

Marketing Requirements Supplementary Planning Document

Consultation Statement

April 2025

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1. Introduction

- 1.1 We have prepared this initial consultation statement in accordance with Regulation 12 of the Town and Country Planning (Local Development) (England) Regulations 2012.
- 1.2 Regulation 12(a) requires that before we adopt a Supplementary Planning Document (SPD), we must prepare a statement setting out:
 - the persons whom the authority consulted when preparing the SPD;
 - a summary of the main issues raised by those persons; and
 - how those issues have been addressed in the SPD.
- 1.3 The draft Marketing Requirements SPD ('the SPD') provides guidance to help applicants understand the marketing requirements of policies in both parts of the Guildford Borough Local Plan - in particular policies H1, E3, E5, E6 and E9 and Appendix 4 of the Local Plan: Strategy and Sites ('the LPSS'), and Policies ID7 and ID8 of the Local Plan: Development Management Policies ('the LPDMP').
- 1.4 The document explains the evidence of active and comprehensive marketing that the Council expects in support of planning applications involving the proposed loss of any of the following uses:
 - existing site(s) and/or buildings in Use Class¹ E(g), B2 and B8 employment use,
 - public houses and other community facilities²
 - Class E(a) retail unit(s)³ within local centres or in isolated locations that provide for everyday needs through redevelopment or change of use.
- 1.5 The document also explains the requirements for marketing of sites proposed as self-build or custom housebuilding plots, in accordance with LPSS policy H1 paragraph (10) and covers issues relating to the viability of existing employment uses.

2. Stage 1 internal consultation

- 2.1 During preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, particularly within the Council's Development Management team whose work relates directly to the issues within the document. This was iterative and comprehensive and included emails, meetings, and workshops. The emerging SPD was refined to take account of their advice and comments.

¹ of the Town and Country Planning (Use Classes) Order 1987 (as amended).

² Defined in paragraph 6.52 of the LPDMP.

³ Buildings falling within Use Class E(a), as identified in the Town and Country Planning (Use Classes) Order 1987 (as amended).

3. Stage 2 internal consultation

- 3.1 Between May and June 2024, consultation took place with the Council's Development Management and Assets Management teams over a revised and updated draft of the SPD, including sections covering marketing in relation to Local Plan: Development Management (LPDMP) policies. The key considerations arising from this stage of internal consultation together with actions undertaken are included in Table 1.

Table 1. Considerations and actions taken during the internal consultation process (Stage 2 internal consultation)

| Consultation activity | Considerations highlighted and actions taken |
|---|--|
| Consulted Council's Development Management (DM) and Assets Management (AM) teams over revised and updated draft SPD, including sections covering marketing in relation to LPDMP policies (LPDMP adopted March 2023) | AM suggested that the requirement for marketing of buildings on a freehold tenure basis may be unnecessary. This feedback was considered but no change was made to the SPD, as the requirement is stated in LPSS Appendix 4, and SPDs must be consistent with the Local Plan. Marketing a building on a freehold as well as leasehold basis is also considered beneficial as it widens the scope of potential alternative uses and helps to demonstrate a comprehensive and robust marketing campaign. |
| | AM queried the extent to which marketing could be required considering potential further broadening of permitted development rights. The potential for future legislative change is however beyond the LPA's control. In cases where a scheme for permitted development is applied for and there is no need for a planning application, the Local Plan and SPD would not apply. |
| October 2024: Presentation/workshop to explain SPD's purpose to Council's DM team and seek comments | <p>DM queried whether the SPD takes account of post-Covid changes in market demand for and availability of certain uses, and on vacancies especially in retail and office sectors, and of the impact of permitted development on whether planning permission may now not be needed, for example for a proposed change of use from Class E to residential.</p> <p>The SPD does take account of market demand for and supply of certain uses. In all cases, applicants/agents should demonstrate justification for the proposed loss of a use that would not comply with Local Plan policies. If it is agreed that there is justification for a lesser period of marketing than a policy requires in a particular case, then evidence should still demonstrate that the marketing undertaken has been active and comprehensive. The SPD will assist applicants/agents and case officers with this assessment.</p> <p>Paragraph 1.7 {'Notes on use classes'} mentions that marketing is not required for the proposed loss of a retail or employment use where the existing and proposed new use both fall within Class E, provided the proposal does not entail external changes to the building (operational development) or additional floorspace which requires</p> |

