve those aims is contained in Appendix 1.

The Regulation 18 consultation includes both ‘issues, options’ and goes on to suggest a ‘preferred option’ for each policy. This approach is designed to generate meaningful comments and concerns that will enable the Council to move straight to a Regulation 19 ‘proposed submission’ document. This in turn will increase the possibility of being able to progress the plan to Examination without the need for main modifications and a further round of consultation.

The consultation period will run for seven weeks from 20 April until 8 June 2020.

At its meeting on 24 March 2020, the Executive will also consider this matter, taking into consideration any comments from this EAB.

Recommendation to Executive

The Executive will be asked to recommend to Full Council (7 April 2020):

That the draft Local Plan: Development Management Policies document, incorporating any changes recommended by the Executive, be approved for Regulation 18 public consultation for a seven-week period beginning on 20 April 2020.

The Executive will also be asked to resolve:

That the Director of Strategic Services be authorised, in consultation with the Lead Councillor, to make such minor alterations to improve the clarity of the document as she shall determine.

Reasons for Recommendation:

The recommendations above are made to encourage the Council to:

- 1) Enable the draft Local Plan: Development Management document to be published for public consultation.
- 2) Allow officers to undertake public consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework 2019, Planning Policy for Traveller Sites 2015, the National Planning Practice Guidance, and the Council's Statement of Community Involvement 2020.

Undertaking a public consultation on the draft Local Plan is a statutory requirement placed on Local Planning Authorities under Regulation 18 of the Town and Country Planning Act and will enable the Council to move closer to adopting the second part of the Local Plan.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The draft Local Plan must undergo a number of statutory processes, including at least two public consultations, in order to progress towards an examination in public and eventual adoption. This report seeks authority to publish the draft Local Plan document (see Appendix 2) for the first statutory consultation (Regulation 18) for a period of seven weeks (commencing 20 April 2020) and to allow for any minor amendments or typographical changes to be made following the meeting.

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, consisting of the Local Plan: Strategy and Sites and the Local Plan: Development Management Policies, will enable the Council to mitigate and adapt to Climate Change as well as provide for the needs of the community whilst enhancing the economy, and protecting the borough's special built and natural environment.

- 2.2 The draft Local Plan is based upon thirteen strategic objectives, which are framed within one of the following four core themes: society, environment, economy and infrastructure. These strategic objectives are the same as those that underpinned the LPSS and build upon the fundamental themes identified in the Council's Strategic Framework.

3. Background

- 3.1 Planning decisions must be taken in line with the 'development plan' unless material considerations indicate otherwise. The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). Guildford's current development plan consists of the extant policies in the Guildford Borough Local Plan 2003 and the policies in the recently adopted Local Plan: Strategy and Sites 2019 (LPSS). Policies from the Local Plan 2003 were saved for development management purposes pursuant to the transitional provisions set out in the Planning and Compulsory Purchase Act 2004 (the 2004 Act). A number of these were superseded by the LPSS (listed in Appendix 8 of the LPSS) and those remaining will be fully superseded by the Local Plan: Development Management Policies.
- 3.2 The policies in the draft Local Plan have been prepared in accordance with the National Planning Policy Framework (NPPF) and the Localism Act 2011 (including the Duty to Cooperate). In preparing the draft Local Plan, officers have also had regard to requirements of the Planning and Compulsory Act (2004) and the Town and Country Planning Regulations (2012). The National Planning Practice Guidance (NPPG) has also been used to inform the plan-making process.

4. The Local Plan process

- 4.1 A Regulation 18 consultation is the first of two statutory consultations that must be undertaken prior to the submission of the draft Local Plan to the Secretary of State for examination. The second consultation is known as the Regulation 19 consultation. Sometimes councils will undertake two Regulation 18 consultations – one identifying 'issues and options' followed by another identifying 'preferred options'.
- 4.2 This was the approach undertaken in preparing the LPSS. In that instance carrying out two Regulation 18 consultations was justified given the number of 'spatial options' that were available to the Council in deciding where and how identified development needs should be met. Therefore, the benefits associated with a rigorous process of identifying and refining the spatial development strategy outweighed the additional time this added to the timetable (approximately a year).
- 4.3 However, given the limited number of real 'options' associated with detailed development management policies (in most instances the only choice is either having a policy or not having a policy and relying simply upon other policies and national policies/guidance). There is therefore a greater imperative to progress the Local Plan in a timely manner so that the policies can be given weight as part

of the decision-taking process. As a result, Officers recommend undertaking only one Regulation 18 consultation which includes 'issues, options and preferred options'.

4.4 It should be noted that undertaking only one Regulation 18 consultation does not preclude the Council's ability to change its 'preferred option' when it comes to preparing the Regulation 19 consultation version, also known as the Proposed Submission Local Plan. In contrast, only minor modifications can be made to the Regulation 19 consultation version prior to submission to the Secretary of State for examination. Should the Council wish to make main modifications at this stage, a further Regulation 19 consultation/targeted Regulation 19 consultation would need to be carried out prior to submission.

4.5 The Executive will also be asked to adopt a revised Local Development Scheme (LDS) to reflect the new timetable for the production and adoption of the Local Plan: Development Management Policies.

