

Council Report

Ward(s) affected: All

Report of Director of Strategic Services

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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 to commence as soon as is practicable in May 2020 following the Council’s consideration of the matter.

This matter was considered by the Leader of the Council, on behalf of the Executive, on 24 March 2020. The Leader endorsed the recommendation below.

Recommendation to Council

- (1) That the draft Local Plan: Development Management Policies document, be approved for Regulation 18 public consultation for a seven-week period of consultation beginning as soon as is practicable in May 2020.
- (2) That the Planning Policy Manager be authorised to make such minor alterations to improve the clarity of the document as he may determine in consultation with the Lead Councillor.

Reasons for Recommendation:

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 (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') 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 as soon as is practicable in May 2020) and to allow for any minor amendments or typographical changes to be made following this 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). The extant policies in the Guildford Borough Local Plan 2003 and the policies in the

recently adopted Local Plan: Strategy and Sites 2019 (LPSS) form part of Guildford's current development plan. 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 statutory framework prescribed in the Planning and Compulsory Purchase Act 2004 and the Local Planning Regulations (including the Duty to Cooperate). 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 is 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 A revised Local Development Scheme (LDS) was approved by the Leader of the Council on 24 March 2020 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 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 The document has also been considered by the Place Making and Innovation Executive Advisory Board at its meeting on 17 February 2020.
- 6.4 This report seeks authority to commence a statutory consultation that will engage with all stakeholders and help to inform the Regulation 19 Proposed Submission Local Plan. As result of the constraints under which we are operating we will not be able to provide public events as part of this stage of consultation. We do, however, propose to enhance our online consultation with the information we were intending to provide at the public events. This will include information slides seeking to explain both the process, the content of the plan and how to make representations. The team will also be available on email or the telephone to answer questions and assist stakeholders in making formal responses.

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 Borough 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 It is anticipated that the cost in 2020-21 of undertaking the Regulation 18 consultation will be £75,000 which includes consultants, legal support and the consultation itself. There is sufficient budget in that financial year to cover this expenditure. Costs in 2021-22 are estimated at £95,000 (legal support, consultants, Regulation 19 consultation and programme officer) and additional budget will be needed. The costs in 2022-21 will be £175,000 (mainly legal and inspector's costs) and again additional funding will be required.

9. Legal Implications

- 9.1 The current system of plan making is contained in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') and supported by the National Planning Policy Framework and Planning Practice Guidance. This report seeks authority to undertake consultation as prescribed by Regulation 18 of the Local Planning Regulations. That consultation is a preparatory step for the production of a draft Local Plan.
- 9.2 In carrying out the Regulation 18 consultation, the Council must comply with the requirements of the Local Planning Regulations, in particular Regulation 18. In addition, the Council must also comply with the consultation requirements set out in its Statement of Community Involvement (as provided under section 19(3) of the Planning and Compulsory Purchase Act 2004).
- 9.3 Following completion of the Regulation 18 consultation process (including the potential making and consultation upon modifications to the draft Local Plan), the draft Local Plan shall be prepared and publicised in accordance with the requirements of Regulations 19 and 35 of the Local Planning Regulations.
- 9.4 Under the Council's Constitution and in accordance with the statutory provisions contained in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), full Council has the power to make decisions in relation to the preparation and adoption of the Development Plan.

10. Human Resource Implications

- 10.1 The production of a development planning document is lengthy and costly. The consultation process will necessitate occasional weekend and evening working for members of the team.
- 10.2 Following consultation there will be a process of recording and evaluation of the responses received. In past consultations this has involved employing additional temporary staff to help with the administration involved in processing a significant number of representations. This is likely to be the case with this consultation.

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 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 (see **Appendix 3**). It is not considered necessary to carry out a full EqIA. This document will also be published on the Council's web site alongside the consultation document. Accordingly, it is considered that in approving this report, the Council will be acting in accordance with the public sector equality duty contained in section 149 of the Equality Act 2010.

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). (see **Appendix 4**). 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) has also been prepared (see **Appendix 5**). 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. Executive Advisory Board comments

- 13.1 The draft Local Plan was put before the Place Making and Innovation Executive Advisory Board (EAB) on 17 February. The EAB made the comments listed in the table below to which responses have been provided. In general, it was not considered necessary to make changes to the draft Local Plan document for consultation as a result of EAB comments; however, the comments are helpful in informing the preparation of communication material that will accompany the consultation document. A further opportunity for EAB to comment on the draft policies, once developed, will occur during the preparation of the Plan for regulation 19 consultation.

EAB Comments	Officer response
EAB gave a strong message of support in relation to the scope of the proposed policies and the strength of their links to issues related to climate change, biodiversity and protection.	The support is welcomed. The document is focused on these matters - in total there are 17 policies within the Design chapter incorporating policies related to design, climate change and the historic environment. Furthermore, the Protecting chapter contains nine policies that incorporate policies related to biodiversity and the natural environment. These policies build upon and sit alongside the strategic policies in the recently adopted Local Plan: Strategy and Sites (2019).
The document as a whole is not easy for a resident to read and understand. Could every effort be made to provide explanations in plain English to help residents understand what the document is, how it relates to the existing Local Plan and what it seeks to achieve.	Every effort will be made as part of the consultation process to provide clear guidance on the issues raised by the EAB to make the process more accessible to residents. This will focus on the messaging that accompanies the consultation together with information and supporting material provided on the website
Could there be explanation provided regarding what the plan can and cannot do, especially in relation to climate change.	As part of the above commitment to improving communication around the consultation process, further clarification will be provided on the role that planning policies can and cannot play in terms of

EAB Comments	Officer response
	addressing climate change issues.
Rural development policy needs a reference to vineyards in the text somewhere in terms of the opportunities it creates to contribute to the rural economy, including through tourism.	It is considered that paragraphs 3.2 and 3.3 of the draft Local Plan provide sufficient reference to the various agricultural uses present within the borough (this would include vineyards) and the support for diversification to benefit the rural economy and promote tourism.
Examples of high-quality design would greatly improve understanding of the document.	<p>Providing visual examples of good design is not appropriate in a Local Plan which is a Development Plan Document (DPD) but is appropriate and can be very useful in a Supplementary Planning Document (SPD). SPDs supplement and provide additional detail on how policies in a DPD should be applied. The Council has already adopted a Residential Extensions and Alterations Guide SPD (2018) which provides detail on what constitutes high quality design for residential extensions or alterations.</p> <p>Furthermore, the Council has recently completed consultation on the Strategic Development Framework SPD which provides both general and site-specific design guidance for the strategic sites allocated in the LPSS. In addition to this, there is the recently published National Design Guide (2019) which sets out the 10 characteristics of beautiful, enduring and successful places together with detail as to how this can be successfully achieved. It also provides references to other guidance and good practice examples.</p> <p>The Government is intending to also publish a National Model Design Code which will set out detailed standards for key elements of successful design. Once published, further consideration can be given as to whether there is merit in producing additional Guildford specific guidance in the form an additional SPD.</p>

14. Conclusion

- 14.1 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.
- 14.2 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.

15. Background Papers

None

16. Appendices

Appendix 1: Policy aims summary document

Appendix 2: Draft Local Plan

Appendix 3: Equalities Impact Assessment (EqIA) screening

Appendix 4: Interim Sustainability Appraisal (SA) – April 2020

Appendix 5: Interim Habitats Regulations Assessment (HRA)