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| | planning permission. Paragraph 1.8 cross-refers to existing published advice on changes to permitted development rights. |
| | DM suggested that the SPD could indicate how a flexible approach to marketing might be adopted and in what circumstances. It was agreed that any flexibility will depend on the merits of each case and the guidance within the SPD may not always be relevant or may be partly outweighed by other material considerations. To this effect, the SPD's Executive Summary was amended to indicate that the document is a material consideration in the determination of planning applications in Guildford borough. |
| | Noted and agreed with comment from DM that the SPD and its associated marketing checklist should ensure that better and more consistent quality of marketing evidence is submitted. Where evidence falls short of Local Plan requirements, DM officers will be able to ask applicants to provide evidence more closely in accordance with the checklist. |

4. Stage 3 internal consultation

- 4.1 The Council's Local Plan Panel, which is an Executive Working Group comprising a cross-party group of councillors, was consulted by email on the draft SPD on 3 December 2024, and given the opportunity to feed their views and that of their respective groups back to officers. The document was an item to note at the Panel meeting later that month. The Panel was then emailed again in relation to the document at the start of the public consultation in January 2025 (see below), but they did not raise any comments.

5. Formal consultation on the draft SPD

Public consultation

- 5.1 A four-week period of consultation was held between 15 January 2025 (midday) and 12 February 2025 (midday). We directly notified those stakeholders (comprising organisations, members of the public, businesses and amenity groups) whose email addresses and postal addresses we hold on our consultation database of this consultation.
- 5.2 The consultation document (the draft SPD) was available on our website throughout the consultation period and paper copies were also available in the borough's four libraries and in the main Council offices at Millmead. These arrangements are in accordance with our Statement of Community Involvement⁴.

⁴ Published May 2020 and available to download from <https://www.guildford.gov.uk/sci>

- 5.3 All the comments received during public consultation on the SPD have been summarised and responded to in Table 2. The responses column of the table indicates where amendments have been made to the final SPD in light of the comments submitted.

Table 2. Representations made during public consultation on the SPD (15th January – 12th February 2025) with Council’s responses and actions

| Respondent | Section/para no. | Comment | Council’s response and action taken if applicable |
|--|-------------------------|---|---|
| Elmbridge Borough Council | N/a | Elmbridge Borough Council does not have any comments on the SPD at this time. | Noted. |
| Natural England | N/a | <p>Natural England does not have any specific comments on the draft Marketing Requirements Supplementary Planning Document.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> | Noted. |
| Surrey County Council | N/a | Please note that the Minerals and Waste Policy Team has no comments to raise. | Noted. |
| Surrey County Council (Nikki Nicholson) Principal Planning Officer | N/a | Thank you for consulting Surrey County Council on the Draft Marketing Requirements SPD. We have provided officer comments from our Land and Property Directorate. We support the guidance and the clarity it provides in explaining the marketing evidence that will be expected. We do, however, recognise that the practical implications and void costs of holding any building vacant can be substantial, with potential impacts on viability of future schemes and wider placemaking aims. | <p>These points are recognised, however the SPD is already quite flexible on these matters. The Executive Summary and Introduction explain that the SPD is a material consideration for decision making on planning applications. This has been emphasised further in paragraph 1.3 of the Introduction which now refers to ‘...<u>other material considerations and</u> material changes in circumstances...’</p> <p>Applicants are therefore at liberty to submit appropriate justification for any Local Plan marketing requirements not being met in full and</p> |