5. Regulation 18 consultation

5.1 As set out above, this Regulation 18 consultation will comprise a combined 'Issues, Options and Preferred Options'. It should be noted that this version does not set out specific policy wording. Instead it identifies issues relevant to Guildford which justifies the preferred approach to the policy that is being recommended for inclusion in the draft Local Plan together with the alternative policy options that were considered but rejected in favour of the preferred approach.

5.2 The feedback that is being sought is therefore not on the specific wording for each proposed policy but on the principle of what the policy is seeking to achieve and whether this approach and the general scope of the policy is the what the Council should be pursuing as it continues to prepare the draft Local Plan. The specific wording of the policies will be contained in the Regulation 19 document which will be subject to a similar consultation process in due course.

5.3 The structure of the draft Local Plan is consistent with that contained in the LPSS. It comprises the same thematic chapters barring the 'strategic' chapter given that there are no strategic policies within this plan. The chapters therefore consist of: Housing, Protecting, Economy, Design, and Infrastructure and Delivery.

5.4 The policy topics are broad ranging and cover very detailed matters. A list of all the proposed policies and a brief summary as to their aims and how they seek to achieve those aims is contained in Appendix 1.

6. Consultations

6.1 In producing this draft document, the Planning Policy team has worked closely with the Development Management team in seeking to understand issues that have arisen in the regular use of the 2003 policies and to identify any gaps in the policy framework that need to be filled.

- 6.2 Officers have also undertaken a series of Local Plan Panel meetings. The Panel comprises cross party representation of members and is designed to act as a sounding board in the development of the Local Plan. These meetings have facilitated discussion between officers and members regarding the scope of policies and the approach to development proposed in the draft Local Plan.
- 6.3 This report seeks authority to commence a wide ranging statutory consultation that will engage with all stakeholders and help to inform the Regulation 19 Proposed Submission Local Plan. The process will include three events across the borough, one in the east, west and central. The event in the centre of the borough will occur on a Saturday whilst the other two events will be held during the week in the afternoon and evening. This will help make the events accessible to all.

7. Key Risks

- 7.1 Planning decisions should be based on up to date Local Plans. Delays in completing the second part of the Guildford Local Plan would mean decision makers are still being reliant on the extant policies contained in the 2003 Local Plan.
- 7.2 Adopting a new set of development management policies provides an opportunity of securing higher quality sustainable development in the borough and an opportunity to contribute positively to the climate change emergency. (see Climate Change/sustainability below).

8. Financial Implications

- 8.1 To follow.

9. Legal Implications

- 9.1 To follow.

10. Human Resource Implications

- 10.1 To follow.

11. Equality and Diversity Implications

- 11.1 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 the society.
- 11.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening. Likely differential impacts must be highlighted, and described, as some may be positive. Where likely significant adverse differential impacts are identified, consideration should be given to

opportunities to reduce or mitigate this through a full equalities impact assessment.

- 11.3 An EqIA screening was carried out for this Draft Local Plan. It is not considered necessary to carry out a full EqIA. This document will be published on the Council's web site alongside the consultation document.

12. Climate Change/Sustainability Implications

- 12.1 The timely adoption of the Local Plan: Development Management Policies will enable the policies proposed to carry full weight as part of the development plan. The emerging policies in the Draft Local Plan supplement those in the LPSS and provide further detailed requirements. The proposed suite of policies cover a range of topics that will all contribute towards the achievement of Climate Change objectives and sustainable development.
- 12.2 The preferred policy approaches in the Draft Local Plan will have a positive impact in helping to secure sustainable and low impact development, Climate Change resilient development, and renewable and low carbon energy schemes. It will also contribute towards securing improvements in air and water quality, and biodiversity.
- 12.3 The Draft Local Plan is accompanied by an Interim Sustainability Appraisal (SA). The SA is an iterative process that is prepared to accompany each version of the Local Plan. It incorporates the requirement for Strategic Environmental Assessment (SEA) and assesses each policy against environmental, social and economic objectives. The Council has recently updated the SA Scoping Report. This identifies the scope and level of detail of the information to be included in the sustainability appraisal report. It sets out the context, objectives and approach of the assessment; and identifies relevant environmental, economic and social issues and objectives.
- 12.4 An interim Habitats Regulations Assessment (HRA) will also be prepared. This will ensure that the Draft Local Plan conforms with the Habitats Regulations and will not adversely affect any European protected habitats or species.

13. Conclusion

- 13.1 Publishing the draft Local Plan for public consultation is a key stage of the Local Plan making process and will enable the Local Plan part 2 to progress towards full adoption.
- 13.2 Completing and adopting this document will result in a fully up to date local plan and enable decision makers to assess planning applications against policies designed to achieve high standards of design and levels of sustainability contributing positively to the Council's climate change emergency declaration.

14. Background Papers

Equalities Impact Assessment (EqIA) screening

Interim Sustainability Appraisal (SA)
Interim Habitats Regulations Assessment (HRA)

15. Appendices

Appendix 1: Policy aims summary document

Appendix 2: Draft Local Plan Part 2

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

Service	Sign off date
<i>Finance / S.151 Officer</i>	
<i>Legal / Governance</i>	
<i>HR</i>	
<i>Equalities</i>	
<i>Lead Councillor</i>	
<i>CMT</i>	
<i>Committee Services</i>	