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| | | | <p>this will be duly considered on a case-by-case basis.</p> <p>The SPD also makes clear in paragraph 1.3 that marketing evidence should be provided in accordance with the relevant Local Plan policies to support loss of certain land uses unless there is sufficient justification to the contrary..</p> |
| Theatres Trust (Tom Clarke) | N/a | <p>As an overarching comment, there is some discrepancy and inconsistency in the way that arts and cultural uses (such as theatres and music venues) are treated as the document does acknowledge. Within the NPPF they are managed through the same paragraph(s). They also share many of the same challenges particularly where threatened with loss. However, the length of evidence periods is different between the two and in turn because they fall under different policies so are the marketing requirements. We suggest the requirements and questions for applicants are unified as far as possible.</p> | <p>It is not the role of an SPD to amend the requirements of Local Plan policies; any such amendment would need to be made as part of a future update of the relevant Local Plan policies themselves. However, it is considered that there is limited, if any, scope for inconsistency between the two policies (LPSS Policy E6 and LPDMP Policy ID7) regarding the relevant marketing period for leisure and cultural attractions including arts and entertainment facilities. In this regard, the LPDMP at para 6.52 in relation to Policy ID7 indicates that '...Whilst uses beyond those referred to may be regarded as community facilities more generally, for the purposes of this policy and for clarity in Local Plan policy guidance, <u>several types of facility are dealt with separately and this policy is not applicable</u>. These include visitor, <u>leisure and cultural attractions, including arts and entertainment facilities</u>, hotels and indoor sports venues as addressed in LPSS 2019 Policy E6: The leisure and visitor experience.'</p> |

| Respondent | Section/para no. | Comment | Council's response and action taken if applicable |
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| | Marketing checklist Q1, Q4 and Q5 | <p>Marketing checklist for applicants:</p> <p>We consider this to be a thorough checklist, however we suggest there is scope for further refinement to improve robustness.</p> <p>With regards to cultural, leisure and community uses we suggest that within question 1 under further information there should be an expectation that for more specialised uses there should be marketing undertaken utilising national and sector-specific sites and publications relevant to the specific use.</p> <p>Under question 4, arts and cultural buildings should also be considered for alternative compatible uses but because of the discrepancy of different uses being separated they are not referenced in this policy. We suggest amendment to include arts and cultural facilities. This similarly applies to question 5.</p> | <p>The expectation for use of specialised websites and publications for more specialised uses has been added as a recommendation in the further information under question 14.</p> <p>The requirement for leisure, visitor and cultural attractions to be marketed for their existing and alternative compatible uses has been inserted into the blue box and further information under question 4.</p> <p>The requirements under Question 5 already cover all community uses covered by Policy ID7. However, as mentioned above, it is not possible to amend the requirements for LPSS Policy E6 and LPDMP Policy ID7. Any such amendment, if appropriate, would need to be addressed by future update(s) of the relevant Local Plan policies.</p> |
| Waverley Borough Council (Matthew Ellis) | N/a | Thank you for giving Waverley Borough Council the opportunity to comment on the above SPD. However, on this occasion Waverley has none to make. | Noted. |
| Individual | Section 9: Marketing requirements for self-build and custom housebuilding plots | I find sections 9.5 to 9.10 somewhat overbearing. In locations where there is a major difference between the value and the costs of production, most promoters and deliverers of schemes focus on getting the planning consent and installing the infrastructure. The margins made on actually building the properties are relatively small. Consequently, the creator of a large scheme in Surrey will focus on releasing land not on any profits from building it out. With this in mind, the requirement to report quarterly on the sales figures and promotion is | It is recognised that applicants for planning permission for schemes that trigger the requirement in LPSS Policy H1 paragraph (9) for a proportion of the total homes on a site to be for self-build and custom housebuilding are unlikely to be building the self-build homes within their site; rather they would sell the plots for others to purchase and build homes on. The exception may be for custom-build homes. This is reflected in the list of items in this section of the SPD that |

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| | | unnecessary. Building houses on the plots requires further capital exposure and input into what is a speculative market putting further capital at risk. | applicants are required to provide, which focuses on areas that would provide evidence of self-build plots having been appropriately marketed in line with the requirement in Policy H1 (10). |
| | | The data required is commercially sensitive and could be discovered via FOI enquiries etc. | The information required is in accordance with the wording of H1 (10) of the Local Plan: Strategy and Sites and paragraph 4.28, which requires evidence that self-build plots have been marketed appropriately. The purpose of obtaining it is solely for the Council to assess whether the marketing requirements set out in this section of the SPD have been met. Much of the information will be publicly available through the estate agent, such as the price of the plot or if it has sold. However, should the Council receive a public request for commercially sensitive data or information to be divulged then it will be reasonable for the Council to refuse to do so in the interest of maintaining confidentiality and the data/information will then be withheld. Further, if the Council requests data from applicants which is deemed commercially sensitive then the applicant should indicate which items are sensitive to assist with ensuring that it remains confidential. |
| | | The implication of Paragraphs 9.5 to 9.10 is that the LPA will have sanctions to dictate the price of plots if it considers that the price does not match their perceptions rather than the marketplace. | This is not implied; the price should reflect market value. Therefore, paragraph (10) of LPSS Policy H1 requires that self-build plots are priced appropriately and Paragraph 4.2.28 states plots are to be available at market value. It is also a |

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| | | | requirement of Appendix 4 of the LPSS that the price of a site be reasonable and competitive. |
| Individual | N/a | The number of TLA's impose a burden on the reader to realign thought patterns making for hard reading. TLA's are three letter acronyms. Which force the reader to constantly re-attuning during reading to ensure the intention and subject of the writer remains with the reader! | Abbreviations have been used for some recurring phrases, such as Strategic Employment Sites (SES) and Locally Significant Employment Sites (LSES), to improve the flow of the document. However, where the phrase appears within the document for the first time, its full form has been used, with the abbreviation in brackets. |
| | Whole document | The NPPF is the 2023 version the current version is November 2024 meaning the paragraphs are misaligned with the text or no longer exist in that format. | The most recent version of the NPPF is now December 2024 (updated 7 February 2025). The references have been updated. |
| | Whole document | As this document is most likely read in screen mode the index super script would benefit from being in bold for ease of reading. | Non-bold superscript text has been used in line with the Council's style standards for documents. |
| | Marketing checklist Q10 | Advertising Boards and font size should be specified I suggest A2 pica 14 Not ink jet as currently an A6 paper with pica 5 could be used, while totally unreadable would comply and not last the life of the advertising campaign. | <p>LPSS Appendix 4 requires advertising boards to be sited in a prominent location on site. The visibility of the information will therefore be considered when assessing whether the degree of prominence and thus whether it is reasonably visible to the public.</p> <p>Specifying an exact minimum size requirement would not allow scope for variation beyond ensuring that signage is visible. We have, however, added the requirement referenced in LPSS Appendix 4 for an advertising board, to the further information under question 15 of the</p> |

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| | | | Marketing Checklist (section 3) and for this to be clearly visible to passers-by. |
| | Marketing checklist Q18 | Many agents are reluctant to value on three to quote system as it is 'work for no chance of pay - needs another form of valuation! | Appendix 4 of the LPSS (second list, point b)) requires submission of at least three separate professional valuations. It is not possible for an SPD to amend a Local Plan requirement. In practice the degree of compliance with the marketing criteria in LPSS Appendix 4 is assessed on a case-by-case basis, and there may be some instances where there is appropriate justification for certain requirements to be met partially, rather than in full. |
| | Section 4: Marketing requirements for loss of employment use, para. 4.26 | Arguably if there is no demand for this site as 'Employment' then there is no demand for Housing either and if there is demand for housing where does the applicant expect the residents to work? | There is often demand for housing in employment locations, regardless of the level of demand for employment use(s). Nevertheless, to increase the clarity of the wording and avoid misunderstanding, paragraph 4.26 has been reworded to 'employment site <u>or premises</u> '. |
| | Section 4: Marketing requirements for loss of employment use, para. 4.29 | Need to specify file type of electronic copy, e.g. PDF or Excel. | The requirement for a recognized cash flow model to be submitted in an electronic copy has been amended to require outputs in an accessible format (e.g. Microsoft Excel). |
| | Section 7: Marketing requirements for | Inconsistent referral of documents. | Unclear as to which references the respondent considers to be inconsistent. |

| Respondent | Section/para no. | Comment | Council's response and action taken if applicable |
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| | community facilities, para 7.2 | | |
| | Section 7 and 8 | There is reference to Policy ID8 amongst others, which are not in the adopted Local Plan only ID 1-4 exist in the adopted Local Plan – is this the new revised version not available to the public.. or some other document this needs clarifying. | Policy ID8 was erroneously referred to in Sections 7 and 8 as an LPSS policy; this has now been amended in the relevant places of the document to refer to LPDMP Policy ID8. |
| | Section 9, pages 29-30 | The super script 29/30 is excellent all other pages note should be as expansive as this.. | We consider that each footnote contains the appropriate amount of information. The footnotes have been kept as brief as possible, so that longer descriptive text remains located primarily within the document's main body. |
| | Section 9: Marketing requirements for self-build and custom housebuilding plots, para 9.8 | Should be minimum size A3 on each plot. | Paragraph 9.9 states that advertising boards must be posted in a prominent location on the land along the frontage of the site. The board would need to be visible to members of the public to be considered reasonably prominent. |
| | Section 10, . Environmental Assessments, para 10.2 | Should have electronic link to document as a random selection fails to bring up this document. | A link to the document (the Environmental Assessment of Plans and Programmes Regulations 2004) has been added as a footnote. |
| | Appendix 6, heading title | where did this come from? only 1-4 ID policies in signed off Local Plan. | The headings for Appendices 5 and 6 have been amended as follows: Appendix 5: Local Plan: Development Management <u>Policies</u> , Policy ID7 |

| Respondent | Section/para no. | Comment | Council's response and action taken if applicable |
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| | | | Appendix 6: Local Plan: Development Management Policies , Policy ID8. |
| | Appendix 8 | Adverts in the Appendix imply 'support' for such companies these should be redacted to comply with unbiased documents. | It is not considered necessary to redact any part of these advertisements; they simply demonstrate appropriate provision of information, rather than implying Council support for these companies. |
| | Appendix 8 | Company names should be removed from this document as it implies marketing and approval of these companies. | It is considered unnecessary to redact these companies' logos which form part of the advertisements and which include their contact telephone numbers, as they simply demonstrate that contact details were supplied, rather than implying the Council's endorsement of these companies. The information is not personal or otherwise confidential. |

SEA and HRA screening

- 5.4 The SPD underwent a Habitat Regulations Assessment (HRA) screening to determine whether it would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The SPD also underwent a Strategic Environmental Assessment (SEA) screening to determine the impact on the environment and to integrate considerations of the environment into the preparation and adoption of the SPD.
- 5.5 The Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions⁵, and with Natural England on all HRA screening opinions⁶, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in the HRA/SEA screening document were sent to the Environment Agency, Natural England, and Historic England for consideration in tandem with the consultation on the SPD document on 18 November 2024 and these bodies were given a period of four weeks to respond. Natural England and Historic England both emailed to confirm that they had no objection to the SPD, whilst the Environment Agency did not respond to the opportunity to make representations.
- 5.6 The screening determination, which can be viewed on the Council's website⁷, was formally made on 8 January 2025⁸. The responses of Natural England and Historic England are included in Appendix 1 of the SEA and HRA screening report (which itself is an appendix to the screening determination).

⁵ In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004

⁶ In accordance with the Conservation of Habitats and Species Regulations 2010

⁷ At <https://www.guildford.gov.uk/marketingspd>

⁸ 1 In accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended)