

Guildford Borough Council

Responses to Initial Questions 9 – 37

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Question 9 – Place making and design

Policies D1 and D4 and “planning lists” and fall short of encouraging good urban design. They need to have regard to the policy in the NPPF and the advice in the PPG. There is nothing about the masterplanning of large sites, how the public can engage in the overall masterplanning process, or how overall masterplanning process, or how overall masterplans and the different components of the larger schemes are to be subject to design review – essential parts of the urban design process. These considerations need to go into a new policy that combines Policies D1 and D4 and the wording needs to be designed with advice from a masterplanner / urban designer. This is essential given the number of major housing and mixed use allocations in the plan. The monitoring indicator as set out is inappropriate; it should be positive – for example, the number of schemes that are subject to positive design review and positive public comment. The Council should take advice on the techniques available for reviewing both the quality of existing places (such as Place check) and on the quality of the design of emerging schemes (for example through public comment on 3D modelling). Please will the Council produce a combined policy taking the above matters into account.

Summary

- 9.1 Below is a draft new policy, which seeks to address the Inspector’s comments. Following discussions with in house urban designers and Masterplanners the Council has revisited the policies and sought to combine the intention of the two previous policies (D1 and D4) into a new policy – Place Shaping and Masterplanning of Strategic Sites. The first section will apply to all new development and takes into account the advice in the PPG on planning objectives to help achieve good design. Later sections of the policy address the requirement for masterplanning of the strategic sites.
- 9.2 The amended policy then goes on to identify specific design principles that are applicable to certain areas within the borough. These areas, which will be accommodating increased development as a result of the plan, are Guildford town centre, the villages (in particular those being inset from the Green Belt), and Ash and Tongham. By identifying what is unique to these areas and which specific considerations proposals should have regard to, these sites can be successfully integrated and delivered in a cohesive manner that responds to the local context. Specifically for Ash and Tongham, this policy ensures that the individual sites consider their relationship with each other and the current/future extent of the urban and rural areas. It also ensures that development proposals respect the existing character of the urban area and Ash Green village, and that the edge of the urban area is designed to respond to the transition between it and the wider countryside and landscape. This response should be read alongside the Council’s response to *Question 10.1* and *Question 11.22* of the Inspector’s Matters and Issues.

Outline of draft proposed modification to D1: Place shaping and D4: Character and design of new development

9.3 Draft proposed modification to policy:

Place Shaping & Masterplanning of Strategic Sites

All new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set. This shall include consideration of layout, form, scale, materials, detailing, landscaping and the historic environment and we will expect development to have regard to and perform positively against the recommendations set out in the latest Building for Life guidance.

New development shall be of a high quality and inclusive design, as per the Design Guide SPD, and all new development will be required to address the following;

Distinct local character

All new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development, including landscape setting. Proposals will take account of local design guidance contained within conservation area appraisals, local plan DPD's, neighbourhood plans and SPD developments briefs.

Safe, connected and efficient streets

All new development will be designed to ensure it connects appropriately to existing street patterns and creates safe and accessible spaces. Particular regard shall be given to maximise opportunities for pedestrian and cycle movement and the creation of a high quality public realm.

Network of green spaces and public places

All new development will be designed to maximise the opportunity for green spaces and public places and include high quality landscaping that reflects the local distinctive character.

Crime prevention and security measures

All new development will be designed to reduce opportunities for crime and antisocial behaviour.

Access and inclusion

All development will be designed to meet the needs of all users, this includes the setting of the building in the wider environment, the location of the building on the plot, the gradient of the plot, transport infrastructure and public realm.

Efficient use of natural resources

All development shall be designed with regard to efficient use of natural resources including passive solar gain to maximise the use of the sun's energy for heating and cooling.

Infrastructure to create smart places

All new development will be encouraged to be designed to support technological and digital advances.

All new development will be designed to support the delivery of advanced, high quality communications infrastructure and the expansion of high speed broadband. Further innovation and provision for new technologies will be encouraged.

Masterplans for strategic sites

Developers will be required to produce Masterplans for Blackwell Farm (A26), Gosden Hill Farm (A25), Slyfield Area Regeneration Project (A24) and the former Wisley airfield (A35) and these will be subject to assessment by a Design Review Panel. The masterplanning process shall engage with the local community where appropriate.

In order to ensure future cohesive and vibrant neighbourhoods, they shall demonstrate how the development responds to the immediate context and address the points above as well as;

- Create functional places
- Support mixed use tenures
- Include successful public spaces
- Be adaptive and resilient
- Have a distinctive character
- Be attractive
- Encourage ease of movement

Planning applications will be consistent with the Masterplans, which must be kept under review.

Villages

As well as the above, proposals for new development within villages will have particular regard to;

- The distinctive settlement pattern of the village and the important relationship between the built development and the surrounding landscape
- Important views of the village from the surrounding landscape
- Views within the village of local landmarks

Guildford Town Centre

Proposals for Guildford Town Centre will have particular regard to;

- The historic environment, street pattern and topography
- Important views into and out of the town centre from the surrounding landscape
- Views within the town centre of important historic buildings and local landmarks

Ash & Tongham

In order to avoid piecemeal development and to protect and enhance the existing character of Ash and Tongham and Ash Green, proposals within the strategic site allocations of Ash & Tongham development will have particular regard to;

- The relationship and connectivity with the existing urban area
- The connectivity and relationship between allocated sites in different ownerships
- The existing character of Ash & Tongham and Ash Green
- The future urban edge and its relationship with the surrounding countryside at the allocated site's boundaries

In addition to the strategic sites, the Council will consider whether other large schemes should be subject to assessment by a Design Review Panel.

9.4 Draft proposed modification to Monitoring Indicators:

Indicator	Target	Data source
Number of new developments achieving the “Built for Life” quality mark	Increase number of developments that have achieved the Built for Life quality mark	Planning applications and appeals
<u>Number of planning decisions, including appeals, granting permission which have been subject to assessment by a Design Review Panel</u>	<u>N/A</u>	<u>Planning permissions and appeals</u>

Question 10 – Self-build homes

What is the latest position on the self-build register and does the plan provide enough opportunities for custom and self-build homes?

Summary

- The Council considers that the demand for self-build and custom housebuilding is suitably addressed in the Submission Local Plan. Policy H1 Homes for all is appropriately ambitious in its expectations of the proportion of self-build and custom housebuilding plots to be provided on new large residential development sites, whilst also being supportive of such use on smaller residential development sites. This approach is considered to provide a variety of opportunities for different types of self-build and custom housebuilding plots.

Justification for the Council's position

- 10.1 The latest position on the Self-build and Custom Housebuilding Register is as follows:

Table 16 - Number of eligible applicants on the self-build register¹

Base Period	Number of eligible applicants* *prior to application of the amended criteria
1 (1 April 2016- 30 October 2016)	87
2 (31 October 2016- 30 October 2017)	109

- 10.2 There have been an additional 31 successful applicants added to the Register between 31 October 2017 to 31 March. A total of 227 people are currently on the Register.
- 10.3 Whilst experience with the Register is limited to two years, the Council considers that the rolling total of eligible applicants included on the register is likely to significantly reduce. This is likely to follow the introduction of local eligibility criteria² and fees for applicants that the Council has agreed to introduce. The local eligibility criteria require applicants to demonstrate a long and substantial local connection to the Borough and financial solvency to purchase land for their project. The proposed fees are a £25 application fee and a £10 annual renewal fee.
- 10.4 The criteria and fees will be implemented after the Council fully consider the implications of the new General Data Protection Regulations and in particular how this impacts on the requirement for proof that applicants have the financial ability to purchase land for their own self-build or custom housebuilding project. As set out in the Housing Type, Tenure, Mix Topic Paper (paragraph 4.71) we anticipate a drop in the number of eligible applicants on the register once the new criteria is introduced.

¹ Table taken from Annual Monitoring Report 2016-17
(<https://www.guildford.gov.uk/planningandbuildingcontroldocumentsandpublications>)

² Please see website for full details: www.guildford.gov.uk/selfbuild

From the data collected from applicants on the Register we know that 97 applicants currently live within the Guildford Borough and 75 people are currently on other registers across the Country; this gives an indication of how the figures may be impacted by the new eligibility criteria and the introduction of fees (people on multiple lists are considered more likely to focus their attention on one specific register if there is a financial cost involved).

- 10.5 Despite uncertainties in terms of the future number of eligible applicants on the register at any one point, the Council considers that it provides sufficient opportunities for custom and self-build homes through:
- Policy H1(9) of the Submission Local Plan which supports proposed developments where there is no adverse effect on local character, and requires 5% of homes on development sites of over 100 homes to be for sale as self-build and custom housebuilding plots whilst there is an identified need. The percentage threshold in Policy H1 had been based on striving to meet the number on our register.
 - Requiring the inclusion of some self-build and custom homes on suitable Local Plan site allocations for over 100 homes in the relevant site allocations policies. Ten sites are identified in the Submission Local Plan as suitable for including self-build and custom housebuilding plots. This is estimated to deliver approximately 310 plots over the next 15 years.
 - The Submission Local Plan makes it clear in paragraph 4.2.27c that on strategic development sites a significant proportion of self-build or custom build plots are expected within the first phase of development.
 - Policy H1 also encourages self-build and custom housebuilding plots on smaller residential development sites.
 - The Guildford Land Availability Assessment³ and Brownfield Register⁴ highlight potential residential development sites of over 0.25ha or able to accommodate five or more homes
 - Any small development site, other allocated housing sites or windfall sites may also be suitable for a self-build or custom housebuilding opportunity and will help deliver more plots.
- 10.6 The Council explored the approach taken by other Local Authorities towards self-build and custom housebuilding. Various approaches have been taken with some plans encouraging provision with no specific policy requirement and others including a policy requirement. Policy requirements vary significantly with site thresholds ranging from 20 homes to 300 homes and the percentages sought ranging from 1% to 5%. The Council estimated likely numbers of plots to be delivered on allocated sites of over 100 homes, using a threshold of 3% and 5% and concluded that a 5% threshold was most likely to provide opportunities to meet demand.

³ Land Availability Assessment available to view at <http://www.guildford.gov.uk/newlocalplan/landavailabilityassessment>

⁴ Brownfield Land Register available to view at <https://www.guildford.gov.uk/planningpolicy/brownfield-land-register>

10.7 In summary the Local Plan, through its policies and site allocations, has used a number of approaches to provide enough opportunities for custom and self-build homes.

Question 11 – Retention of housing

By not allowing downward flexibility in terms of the number of dwellings on allocated sites, Policy H1 (2) is in conflict with the allocations policies, which use the word “approximately”. Precise numbers will not be known until schemes come forward and infrastructure and mitigation measures are known. This aspect of H1 (2) will therefore need to be deleted or revised.

Summary

- 11.1 A draft proposed modification is provided which seeks to address the Inspector’s comments.

Justification for Council’s approach

- 11.2 The Council recognises that only approximate housing numbers can be used within the site allocations policies and, as the Inspector indicates, precise numbers will not be known until schemes come forward and infrastructure and mitigation measures are known. As was initially intended, the proposed amended wording to Policy H1 (2) therefore seeks to clarify the protection of the residential use of the site rather than the approximate housing numbers. The requirements of Policy D4 (e) will ensure that developments will be at an appropriate density to make the most efficient use of the land and have appropriate housing numbers.
- 11.3 Housing delivery in Guildford is currently severely constrained with a significant backlog of homes needed, which the emerging Local Plan is attempting to address. The accrued backlog and future projected housing need is proposed to be met in part through site allocations, some which require amending Green Belt boundaries. In this context, it is considered justified to ensure that sites allocated for housing within the Local Plan are not lost to other uses and that this is achieved and clarified through the proposed revision to policy H1(2).

Outline of draft proposed modification to H1: Homes for all

- 11.4 Draft proposed modification to policy:
- (2) Development that results in the net loss of all existing housing, including sites allocated for housing within the Local Plan, will not be permitted. Development that results in the net loss of (C2 use class, or C3 use class accommodation or traveller accommodation), including sites allocated for such use in the Local Plan, will not be permitted. In addition, the loss of the uses allocated in the site allocations will not be permitted.

Definitions

- 4.2.1a Evidence of active and comprehensive marketing is defined in appendix A2. ‘Existing housing’ in H1 (2) means housing in existence at the time of the planning application.

Question 12 - Gypsies and Travellers

In respect of Gypsies and Travellers, it is difficult to make a clear connection between the requirements of Policy H1 (6) and (7) and the explanatory text in 4.2.22. The provision should be clearly related to the identified need in the plan.

Summary

12.1 Draft proposed modification, which seek to address the Inspector's comments.

Justification for Council's approach

- 12.2 In response to the Inspector's comments the text from policy H1 (6) is proposed to be deleted and where feasible incorporated within the Reasoned Justification (paragraph 4.2.22 and 4.2.23).
- 12.3 The Inspector rightly points out that there is an inconsistency between the numbers in paragraph 4.2.22 of Policy H1 and Policy S2 and the monitoring indicator for Policy S2. The figures used in the monitoring indicator for Policy S2 have been updated as a minor modification in the Submission Local Plan.
- 12.4 The Topic Paper Housing type, tenure and mix (paragraph 4.55) sets out site allocations and the resultant number of pitches and plots. A total of 15 sites are allocated within the Submission Local Plan with the combined total of 59 Gypsy and Traveller pitches (net) and 8 Travelling Showpeople plots (net). These sites will meet the target of 4 pitches and 4 plots (for travellers meeting the Planning Policy for Traveller Sites (PPTS) definition) and 8 pitches for travellers of unknown planning policy status. These pitches will also meet the identified accommodation needs of 41 pitches and 4 plots for travellers not meeting the PPTS definition of a traveller. There is also a buffer of 6 pitches included should some allocated sites not come forward.
- 12.5 The Submission Local Plan meets the accommodation needs of travellers as identified in the TAA 2017 through its site allocation policies. Policy H1(7) requires additional traveller pitches on new development sites, if there remains an identified need. This is above and beyond our current need which we envisage being met by the Local Plan site allocations. We are not reliant upon additional large development sites to meet current needs. Instead, this would provide additional provision, should this scale of development come forward as a windfall, to meet any additional need either through an increased number in an updated Traveller Accommodation Assessment or due to undelivered pitches currently provided for through the Submission Local Plan. It is not designed to meet current identified need, and the suggested amended wording seeks to make this clearer.

Outline of draft proposed modification to H1: Homes for all

12.6 Draft proposed modification to policy:

~~(6) — Sufficient sites are allocated within the Local Plan to meet the accommodation needs of Gypsies, Travellers or Travelling Showpeople (as defined by Planning Policy for Traveller Sites) as set out in the latest Traveller Accommodation Assessment as well as to cater for the potential additional needs of households of unknown planning status. These sites are for a mix of tenures and provided on a number of small sites and as part of larger development sites to help create sustainable and mixed communities. Sites are also allocated within the Local Plan to contribute to meeting the assessed needs of Gypsies, Travellers and Travelling Showpeople who do not meet the Planning Policy for Traveller Sites definition.~~

(7) In addition to site allocations within this Local Plan, Aaccommodation for Gypsy, Traveller or Travelling Showpeople (whether they meet the Planning Policy for Traveller Sites definition or not) should be provided on development sites of 500 homes or more whilst there remains an identified need in our borough. For 500 to 999 homes two pitches or plots should be provided, for 1,000 to 1,499 homes four pitches or plots, for 1,500 to 1,999 homes six pitches or plots and for 2,000 or more homes eight pitches or plots.

12.7 Draft proposed modification to supporting text:

4.2.20 National planning policy for Gypsy, Traveller and Travelling Showpeople is set out in the National Planning Policy Framework and Planning Policy for Traveller Sites and we will expect all new sites to meet the requirements of national policy. New pitches and plots should have adequate utility services and amenity space, safe turning space and parking and be in areas with reasonable access to schools, health services and local services. Travelling showpeople sites may also need space for related business storage.

4.2.21 The Guildford borough Traveller Accommodation Assessment (TAA) 2017 found that there was an accommodation need for Gypsies, Travellers and Travelling Showpeople for a mix of tenures for both public and private sites. Small-scale traveller sites are supported as we believe these will better integrate with the locality. Where larger sites exist, we will support reconfiguration and improvements to the overall living conditions.

4.2.22 The identified traveller accommodation target is set out in Policy S2 (3). Sufficient sites are identified-allocated within the Local Plan to meet the target based on the accommodation need identified in the TAA 2017 for 4 permanent pitches for Gypsies and Travellers and 4 plots for Travelling

Showpeople up to 2034. There are also sufficient allocated sites to make provision for 8 permanent pitches to meet potential additional need of households of unknown planning traveller status. These allocated sites are for a mix of tenures and provided on a number of small sites and as part of larger development sites to help create sustainable and mixed communities.

4.2.23 ~~Whilst~~The needs of Gypsies, Travellers and Travelling Showpeople who do not meet the Planning Policy for Traveller Sites planning policy definition fall outside this target⁵ allocation. However, in order to meet their assessed needs, as demonstrated through the TAA 2017 findings, we will seek to provide 41 permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople who do not meet the planning policy definition. A total of 59 Gypsy and Traveller pitches (net) and 8 Travelling Showpeople plots (net) have been identified in the site allocation policies.~~We will also seek to make provision for 8 permanent pitches to meet potential additional need of households of unknown planning traveller status. Our~~ The TAA 2017 found no evidence of need for a transit site within our borough. The Council will keep this position under review and, should the need for a transit site arise, will work with neighbouring authorities to address this. ~~However, we will continue to work with neighbouring authorities to address the issue of transit sites if necessary.~~

4.2.24 Sites allocated for 'Gypsy and Traveller pitches (sui generis)' shall be considered for use by "Gypsies and Travellers" as defined by Planning Policy for Traveller Sites and/or for those who do not meet that definition, according to their needs as identified in the council's Traveller Accommodation Assessment 2017 (and any updates) and in accordance with Planning Policy for Traveller Sites (or any updates which may be issued in the future). In addition to Local Plan site allocations, Gypsy, Traveller and Travelling Showpeople accommodation is required within development sites of 500 homes or more, whilst there remains a need in Guildford borough, to help create sustainable, mixed communities with suitable accommodation for all. The loss of pitches or plots will be strongly resisted.

⁵ Planning Policy for Traveller Sites 2015 paragraph 9 states that Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area.

Question 13 – Affordable homes

Regarding affordable homes, 4.2.35 is too vague as regards whether provision will be required for affordable dwellings for assisted living, extra care and other C2 residential developments; it gives the landowner or developer no adequate indication of what may be required. This approach is ineffective and should be deleted.

Summary

13.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to Policy H2: Affordable Homes

13.2 Draft proposed modification to supporting text:

4.2.35 This policy applies to all new homes within the C3 Use Class. This generally includes retirement homes, as well as self-contained studio flats for a single household, whether specifically aimed at students or not. It does not apply to residential institutions such as care homes and nursing homes. ~~Assisted living, extra care and other C2 residential developments may be required to make provision; these will be considered on a case-by-case basis.~~

Question 14 – Affordable homes

The thresholds for affordable housing in Policy H2 (5 or more homes) are not in accordance with the Written Ministerial Statement of 28 November 2014 or the consultation draft of the NPPF. They may also act to make it more difficult to bring forward small housing sites including the more challenging brownfield sites. The plan proposes to deliver most of its affordable housing through large strategic allocations. Unless the Council can clearly demonstrate exceptional circumstances relating to Guildford (and I note that such circumstances did not apply in Waverley’s case), the policy will need to be changed to accord with the WMS through a modification to the plan.

Summary

- 14.1 The Council has acknowledged the WMS thresholds and provided evidence to demonstrate “exceptional circumstances” for a lower unit and site size threshold in Guildford within its Housing Types, Tenure and Mix Topic Paper⁶. This included lack of affordability, measured as a high house price to income ratio, and a high number of people on its housing register in need of affordable or different sized affordable accommodation.
- 14.2 Reducing the WMS thresholds would have a number of clear benefits for affordable housing delivery.
- Firstly, it would deliver a greater number of affordable housing units across the Local Plan period which is considerable importance given the extent of need for such housing.
 - Secondly, securing affordable housing contributions on smaller sites would be preferable in terms of spatial distribution of affordable housing, as it would allow the Council to provide affordable homes across all parts of the borough, rather than solely on larger sites or sites allocated in the Submission Local Plan.
 - Thirdly, it would also secure earlier delivery of affordable homes by enabling provision across the entire Local Plan period, including years 1-5, in essence before the large strategic allocations become effective. Again, given the level of current need this early delivery is also of importance.
- 14.3 Evidence in the Council’s Local Plan Viability Study Update (2017) showed that nearly all of the typologies of sites/schemes tested that fell below the lowered thresholds in Policy H2 would remain viable with an affordable housing contribution due to the borough’s high land values;
- 14.4 The Council believes the advantages of a lowered threshold for affordable housing delivery as outlined above would therefore outweigh instances on such smaller sites, if any, where housing may not come forward if landowners feel less inclination to sell their land due to reduced profits, despite the scheme remaining viable.

⁶ See paragraphs 4.8.2 – 4.8.6 and 4.97 – 4.105

Justification for Council's approach

Evidence for "exceptional circumstances" for a lower threshold: Need for affordable housing⁷

- 14.5 There is an increasing precedent for appeal decisions based on affordable housing policies in adopted Local Plans being upheld by planning inspectors in areas where the inspector has felt that local evidence justifies a threshold below that in the National Planning Practice Guidance (NPPG) and Written Ministerial Statement (WMS)⁸.
- 14.6 The Council contends that there are "exceptional circumstances" for a lower threshold in Guildford and submitted evidence alongside the Submission Local Plan to justify its proposed threshold of five or more homes, or sites of 0.17ha or more regardless of the number of homes. This evidence covered the issues of housing affordability and the impact of the proposed lower threshold on viability and on delivery of affordable and market housing over the Plan period.
- 14.7 The Housing Types, Tenure and Mix Topic Paper (2017), in particular, highlighted the serious affordability issue in Guildford borough, measured as the house price to income ratio (see paragraphs 4.82 – 4.83). This ratio is high relative to the rest of the country and the South East. The ratio of lower quartile workplace earnings to lower quartile house prices in Guildford in 2015⁹ was 10.9. This was 53% higher than the average ratio for England of 7.1 and 16% higher than for the average across the South East (9.3). Private rents across all dwelling sizes were 1.6 times the England mean average in 2015¹⁰, although the topic paper notes that the private rented sector is not a recognised form of affordable housing.
- 14.8 The topic paper mentions at paragraph 4.85 that there were 2,203 people registered in the top priority bands (A to C) of the Council's housing register in April 2016¹¹, with just under a further 1,000 people on the Joint Housing Needs Register needing to transfer to different sized affordable accommodation. These figures do not include

⁷ Whilst there is no policy or legal requirement to establish exceptional circumstances, the Council recognises the need to justify a departure from the WMS and it is in that context the question is understood and the term exceptional circumstances is used in this answer.

⁸ For example see planning appeals [APP/E0345/W/17/3176746](#) (27th October, 2017, Reading Borough Council); [APP/K3605/W/17/3180558](#) (15 December 2017, Elmbridge Borough Council); and [letter of apology by the Planning Inspectorate in March 2017 to London Borough of Richmond upon Thames](#).

⁹ Affordability statistics for 2015 are referenced rather than later published statistics, as 2015 is the base date of the plan. This accords with the use of 2015 affordability data in response to Question 1 (Calculating the objectively assessed need for housing).

¹⁰ Valuation Office Agency: Private rental market summary statistics:

<https://www.gov.uk/government/statistics/private-rental-market-summary-statistics-october-2015-to-september-2016>

Data for statistics cross-referenced to footnotes 3 and 4 were published in Housing Advice Statistical Update 2017, Guildford Borough Council: https://www.guildford.gov.uk/media/23481/Housing-Advice-Statistical-Update-2017/pdf/Housing_Advice_Statistical_Update_-_2017.pdf

¹¹ These are households with a housing need based on the 1996 Housing Act (as amended) as well as having a substantive and longstanding connection to the borough via family, residence or employment.

many other households who may be in housing need but have not signed onto either of these registers.

Amount, timing and spatial distribution of affordable housing delivery, and viability of schemes

- 14.9 The Housing Type, Tenure and Mix Topic Paper (2017) included cross-references to a number of additional documents submitted as part of the Local Plan evidence base, including the Council's Local Plan Viability and Affordable Housing Study (2014) and the Local Plan and CIL Viability Study (2016). The latter document tested various residential typologies for their viability based on adoption of the policies in the Submission Local Plan. The Guildford Local Plan Viability Study Update (2017) pointed out that only a few small-scale site typologies would not potentially achieve viability through compliance with the proposed affordable housing policy H2, but that allowing flexibility in the Council's affordable housing policy to reduce affordable housing contributions subject to viability would overcome this issue.
- 14.10 The Council has therefore included a viability clause in paragraph 4.2.40 which it intends to apply to schemes of all sizes on sites of 0.17ha or five or more units. Note that the Council has proposed a further amendment to the plan to move paragraph 4.2.40 into Policy H2 (see response to Question 18). In cases where a developer can provide evidence that a scheme is unviable with the affordable housing contribution, the Council will consider varying the tenure mix of the affordable housing or reducing the overall number of affordable homes so that the scheme remains viable.
- 14.11 By securing section 106 affordable housing contributions on smaller sites between 5 and 10 dwellings, the Council would effectively be able to provide more affordable housing overall, on a larger number of sites, and across all parts of the borough rather than just on larger sites and sites allocated in the Local Plan. It would also secure earlier delivery of affordable homes by contributing to provision during the first five years of the plan before the large strategic allocations become effective. This is therefore an effective policy, which has the potential to deliver a greater number of affordable housing units across the Local Plan period and ensure viability across all proposed residential schemes.
- 14.12 The table below reflects the results of a simplified and approximate method of calculating the contribution to affordable housing supply, from sites in the 2017 Land Availability Assessment (LAA) of between 5 and 10 dwellings contributing affordable homes at 40% of the gross number of homes. An estimated 38 affordable homes are anticipated to come forward during the first five years after the adoption of the local plan from these sites. An additional 60 affordable homes are estimated to arise from these schemes over the remainder of the plan period (years 6-15).

	Years 1-5 (2019/20 – 2023/24)	Years 6-10 (2024/25 – 2028/29)	Years 11-15 (2029/30 – 2033/34)
Total homes on sites of 5-10 dwellings	96	54	94
Total affordable homes from these sites	38	22	38

14.13 Sites with planning permission and windfall sites (i.e. those not in the LAA) were excluded from these figures¹², as were contributions from rural exception sites, as rural exception housing is by its nature affordable.

14.14 Whilst the likely scale of delivery from smaller sites is not large by comparison to the number allocated on large site allocations in the Submission Local Plan, the Council contends that any additional contribution to affordable homes is important given the borough's high affordable housing need.

14.15 The increase to affordable housing supply would occur primarily as the threshold would catch a greater number of housing schemes. However, it could also help to reduce 'minimum threshold avoidance' (where developers of smaller sites deliberately tailor their proposed schemes to fall just below a higher threshold, such as would be the case under the WMS or is the case under the adopted Local Plan, to avoid having to provide an affordable housing contribution).

14.16 Out of 2,266 applications received between January 2007 and February 2017, 253 (11%) were for at least five units but below the 15-unit threshold in the adopted 2003 Local Plan. On the evidence referred to above, it is quite likely that many of these schemes would have been viable with an affordable housing contribution.

Viability of small brownfield sites

14.17 The Council do not agree that the 5-unit/0.17ha threshold in Policy H2 would make it more difficult to bring forward small brownfield sites within Guildford borough. In addition to the viability evidence above, it is also noted that the majority of sites allocated for fewer than 11 units (or sites of less than 0.17ha) in Part 1 of the Council's 2017 Brownfield Land Register already had planning permission as of 12th December 2017. The few sites of this size in the register that do not have permission are urban sites that are not difficult to deliver housing on, as they have few if any policy constraints. The policy relating to viability, as described above, is also available where appropriate to ensure that these sites come forward.

14.18 The main impact of bringing the threshold in line with the NPPG/WMS would therefore be to remove the Council's ability to secure affordable housing on schemes

¹² Monitoring data over a ten-year period from 2007 to 2017 shows that approximately 60% of approved planning applications for residential (or part-residential) schemes proposed between 5 and 10 dwellings, although these would have delivered only 23% of the total affordable housing units that would have arisen from these schemes.

between 5 and 10 units with a consequent reduction in affordable housing in the borough, particularly in years 1-5 of the Plan.

- 14.19 In summary, the Council's view is that the proposed lower threshold is clearly justified, both on the grounds of meeting the immediate and long-term need for affordable housing and because of its limited effect on small-scheme viability and overall housing delivery.

Question 15 – Affordable homes

Policy H2 and 4.2.36 are not strong enough to secure the implementation of off-site affordable housing schemes within an appropriate timescale. The wording needs to be firmer in this respect.

Summary

15.1 Draft proposed modifications made in line with the Inspector's comment.

Outline of draft proposed modifications to Policy H2: Affordable homes

15.2 Draft proposed modification to Policy H2:

- (4) Affordable housing contributions may be provided off-site, or by payment in lieu where the Council agrees that on site provision and management would be impractical due to size and / or location of the development. Off-site provision or payment in lieu is expected to enable the same amount of additional affordable housing as would have been delivered on site. The agreed off-site provision must be completed before 50% of the market homes are occupied unless otherwise agreed by the Council.

Question 16 – Affordable homes

Viability may be a critical issue in ascertaining the amount of affordable housing that may be accommodated in a scheme. Such issues can arise as a result of infrastructure requirements, through the nature or design of a scheme, or through the specialist requirements of its end users. The contents of 4.2.40 (regarding viability issues) amount to policy and should be set out within Policy H2.

Summary

16.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to Policy H2: Affordable homes

16.2 Draft proposed modification to policy:

- (4a) If developers demonstrate to our satisfaction that providing the amount of affordable housing required by this policy would not be economically viable, we may consider the following to assist with delivering a scheme:
- (a) vary the tenure mix of the affordable housing (for example, more intermediate housing and less rented housing), size, and/or type of homes to be provided
 - (b) reduce the overall number of affordable homes

16.3 Draft proposed modification to supporting text:

4.2.38 Land values and property prices are generally high across the borough, although with considerable variation. Our viability evidence shows that the vast majority of housing developments in most locations in the borough are viable providing an affordable housing contribution of 40 per cent. Bearing in mind that viability assessment was undertaken in preparation of the Local Plan, the impact of policies on development viability have been considered and are regarded as realistic.

~~4.2.40 There may be some circumstances where abnormal costs would make the scheme unviable to deliver. Where developers demonstrate to our satisfaction that providing the amount of affordable housing required by this policy would not be economically viable, we may consider the following to assist with delivering a scheme:~~

- ~~(a) — vary the tenure mix of the affordable housing (for example, more intermediate housing and less rented housing), size, and/or type of homes to be provided~~
- ~~(b) — reduce the overall number of affordable homes~~

Question 17 - Rural exception sites

Policy H3 does not say whether or not the policy towards rural exception sites applies in the Green Belt, although the supporting text appears to indicate that it does. Paragraph 89 of the NPPF states that limited affordable housing for local community needs is an exception to inappropriateness “under policies set out in the Local Plan”, so the policy itself need to be specific as to whether rural exception sites are to be regarded as not inappropriate in the Green Belt. If that is the intention, there will be some difficulty in including traveller sites in this policy since Planning Policy for Traveller Sites makes it clear that traveller sites are inappropriate development in the Green Belt. The PPTS states that if there is a specific need for a traveller site, local authorities should make an exceptional, limited alteration to the Green Belt boundary through the plan making process, not through a planning application. I invite the Council to look again at this policy in this light. The two elements of the policy will need separating out.

Summary

17.1 Draft proposed modification which seeks to address the Inspector’s comment.

Justification for Council’s approach

- 17.2 The proposed changes to the policy wording as outlined above are considered to address the Inspectors reservations about Policy H3. The Council do not want to disadvantage the traveller community, but as this approach is set out in Government Planning Policy for Traveller Sites we do not wish to be in conflict with it.
- 17.3 We have, however, sought to make clear that the rural exception policy for affordable accommodation does not exclude Gypsies and Travellers who do not meet the Planning Policy for Traveller Sites definition of a traveller. This will enable planning decisions to support the local needs of settled Gypsy and Travellers through affordable rural exception accommodation if they meet the terms of the policy as they apply to any other persons. This seems to be a sensible and fair approach that accords with Government policy and the Council’s duties under the Equality Act 2010, which encompasses a wider definition than in the PPTS.
- 17.4 As the Inspector rightly points out, the PPTS states that if there is a specific need for a traveller site, local authorities should make an exceptional, limited alteration to the Green Belt boundary through the plan making process, not through a planning application. The Submission Local Plan has identified sufficient sites to meet travellers accommodation needs (as identified in the Traveller Accommodation Assessment 2017) over the plan period, and has inset sites from the Green Belt to meet this need. Should further traveller sites be required in the future this can be done through the plan making process when the Local Plan is reviewed.

Outline of draft proposed modification to H3: Rural exception homes

17.5 Draft proposed modification to policy:

- (1) Small scale affordable housing developments in the Green Belt, which can include including pitches for travellers, Gypsies and Travellers not meeting

Planning Policy for Traveller Sites definition of a gypsy or traveller¹³, will be permitted to meet identified local affordable housing needs provided that:

- (a) the site adjoins or is closely related to, and in safe and reasonable walking distance of a ~~defined or a non-defined~~ rural settlement, and
- (b) the number, size and tenure of homes would be appropriate to meet, or to contribute to meeting, the identified affordable housing needs of the local community, and
- (c) the affordable homes are all secured in perpetuity.

17.6 Draft proposed modification to supporting text:

4.2.49 We will work with parish councils, the Surrey Rural Housing Enabler and landowners to understand the affordable housing needs of people with a local connection to specific rural areas. In applying this policy, consideration will be given to the needs of the local community by accommodating households who are current or recent former residents of the Parish or have a current employment or family connection to it., ~~or are current or recent former residents of the Parish.~~ We will ~~also~~ facilitate provision of rural exception sites for local agricultural workers, and for local settled travellers needs who don't meet the Planning Policy for Traveller Sites definition of gypsy or traveller where such an accommodation need is demonstrated in line with Policy H3 (1). Traveller rural exception-housing accommodation will be provided on council-owned public pitches on small, suitably located sites in the Green Belt.

4.2.50 Local Rural Housing Needs Surveys are generally carried out by the Surrey Rural Housing Enabler, working with the Council and Parish Councils. We have a rolling programme of surveys for the borough's Parishes. Over half of the parishes in the borough already have local housing needs surveys, although such surveys must be up-to-date if they are to be used in support of a planning application for rural exception housing. Developers may also carry out their own surveys, provided these are verified by the Council and the Rural Housing Enabler. ~~The need for affordable pitches for Travellers' accommodation is reported in Guildford's Traveller Accommodation Assessment 2013.~~

¹³ The planning policy definition of gypsies and travellers is set out in Planning Policy for Traveller Sites 2015: Annex 1 Glossary.

Question 18 – Rural exception sites

4.2.52, which allows for market homes on rural exception sites in certain circumstances, constitutes policy and should therefore be included within Policy H2.

Summary

18.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to H3: Rural exception homes

18.2 Draft proposed modification to policy:

- (2) The minimum number of market homes to make a rural exception scheme viable will be permitted where:
- a. a developer demonstrates that the scheme would be unviable without the inclusion of market housing, and
 - b. inclusion of such home or homes serves to benefit the rural affordable housing stock, and
 - c. it does not inflate the threshold land value¹, and
 - d. it is suitably integrated into the rural exception development.

18.3 New footnote at bottom of page under policy H3:

¹ This is the minimum land value likely to trigger an owner to sell the land.

18.4 Draft proposed modification to supporting text:

~~4.2.52 There may be situations where a developer demonstrates that a rural exception scheme would be unviable. In such situations, and where there are no alternative sites available to provide the identified local affordable housing needs (as required by national policy) we may consider permitting the minimum number of market homes to make the scheme viable. We may also consider allowing at least one market home where this would result in a significant improvement in the housing mix (tenure, type or size) or rent levels. The inclusion of market housing must serve to benefit the rural affordable housing stock and not inflate the "threshold land value". This is the minimum land value likely to trigger an owner to sell the land.~~

4.2.53 Land values are generally high across the borough. To ensure that developers take into account the policy requirements of land potentially suitable for rural exception housing, where a developer proposes that at least one market house needs to be included to make the rural exception scheme viable, we will require submission of a development appraisal. In considering this, we will limit the threshold land value of the site to no more than ten times the agricultural land value at the time. Where agreement cannot be reached, external consultants will be appointed at the developer's cost to provide an independent assessment of the scheme's viability. **Any market housing must improve the mix of market housing in the village, and must be integrated into the rural exception development.**

Question 19 - AONB

Policy P1: Surrey Hills AONB. The monitoring indicator is unacceptable since it gives no indication of the overall amount of major development in the AONB. It should refer to all major development on sites not allocated in the plan, not just development allowed on appeal.

Summary

19.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

19.2 Draft proposed modification to Monitoring Indicators:

Indicator	Target	Data source
Percentage of appeals allowed for applications for Number of planning decisions, including appeals, granting permission for major development in the AONB on sites not allocated in the plan	Reduction in the percentage of appeals allowed N/A	Planning <u>permissions</u> and appeals

Question 20 – Green Belt

Having indicated that proposals in the Green Belt will be permitted where they are consistent with the exceptions listed in national planning policy, it is not clear why Policy P2 then goes on to single out two of the categories, extensions or alterations and replacement buildings. If the policy defers to the NPPF it should not be necessary to include these items. In addition, criterion 4(c) is not in the NPPF and should be removed from the policy – it may prevent a more appropriate siting.

Summary

- A draft proposed modification is provided which seeks to address the Inspector's comments.
- Whilst the overall intention of P2 is to reflect, and be consistent with, the NPPF, it also seeks to clarify, for the purposes of the Local Plan only, how this is interpreted within a local context. This is specifically in relation to three of the exceptions within paragraph 89. The policy and supporting text have been reworded to:
 - be more consistent with the wording used in the NPPF;
 - clarify that the selected categories are those where local definitions are applicable; and
 - clarify that the washed over villages referenced for the purposes of limited infilling is an exhaustive list.

Justification for Council's approach

20.1 Whilst Policy P2 is intended to be consistent with Green Belt policy in the NPPF, it also seeks to provide further clarity as to how some of the exceptions within paragraph 89 are to be interpreted for the purposes of the Local Plan

Original building

20.2 The NPPF defines 'original building' in the glossary. However there is ambiguity regarding its interpretation, as has been evidenced in a number of different appeal decisions¹⁴. On one interpretation 'original building' has been construed as meaning that if no building existed on 1 July 1948, the 'original building' is the **first** building as it was built thereafter. The alternative interpretation is that the original building is the current building as it was built originally (whether this was the first building after 1 July 1948 or a replacement of that building). It is the Council's view that the latter interpretation could allow gradual development creep over time through a repetitive cycle of extensions / replacements of buildings. The Council therefore wishes to clarify that, for the purposes of the Local Plan, the former interpretation is to be applied in order to ensure that future decisions on this issue apply the exception within the Local Plan in a consistent manner and to avoid such "creep".

¹⁴ For example 14/P/01610 (to mean the first original) and 15/P/01110 (to mean the original replacement building). See also consideration of this issue in both the first instance and appeal decisions in *Hutchinson v Dacorum* and [2009] EWHC 304 (Admin) & [2009] EWCA 1494 on similar wording in PPG2.

Extensions or alterations

- 20.3 The Council considers that in the majority of instances the replacement of a building is most appropriately sited on or close to its original position. In many cases a building is likely to be located on a road frontage and will relate well to any neighbouring buildings. Also, an alternative position elsewhere within a large plot could result in a break in the frontage and/or a greater level of urbanisation as development is sited further from the road. This could have a detrimental impact on the openness of the Green Belt. The Council accepts that in some cases there may be justification for an alternative position where it would not increase the development's impact on the openness of the Green Belt, and proposes that this is included within the policy.

Limited infilling

- 20.4 The wording in relation to this policy has remained broadly the same. The main change is as a result of the Inspector's comments made in Question 21. Additional commentary has also been added to the supporting text to clarify that the list of villages is exhaustive.

Outline of draft proposed modification to P2: Green Belt

- 20.5 Draft proposed modification to policy:

- (1) The Metropolitan Green Belt ~~will continue to be protected~~, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the NPPF. ~~In accordance with national planning policy, new development will be considered inappropriate and inappropriate development~~ will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- (2) ~~Certain forms of development are not considered to be inappropriate. Proposals will be permitted where they are consistent with the exceptions listed in national planning policy and, where relevant, also meet the following criteria: The construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the NPPF. For the purpose of this policy, the following definitions will apply to those exceptions:~~

Extensions or alterations

- ~~(3) The extension or alteration of a building provided that it would not result in disproportionate additions over and above the size of the original building.~~

(a) The "original building" shall mean either:

- i. the building as it existed on 1 July 1948; or
- ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date

Replacement buildings

~~(4) The replacement of a building, provided the new building:~~

- ~~(a) would be in the same use, and~~
- ~~(b) is not materially larger than the one it replaces, and~~
- ~~(c) is sited on or close to the position of the existing building.~~
- (b) A new building will only constitute a “replacement” if it is sited on or in a position that substantially overlaps that of the original building, unless it can be clearly demonstrated that an alternative position would not increase the overall impact on the openness of the Green Belt.

Limited infilling

(c) “limited infilling” shall mean:

- i. ~~(5)~~ Limited infilling within the identified settlement boundaries, as designated on the Policies Map, of the following villages: Limited infilling may also be appropriate outside the identified settlement boundaries where it can be demonstrated that the site should be considered to be within the village.

Albury, Compton, East Clandon, East Horsley and West Horsley (north), Gomshall, Holmbury St Mary, Peaslake, Pirbright, Puttenham, Ripley, Shere, West Clandon and Worplesdon.

- ii. ~~(6)~~ Limited infilling may also be appropriate outside the inset settlement boundaries, as designated on the Policies Map, of the following villages where it can be demonstrated that the site should be considered to be within the village.

Ash Green, Chilworth, East Horsley, Effingham, Fairlands, Flexford, Jacobs Well, Normandy, Peasmarsh, Ripley, Send, Send Marsh/ Burnt Common, Shalford, West Horsley and Wood Street Village.

- iii. Limited infilling may also be appropriate ~~either outside the inset or identified settlement boundaries, or~~ in the following villages, where it can be demonstrated that the site should be is as a matter of fact considered to be¹⁵ within the village:

Artington, Eashing, Farley Green, Fox Corner, Hurtmore, Ockham, Seale, Shackleford, The Sands, Wanborough and Wisley.

(3) Other forms of development in the Green Belt will not be considered inappropriate development if they are identified as such in the NPPF.

¹⁵ This proposed draft modification is as a result of draft proposed changes made in the response to Question 21

20.6 Draft proposed modification to supporting text:

~~4.3.19 Further clarification is provided below in relation to extensions or alterations of buildings, replacement buildings and limited infilling. We will also prepare a Green Belt Supplementary Planning Document (SPD) which will provide further detail and guidelines to help inform development proposals. In assessing proposals, account will be taken of the forthcoming Green Belt Supplementary Planning Document (SPD), which will be prepared to support this policy. This will set out guidelines and considerations that the Council will take into account when assessing Green Belt planning applications. This will help provide greater clarity to any applicants.~~

Extensions or alterations

~~4.3.20 In assessing whether an extension or alteration is disproportionate, account will be taken of the forthcoming Green Belt Supplementary Planning Document (SPD), which will be prepared to support this policy. This will set out guidelines including guidance on the scale of development that the Council is likely to consider appropriate and how this will be calculated. This will help provide greater clarity to any applicants wishing to extend their homes although any guideline figures therein would still need to be considered in relation to other design criteria.~~

~~4.3.21 For the purpose of this policy, the original building is defined as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. For the avoidance of doubt, if no building existed on 1 July 1948, then the original building is considered to be the first building as it was originally built after this date.~~

Replacement buildings

~~4.3.22 In assessing whether the replacement building is materially larger, account will also be taken of the forthcoming Green Belt Supplementary Planning Document (SPD) which will provide guidance on the scale of development which is likely to be considered appropriate.~~

~~4.3.23 Replacement buildings are expected to be sited on or close to the position of the original building, unless it can be clearly demonstrated that an alternative position would reduce the overall impact on the openness of the Green Belt.~~

Limited infilling

4.3.24 Development within villages in the Green Belt is limited to small scale infilling. This reflects the need to protect the openness of the Green Belt. Case law¹⁶ has now established that ~~this exception~~ limited infilling is not restricted to sites that fall within identified settlement boundaries in local plans. Instead, the decision-maker is required to consider as a matter of planning judgment whether the site is, ~~as a matter of fact,~~ located within the village, identified boundaries being at most a relevant consideration. The policy defines, and applies to, all those settlements in the borough which are considered to be villages and in which limited infilling may therefore be appropriate.

16 Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] EWCA Civ 195

Question 21 – Green Belt

Policy P2(6): establishing whether such sites are within a village must be a matter of judgement rather than fact? Can 4.3.25 provide some more guidance?

Summary

21.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to P2: Green Belt

21.2 Draft proposed modification to policy:

(6)¹⁷ Limited infilling may also be appropriate ~~outside the inset or identified settlement boundaries, and~~ in the following villages, where it can be demonstrated that the site ~~should be~~ is as a matter of fact considered to be within the village:

Artington, Eashing, Farley Green, Fox Corner, Hurtmore, Ockham, Seale, Shackelford, The Sands, Wanborough and Wisley.

21.3 Draft proposed modification to supporting text:

4.3.24 Development within villages in the Green Belt is limited to small scale infilling. This reflects the need to protect the openness of the Green Belt. Case law has now established that ~~this exception limited infilling~~ is applicable to all villages and not restricted to sites that fall within identified settlement boundaries in local plans. Instead, the decision-maker is required to consider whether the site is, ~~as a matter of fact, located~~ within the village, identified boundaries being at most a relevant consideration. The policy defines, and applies to, all those settlements in the borough which are considered to be villages and in which limited infilling may therefore be appropriate.

4.3.25 In order to provide some certainty, settlement boundaries have nevertheless been identified for those villages that are of a scale and form that enable a boundary to be established with a degree of certainty. Proposals within these areas are considered to be in the village and limited infilling here would be appropriate. However, the built form of many of the villages extends wider than the boundary and, in some instances, proposals here may also be considered to be in the village. These will need to be assessed on a case-by-case basis and, if considered to be in the village, then limited infilling here would also be appropriate. Those villages for which no boundary has been identified are listed in the policy and would also need to be assessed on a case-by-case basis. There are a number of considerations to take account of when assessing whether a site is located within the village. This includes factors such as the pattern of development, and the proposed development's relationship to the built up area of the village and the surrounding countryside.

¹⁷ This is requirement P2(6) in the Submission Local Plan however as a result of draft proposed changes made in the response to Question 20, this requirement is proposed to now be P2(c)(iii)

Question 22 – Green Belt

The monitoring indicator for Policy P2 is unacceptable since it gives no indication of the overall amount of inappropriate development in the Green Belt. It should refer to all inappropriate development permitted, not just that allowed on appeal.

Summary

22.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to P2: Green Belt

22.2 Draft proposed modification to Monitoring Indicators:

Indicator	Target	Data source
Percentage of appeals allowed involving <u>Number of planning decisions, including appeals, granting permission for inappropriate development in the Green Belt</u>	Reduction in the percentage of appeals allowed <u>N/A</u>	Planning <u>permissions and</u> appeals

Question 23 – Countryside

Policy P3. The indicator does not measure the effectiveness of the policy to protect the countryside. The number of appeals allowed in the inset villages is not a relevant measure of the effectiveness of the policy.

Summary

23.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to P3: Countryside

23.2 Draft proposed modification to Monitoring Indicators:

Indicator	Target	Data source
Percentage of appeals allowed for applications for new buildings in the inset villages-Number of planning decisions, including appeals, granting permission for development in the countryside	Reduction in the percentage of appeals allowed N/A	Planning permissions and appeals

Question 24 – Flood risk

4.3.42 line 3 should read “principal”.

Summary

24.1 A draft proposed modification is provided in line with the Inspector’s comment.

Outline of draft proposed modification to Policy P4: Flooding, flood risk and groundwater protection zones

24.2 Draft proposed modification to supporting text:

4.3.42 Water quality and groundwater protection are also significant issues in the borough. Approximately thirty percent of the Council’s administrative area is located on ~~principle~~ principal aquifers whilst 14 Source Protection Zones (SPZs) are located in the borough. The Environment Agency defines SPZs as groundwater sources, including wells, boreholes and springs, used for public drinking water supply. To protect these sources of drinking water, several restrictions will apply to the type of development permitted within the SPZs.

Question 25 – Flood risk

Policy P4 Monitoring Indicators: the percentage of appeals allowed is not a relevant indicator. The first indicator is relevant.

Summary

25.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to Policy P4: Flooding, flood risk and groundwater protection zones

25.2 Draft proposed modification to Monitoring Indicators:

Indicator	Target	Data source
Number of planning decisions, including appeals, granting permission applications permitted for highly vulnerable uses in flood risk zone three Percentage of appeals allowed for applications refused on flood risk grounds	No planning permissions in flood zone 3b or 3a for highly vulnerable uses Reduction in percentage of appeals allowed	Planning applications permissions and appeals Planning appeals

Question 26 – Thames Basin Heaths SPA

26. Policy P5: it is not appropriate to include in the policy that measures “must be agreed with Natural England” (this appears four times in the policy). Natural England is a consultee, not the local planning authority, so these statements must be removed from the policy. It is however acceptable to include in the reasoned justification that Natural England should be consulted.

Summary

- The Council is concerned about the policy diverging from South East Plan policy NRM6 and the approach to protecting the SPA agreed by the SPA affected authorities.
- Policy NRM6 includes a requirement for Natural England to agree avoidance and mitigation measures.
- The Council agrees that NE does not grant planning permission and proposes some amendments to the policy and supporting text to make this clear, while seeking to retain the strategic approach set out in NRM6.

Justification for Council’s approach

- 26.1 The Council is proposing amendments (see below) but is also concerned that the plan conforms with Policy NRM6 of the South East Plan and the approach agreed by the Thames Basin Heaths Special Protection Area (SPA) affected authorities and adequately reflects Natural England’s (NE) role in overseeing protection of the SPA. The Inspector is requested to have regard to the points set out below when considering the wording of the proposed amendments.
- 26.2 The South East Plan includes a strategic policy to protect the SPA. Policy NRM6 was not withdrawn with the rest of the South East Plan and remains in force. The first paragraph of NRM6 states:
“New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.” (emphasis added).
- 26.3 Under the terms of NRM6, it would be contrary for the Council to grant permission for development that is likely to have a significant effect on the SPA unless NE has agreed that avoidance and mitigation measures are adequate. Where dwellings are built within 5km of the SPA, the avoidance and mitigation measures are primarily Suitable Alternative Natural Greenspace (SANG) and a contribution to the Strategic Access Management and Monitoring (SAMM) project. NRM6 places the requirement for NE to agree measures within the policy. The Council is of the view that it is appropriate that the requirement should stay within policy P5 and not be removed to the supporting text, as this would weaken the oversight of avoidance and mitigation measures by NE required by NRM6.
- 26.4 Like Policy P5 of the Submission Local Plan, the Waverley Local Plan 2018 (WLP) policy NE3: Thames Basin Heaths Special Protection Area includes the first paragraph of NRM6 verbatim, including the requirement that “such measures must

be agreed with Natural England.”. In addition, paragraph five of WLP policy NE3 also includes the following sentence:

“All mitigation measures shall be agreed with Natural England and be provided prior to occupation of the development and in perpetuity.”

- 26.5 One of the key principles of the strategic approach to protecting the SPA set out in NRM6 is that there should be consistency across the SPA region. This has been agreed by the SPA affected authorities acting through the Joint Strategic Partnership Board. WLP policy NE3 is consistent with NRM6, and Policy P5 also needs to be consistent with both NRM6 and WLP policy NE3. The role of NE in agreeing avoidance and mitigation measures and ensuring that the measures are of sufficient quality is key to maintaining consistency.
- 26.6 The Council agrees that the policy should be clear that NE does not grant planning permission and, while it must agree that avoidance and mitigation measures are adequate, NE’s role in the granting of planning consent is one of consultee. The Council has therefore proposed changes to improve clarity while retaining the approach set out in NRM6.
- 26.7 NE have agreed in writing that the proposed modifications are acceptable.

Outline of draft proposed modifications to P5

26.8 Draft proposed modification to policy:

- (1) Permission will only be granted for development proposals where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA), whether alone or in combination with other development. Where one or more adverse effects on the integrity of the SPA will arise, measures to avoid and mitigate these effects must be delivered and secured in perpetuity. These measures ~~are unlikely to be acceptable unless~~ ~~must be~~ agreed with Natural England ~~in accordance with SEP policy NRM6~~.
- (2)(c) Residential development of over 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide avoidance and mitigation measures. This will be assessed on a case-by-case basis ~~and agreed in consultation with~~ Natural England.
- (3)(d) Developments may secure or provide bespoke SANG. Proposals for new SANGs ~~will not be unlikely to~~ be acceptable unless agreed by Natural England. Large developments may be required to provide bespoke SANG.
- (4) Where further evidence demonstrates that the integrity of the SPA can be protected using different distance thresholds or with alternative measures (including standards of SANG provision different to those set out in this policy), the ~~Council will agree~~ these ~~must be agreed in consultation~~ with Natural England.

26.9 Draft proposed modification to supporting text:

- 4.3.60 ~~The Council will consult with Natural England on~~ Proposals for new SANGs must be agreed by Natural England and. SANG Proposals will be expected to follow Natural England's SANG guidelines. Developers may propose bespoke SANGs that provide avoidance for their own developments, either within the development site or off-site in an appropriate location. The size requirements for new SANGs set out in the SANG guidelines often mean that SANGs cannot be delivered on smaller sites. The Council therefore provides strategic SANGs, which developers of smaller sites can pay a tariff to use.

Question 27 – Employment

Policy E1(1) which concerns the provision of new employment floorspace is actually a different policy from E1(2) to (11) which relate more closely to Policy E3, Employment Protection. The Council should consider re-ordering this set of policies.

Summary

- A draft proposed modification is provided in line with the Inspector's comment.
- To help improve the legibility of the plan, the Council proposes to swap the order of E2: Location for new employment floorspace and E3: Maintaining employment capacity and improving employment floorspace. However in order to avoid any confusion this response refers to the current numbering.

Outline of draft proposed modification to E1: Meeting employment needs; E2: Location for new employment floorspace and E3: Maintaining employment capacity and improving employment floorspace

27.1 Draft proposed modification to policy:

- Move E1(2) and E1(3) and insert as E2(0a) and E2(0b)
- Move E1(4) to E1(11) and insert as E3(0a) to E3(0h)
- Amend E3(1) as follows: Strategic and Locally Significant Employment Sites will be protected for either B1a and B1b use or B1c, B2 and B8 use in line with their designation ~~in policy E1 above~~.

27.2 Draft proposed modification to supporting text:

- Move E1 Definitions (4.4.6 and 4.4.7) and insert as replacement of 4.4.29 (new paragraphs 4.4.29a and 4.4.29b)
- Move 4.4.10 and merge with 4.4.31. Amend 4.4.31 as follows: Policy E3 seeks to sustain and enhance employment in the borough through the protection of sites as set out in the policy. It aims to protect employment floorspace to ensure there is sufficient supply to accommodate existing and future need. ~~As set out above, the new Local Plan seeks to protect existing major employment sites and protect its locally strategic employment sites to comply with the NPPF. Loss of these sites to alternative uses runs the risk of constraining employment growth and limiting economic diversification.~~ As set out in the policy a more flexible approach will be applied to the change of use in locations outside town centres and key existing employment locations, however as a significant number of sites are being lost through permitted development, the policy seeks to ensure existing and future need is accommodated.
- Move 4.4.11 and merge with 4.4.23. Amend 4.4.23 as follows: The need to renew and refurbish employment floorspace, especially office space, is imperative ~~To~~ ensure the supply of premises is suitable for modern business needs, ~~renewal including redevelopment of existing offices is encouraged, and if~~ the borough is able to retain existing occupiers and compete effectively for new occupiers looking to locate in the area. There is currently need for grade A and good quality grade B premises. ~~There is a particular need for grade A (the best office space) and good quality second-hand floorspace.~~ This will be particularly

encouraged in the most sustainable locations in terms of public transport accessibility.

- Move 4.4.11a and insert new paragraph 4.4.32a
- Amend E2 footnote 1 as follows: Defined in ~~P~~Policy E43
- Amend 4.4.21 as follows: The Strategic Employment Sites are defined in policy E43 and are shown on the Policies Map.

Question 28 – Employment

Policy E2(1): having established these locations as key office and R&D sites, it is not appropriate to differentiate sequentially between them. If a requirement for additional floorspace arose from an operator at a strategic employment site, it would not be appropriate to “direct” the requirement to Guildford Town Centre or a transport interchange. This is not an effective policy and this element should be deleted. In addition, E2(3) places an unacceptable impediment to the expansion of business and enterprise. The resistance to changes of use of employment floorspace is not adequately justified in the light of housing need (see Key Question 5 above).

Summary

28.1 Draft proposed modification made in line with the Inspector’s comment.

Justification for Council’s approach

- 28.2 This response should be read alongside the Council’s response to *Question 5: The balance of land uses* of the Inspector’s Initial Questions. The rationale for Policy E2(1) in the Submission Local Plan was to reflect the NPPF requirement that local planning authorities should apply a sequential test for main town centre uses and direct new development where possible to town centre locations prior to edge of or out of town locations¹⁸. The appropriateness of this approach was raised through the consultation process. The Council considered its removal however upon receipt of legal advice ultimately took the decision to retain it. The issue being that whilst the sequential test was capable of being met relatively easily at present given the lack of suitable and available sites in the town centre, this situation may change over the lifetime of the plan and it would therefore be prudent to retain it.
- 28.3 Upon further consideration and in light of the Inspector’s comments, the Council considers that it is unlikely that there will be a significant change in the quantum of new floorspace that could become available for new employment floorspace in the town centre. In addition to this, the Strategic Employment Sites (SES) are considered to be suitable sites for employment uses, they are of a significant size and play a key role in Guildford’s economy, and the plan should therefore take a reasonable approach to supporting their future growth to help meet needs. For these reasons, a draft modification is proposed that removes the differentiation between the town centre and SES. The proposed modification does however retain a sequential test that directs new employment floorspace to these locations prior to considering locations within 500m transport interchanges. This is consistent with the NPPF which defines these locations as edge of centre.
- 28.4 Significant new employment floorspace should be directed to the most sustainable locations, as set out above, in order to reduce the need to travel by the private car and encourage sustainable modes of transport in accessible locations. Nevertheless, the Council considers that new employment floorspace that is limited in scale, which would not generate a significant numbers of new employees and additional vehicle movements, could help support the local economy and therefore may be considered appropriate outside the town centre and SES.

¹⁸ NPPF, paragraph 24

- 28.5 Given the Inspector's concerns regarding the impediment that Policy E2 may have on business and enterprise, the Council has revised its definition of what constitutes limited development. Whilst the principle of restricting unchecked growth of main town centres uses in out of town centre locations is retained, the scale of development that constitutes limited development is proposed to be less restrictive. Policy E2 in the Submission Local Plan required that where net additional floorspace exceeding 200 sq m or 25% of the existing office and R&D floorspace (whichever is the lower) is proposed, this should be directed to sequentially preferable locations or meet certain criteria in order to be permitted. To address the Inspector's comments, a draft modification is proposed that removes reference to the more restrictive 200 sq m. The policy as drafted below would therefore enable offices outside the town centre and SES to expand by up to 25%.
- 28.6 The Council considers that enabling expansion by up to 25% provides sufficient flexibility to businesses and does not place an unacceptable impediment on their growth. However, the Council considers that growth exceeding 25% would likely give rise to a significant increase in unsustainable movement patterns and should continue to be considered inappropriate.
- 28.7 Requirement (3) and (4) are also proposed to be swapped to improve the clarity of the policy.

Outline of draft proposed modification to E2: Location for new employment floorspace

28.8 Draft proposed modification to policy:

Office and research & development:

- (1) Proposals for new office and research & development (B1a and B1b) floorspace will be directed to: Guildford town centre, and Offices and Research & Development Strategic Employment Sites¹⁹. Only if sites cannot be found should edge of centre sites and locations within 500m of a public transport interchange be considered.
- (a) ~~Guildford town centre, then~~
 - (b) ~~locations within 500m of a public transport interchange, then~~
 - (c) ~~Offices and Research & Development Strategic Employment Sites unless:~~
 - (i) ~~the proposed floorspace is limited in scale (less than 200 sq m or 25% of the existing office/R&D floorspace whichever is the lower) and/or~~
 - (ii) ~~ancillary to the primary use of the site.~~
- ~~(4)(3)~~ The expansion of existing offices in locations outside the town centre, and Strategic Employment Sites ~~and Locally Significant Employment Sites~~ should be limited to 25% or less of the existing office and R&D floorspace. ~~and any development not limited in scale is to be directed to sequentially preferable locations.~~
- ~~(3)(4)~~ If the expansion of existing offices in locations outside the town centre and Strategic Employment Sites exceeds ~~Where net additional floorspace exceeding 200 sq m or 25% of the existing office and R&D floorspace is proposed (whichever is the lower) in the redevelopment or extension of a building in locations other than those set out above,~~ it will need to be demonstrated that there are:
- (a) no sites available in the locations set out above

¹⁹ Defined in Policy E43

- (b) there is a demonstrated need, and
- (c) the site is or will be made accessible by sustainable modes of transport.

Question 29 – Employment

Policy E4(1): “complementary to the activities of the University of Surrey” is too vague to allow an assessment of a scheme and too restrictive of business and should be deleted.

Summary

29.1 A draft proposed modification is provided in line with the Inspector’s comment.

Outline of draft proposed modification to E4: Surrey Research Park

29.2 Draft proposed modification to policy:

- (1) The existing 28 hectare Surrey Research Park shown on the Policies Map and the proposed extension described in policy A26, will be protected for business use comprising offices, research, development, design and innovation activities, in any science, including social science, falling within Use Classes B1 (a), (b) and (c) of the Town and Country Planning (use Classes) Order 1987 (as amended), ~~that is complementary to the activities of the University of Surrey~~. Development in accordance with the above will be supported.

29.3 Draft proposed modification to Monitoring Indicators:

Monitoring Indicators

Indicator	Target	Data source
Total amount of additional B class floorspace permitted and completed on the site	Approx. 30,000 sq m B1a, b and c over the plan period that is complementary to the activities of the University of Surrey	Planning applications and appeals and building completions data
Total amount of appropriate additional B class floorspace permitted and completed on the site, <u>comprising of offices, research, development, design and innovation activities, in any science, including social science which is complementary to the activities of the University of Surrey</u>	Approx. 30,000 sq m B1a, b and c over the plan period that is complementary to the activities of the University of Surrey (100% of development)	Planning applications and appeals and building completions data

Question 30 – The leisure and visitor experience

Policy E6(3): the insistence on the retention of all hotels regardless of value, role or market is not appropriate or justified given the pressing need for housing.

Summary

- 30.1 This response supplements and amplifies the response provided to the Inspector's initial question 5²⁰ as it pertains to hotels.
- 30.2 Hotels and other forms of visitor accommodation are important to both businesses and tourism, with such facilities ranging from budget, three and four-star accommodation to boutique and larger hotels with conference facilities. Room occupancy rates for all visitor accommodation types are high in Guildford borough and the volume of overnight stays annually is increasing, reflecting an increasing need for further bed spaces. Recent survey evidence (see paragraphs 6-8) shows both market potential and interest from hotel operators in providing additional hotels and guesthouses within the borough.
- 30.3 There is pressure for conversion of hotels locally to alternative uses. This is highlighted as an issue in the Surrey Hotel Futures Study (2015), which in response identifies the need for local hotel retention planning policies to protect against the loss of these facilities to higher value uses. An example of this pressure in Guildford borough is the recently dismissed appeal relating to proposed redevelopment of the Thatchers Hotel (formerly the Ramada Jarvis Hotel) to housing²¹ (for further details see paragraph 12).
- 30.4 The Council therefore considers it important to adopt a Local Plan policy that not only encourages increased supply of existing hotel accommodation but also protects existing hotel, leisure and tourism facilities. Loss of existing facilities if it were to occur could have a series of negative consequences on the local economy. In addition to the relocation out of the borough or closure of businesses, a reduction in visitor accommodation may have several further adverse impacts. These include reduced support for local tourist and cultural attractions and events, loss of town centre vitality and vibrancy, and a reduction in tourism-related expenditure, with adverse impacts on local services and loss of employment in a wide range of service sectors.
- 30.5 The Council considers that whilst providing necessary protection, this Policy also allows for appropriate flexibility, which would include the provision of housing, should hotel (or other suitable leisure uses) prove not be viable in a particular case, subject to the criteria identified in the Plan.

²⁰ See GBC-LPSS-001, Question 5 at 5.13-14 in particular

²¹ Part-full, part-outline planning application ref. 15/P/02354 – See link:

http://www2.guildford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal= GUILD_DCAP_R_166797

Justification for Council's approach

The importance of hotels and tourism

- 30.6 The provision of visitor accommodation is important to both businesses and tourism. Recent trends show a steady year-on-year estimated increase in the value of tourism to Guildford²². Despite a fall in tourism value at regional level in 2015 compared to 2014, Guildford saw an estimated growth of 1.4% in tourism value (following 3.8% growth the previous year). Total expenditure by visitors (overnight and day visits) to the borough is in the estimated region of £254 million in 2015, up by 1.3% compared to 2014.
- 30.7 The provision of adequate visitor overnight accommodation is important for not only tourists and businesses, but also as it supports the continued existence of a number of major attractions in the borough including theatres, festivals, shows and sporting events. The tourism sector also accounts for a significant proportion of overall jobs in the borough, thereby directly contributing to the local economy in another way. Tourism-related expenditure supported an estimated 4,528 FTE jobs in Guildford in 2015; however, as many jobs in this sector are part-time and seasonal the total number of actual jobs supported was 6,185 (estimate)²³. This equated to 8.6% of the borough's total employment. As well as jobs within the hotel industry, tourism-related jobs are found across a range of other service sectors including public service jobs such as in local government as well as catering and retail.²⁴
- 30.8 The Surrey Hotels Future Study (2015), section 4, indicates significant market demand and developer interest in the provision of further tourist and business visitor accommodation²⁵. For more information on demand and developer interest, see paragraphs 7 to 9 of this response. With statistics indicating that the borough is becoming an increasingly popular place to visit, and the number of overnight stays rising, it is vital that more accommodation is provided to cater for high demand from tourism operators and businesses and that this gain is not offset by a loss in accommodation through conversions to other non-leisure uses. The evidence in the next section also indicates that more conference facilities are required to promote Guildford as a business hub.

²² The data on tourism value and total visitor expenditure was calculated based on application of the Cambridge Tourism Economic Impact Model or 'Cambridge Model'; a computer-based model developed by Geoff Broom Associates and the Regional Tourist Boards of England This uses disaggregated regional or county tourism statistics for a range of data indicators and therefore the figures are estimates rather than accurate (Source: The Economic Impact of Tourism: Guildford 2015, Tourism South East Research Services (2015))

²³ Source: The Economic Impact of Tourism: Guildford 2015, Tourism South East Research Services (2015)

²⁴ *ibid*

²⁵ Surrey Hotel Futures, Hotel Solutions (2015):

https://www.surreycc.gov.uk/_data/assets/pdf_file/0011/68384/SURREY-HOTEL-FUTURES-STUDY-FINAL-REPORT-AUGUST-2015.pdf

Market demand for hotels in Guildford

- 30.9 Hotels in Guildford achieved high average annual room occupancy rates for all standards compared to the national average in 2012-14 (78% compared to 75% nationally)²⁶.
- 30.10 The Surrey Hotel Futures Study (2015)²⁷ shows significant potential and need for hotel development in all Surrey Districts and Boroughs and clearly demonstrates that further hotel development is vital to support the future growth of the county's economy and to capitalise on the potential for leisure and conference tourism growth.
- 30.11 The study presented the results of an email-based survey of hotel developers, operator and investors, many of whom represent and deliver multiple hotel brands (see page 96). This survey was followed up by telephone interviews with acquisition/development directors. Out of over 30 organisations contacted, 27 responded, and of the 21 operators that were interested in investing in Surrey, a number were interested in placing multiple brands in key locations across the county. Demand was highlighted across the full spectrum of hotel provision, particularly for premium, four-star and boutique style accommodation but also for budget brands. The responses highlighted 25 locations in Surrey where hotel companies would be interested in developing branches; of particular note the strongest interest (for 24 hotel brands) was in Guildford. This is shown in the table below:

²⁶ Surrey Hotels Performance 2012-14, Hotel Solutions, Surrey Hotel Futures Study 2015, page v.

²⁷ Surrey Hotel Futures, Hotel Solutions (2015):

https://www.surreycc.gov.uk/_data/assets/pdf_file/0011/68384/SURREY-HOTEL-FUTURES-STUDY-FINAL-REPORT-AUGUST-2015.pdf

Number of hotel brands interested in Surrey by location

Location	No. of Brands Interested
Guildford	24
Woking	17
Weybridge	11
Camberley	10
Gatwick ¹	9
Staines	9
Sunbury	9
Redhill	7
Walton-on-Thames	6
Chertsey	5
Dorking	4
Farnham	4
Leatherhead	4
Epsom	3
Esher	3
Frimley	3
Reigate	3
Addlestone	2
Shepperton	2
Caterham	1
Godalming	1
Banstead	1
Cobham	1
Godstone	1
West Byfleet	1

Source: Surrey Hotel Futures Study, Hotel Solutions (Table 23, p99)

Loss of hotels – local evidence of pressure for alternate uses and viability

- 30.12 The Surrey Hotel Futures Study (2015) has identified some loss of hotels in Surrey. The Study indicates the need for Councils to set out local hotel retention planning policies to “ensure that adequate supply is retained in locations where there is pressure for alternative uses, most commonly residential, HMOs or care homes.”²⁸
- 30.13 The study recommended that such policies should require evidence of non-viability, including provision of a minimum period of marketing properties for sale at a realistic price. The Council has adopted this approach in its proposed policy E6 (3).
- 30.14 This pressure is present in Guildford where the relatively low level of viability for hotel development in the borough, in comparison to strong viability of residential development, is reflected in the Council’s submitted viability evidence²⁹ Hotels in Guildford are thus considered vulnerable to redevelopment for residential uses should they not specifically be protected by Local Plan policy.
- 30.15 The pressure for conversion to alternative (residential) uses (as per the Surrey Futures Study indication) is locally evidenced by the recent case relating to the proposed redevelopment of the Thatchers Hotel (formerly the Ramada Jarvis Hotel)

²⁸ Surrey Hotel Futures Study, see page xv and paragraph 7.2.10

²⁹ See section 6.4.9 of the Guildford Local Plan and CIL viability Study, 2016 (GBC-LPSS-SD-030)

to provide 49 new dwellings³⁰. In this case, an appeal against the Council's refusal of planning permission was dismissed. In the decision letter, the Planning Inspector agreed with the Council that there was insufficient evidence of marketing for a suitable alternative hotel use provided as part of the application/appeal, contrary to saved Local Plan policy T4 of the adopted 2003 Local Plan. The appeal decision confirmed the significance of the need for local protections for hotel uses.

- 30.16 The proposed policy E6 (3) is of particular importance for protecting hotels in rural locations, where viability for residential development is often strong. This is a concern as the local plan is seeking to support economic growth in rural areas and promote a strong rural economy.

Difficulty in securing sites

- 30.17 It is difficult to secure new sites for hotel uses. This is partly because they have to compete with higher value land uses such as residential accommodation (see above). Further to this, hotels have their own market and locational requirements that restrict the choice of appropriate locations to which they are suited.

- 30.18 Challenges relating to site availability extend both to the sequentially preferable locations for hotel uses³¹ including Guildford's town centre, where issues such as flood risk and existing on site uses are a constraint, but also to rural areas where green belt constraints are significant in relation to potential suitable locations for new hotels. This is a concern as rural areas are considered a particularly important part of the current and future tourist offering in the borough and the loss of existing hotel sites, and difficulty in re-provision, is a threat.

- 30.19 These issues make it even more important to retain existing hotel sites. They are generally hard to replace once they are lost and given the scarcity of suitable and available potential hotel sites and the need identified, it is considered necessary to protect existing sites where possible, whilst also promoting the provision of new facilities.

Negative consequences of loss of hotels

- 30.20 The inclusion of policies aimed at protecting against the loss of existing leisure and tourism facilities, is further justified by the potential for a series of negative consequences on the local economy should they be lost. These include the closure or relocation out of the borough of businesses, reduced support for local tourist and cultural attractions and events, loss of town centre vitality, a reduction in tourism-related expenditure and loss of employment in a wide range of service sectors.

³⁰ Part-full, part-outline planning application ref. 15/P/02354 – See link: http://www2.guildford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=_GUILD_DCAPR_166797

³¹ See paragraph 24 of the NPPF, which directs main town centre uses (including hotels) to sequentially preferable locations.

30.21 The protections in policy E6 are also aligned to the National Planning Practice Guidance (NPPG), which states that local plans should ‘*examine the broader social, economic, and environmental impacts of tourism and analyse the opportunities for tourism to support local services, vibrancy and enhance the built environment*’; it also states that they should ‘*consider the specific needs of the tourism industry, including particular locational or operational requirements*’³².

Impact of protecting existing hotels on meeting OAN for housing

30.22 The Council’s response to Question 5 of the Inspector’s Initial Questions provides more detail on the Council’s rationale for retaining existing economic uses, which include hotels, in the town centre. This included the impact on economic growth and the need to maximise accessibility and reduce the need to travel. The response to Question 5 also explores the merits and disadvantages of releasing brownfield sites in relation to the impact on overall housing delivery over the Plan period.

30.23 The submission Local Plan proposes a significant level of growth on greenfield and/or Green Belt sites. The justification for doing so is that to rely solely on sustainable development opportunities within the town centre, urban areas, villages and other previously developed sites would only meet 56% of Guildford’s OAN. This is due to limited site capacity in the town centre and urban area, further restricted by limited short-term availability, the need to relocate current on-site uses, and other physical constraints such as flood risk in the town centre. Providing additional housing on existing hotel sites would not remove the need for the release of Green Belt land to meet the OAN for housing. It would however have significant adverse impacts on the tourism industry, and more widely for the local economy as highlighted above.

Provision of sufficient flexibility in proposed Policy

30.24 As noted in the response to the Inspector’s initial question 5, the Council considers that whilst providing protection this Policy also allows for appropriate flexibility should hotel use (or other suitable leisure uses) prove not to be viable propositions in a particular case.

30.25 The value and role of, and market for existing hotels or visitor, leisure or cultural attractions has been fully taken account of in policy E6 within the need and viability tests at requirements (3) (a) and (b). The proposed policy would consider residential or other uses as an appropriate reuse of a visitor, leisure or cultural facility only if the developer has fully explored retention of the existing use by means of active and comprehensive marketing for a period of at least 18 months prior to submission of a planning application.

30.26 This approach is robustly justified by the evidence on market demand for hotels and is also considered to be in line with the National Planning Policy Framework (NPPF), paragraph 23, which emphasises that local planning authorities in drawing up local

³² ‘Ensuring the Vitality of Town Centres’, Paragraph: 007 Reference ID: 2b-007-20140306

plans should *'retain and enhance existing markets...ensuring that they remain attractive and competitive'*.

Summary

- 30.27 To summarise, the Council considers that protecting existing hotels through a Local Plan policy is justified in Guildford borough given the role of hotels in supporting the rural economy as well as the town centre economy, and in promoting tourism and supporting businesses and local services throughout the borough. It is considered that the criteria set out in Policy E6 (3) provides an appropriate mechanism for protecting existing viable hotels whilst permitting any existing hotels that are no longer needed or are unviable to be redeveloped.

Question 31 – Guildford town centre, district centres and local centres

Is the concept of a “primary shopping frontage” and “secondary shopping frontage” outdated given changing retail patterns and the fact that town centre shopping is now a leisure experience?

Summary

- 31.1 The Council considers that its use of the term “primary and shopping frontage” and associated proposed retail policies are appropriate in seeking to maintain a central core of shopping uses in a town centre and to prevent loss to residential units and dispersal of existing retail units. The Council considers that this is justified, as the approach:
- aligns with the requirements of the National Planning Policy Framework (NPPF) and the draft NPPF³³ undergoing consultation in relation to these concepts.
 - is supported by up to date, locally relevant evidence, which considers the impact of shifting retail patterns and altered spending habits of consumers and importantly Guildford specific retail trends and vacancy rates.
 - avoids the potential detrimental impacts of focussing on leisure uses at the expense of retail on the town centre’s vitality, viability and economic competitiveness.

Justification for Council’s approach

Alignment with the NPPF

- 31.2 It is a requirement of the NPPF (para 23, bullet 3) for local planning authorities to set a clear definition of primary and secondary frontages in order to help establish the extent of their primary shopping area. The draft NPPF undergoing consultation also states this requirement in para 86 b), with the revised draft wording stating that planning policies should identify both primary and secondary frontages and primary shopping areas.
- 31.3 The glossary in the adopted NPPF defines primary retail frontages as “...likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods”. It defines secondary frontages as providing “...greater opportunities for a diversity of uses such as restaurants, cinemas and businesses”. Retail frontage policies play an important role in maintaining a central core of shopping uses and preventing dispersal of existing retail units, which would weaken these frontages and make it harder to resist applications for conversion of remaining retail units to residential or other non-retail uses.
- 31.4 The Council considers that its use of shopping frontages in relation to its retail policies in the town centre in the Submission Local Plan is therefore fully in accordance with the current and proposed NPPF.

³³ <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

- 31.5 The Submission Local Plan defines its primary shopping area to include those streets where the highest proportion of A1 (shop) uses, particularly retail multiples, are represented. These areas have the highest zone A rental values and highest pedestrian flow in the whole town centre. Such a policy approach supports the retail function of key shopping streets (primary frontages) by safeguarding against the loss of shops in these areas whilst encouraging a greater diversity of uses in secondary shopping areas³⁴.
- 31.6 The Council recognises that certain changes of use of A1 shop units are now classed as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In cases where the Council receives a prior approval application for a change of use from A1 to A2 use, the Council is now obliged to allow it subject to it meeting certain other conditions, as set out in the Order³⁵.
- 31.7 For prior approval changes of use from A1 to A3 or D2 use where the proposed unit falls below the stated size threshold the Order lists a different set of conditions that the proposal must meet to determine whether it is desirable. These conditions address the same criteria covered by Policy E7(4), for example relating to noise, transport and highways impacts. Of particular relevance, they also include:

“...the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and”

(Schedule 2, Part 3, paragraph C.2(1))

- 31.8 The policy is therefore relevant not only to planning applications, but also to applications for prior approval.

Retail evidence: continued forecast need for floorspace

- 31.9 The retail and leisure capacity forecasts (which reflect retailer and consumer demand) in the 2017 Retail and Leisure Study Addendum³⁶ (RLSA) took account of the shift in retail patterns nationally and the local impacts for Guildford of changing spending habits of consumers, including the increase in Internet trading (see Appendix 10). The document notes that in spite of the 16.2% increase in Internet

³⁴ Note that the Submission Local Plan proposes to replace the tertiary and specialist frontages with secondary frontages to accord with the NPPF.

³⁵ The conditions for a change of use from A1 to A2 or A3 to be allowed under a prior approval application are set out under Schedule 2, Part 3, Class C of the Order.

³⁶ Submission document reference no. GBC-LPSS-SD-009

sales in the town centre since 2015³⁷, many of the multiple and traditional high street retailers in Guildford are actively seeking larger format bricks and mortar retail units to showcase their product range³⁸. Guildford town centre is a highly successful retail destination, which was ranked 11 in the top 500 British retail centres for vitality in 2014 and second among the top 5 centres in the South East, after the Bluewater centre in Stone, Kent³⁹.

31.10 The Council recognises that some local authorities are pursuing alternative strategies to managing their town centre uses as a means of adapting to changing shopping habits that are specifically affecting them at a local level. Seeking alternatives to traditional comparison retail uses is more often a strategy for town centres that are underperforming as a means of increasing footfall and improving their overall vitality. This may work to their advantage, particularly if they have a number of retail units that are struggling to trade. Guildford does not have this problem and the fact that it has several large major comparison retailers (e.g. M&S, Primark, Debenhams and House of Fraser) that have operated successfully in the town centre for many years may have even helped it retain and improve its strong economic standing and vitality. Larger retailers such as this frequently offer 'click and collect' as alternatives to traditional browsing and shopping and often have cafes and restaurants in-store which help to attract customers and create more of a combined retail and leisure experience.

31.11 The Council therefore feels that to pursue an alternative policy of allowing a broader range of permitted uses within existing frontages, based on a trend that is not adversely affecting Guildford would be inappropriate and could lead to adverse long-term impacts for economic vitality and viability. It is more pragmatic in the Council's view to adopt a policy approach to managing and balancing town centre uses that takes account of up-to-date local evidence within retail and leisure needs studies to assess the need for commercial uses in the town centre.

Retail evidence: low vacancy rates

31.12 The Council's surveys of retail units⁴⁰ in Guildford town centre in May 2017 showed that only two of the 67 commercial units in the primary shopping frontages were vacant, which equates to a very low vacancy rate of 2.9%. Furthermore, this rate had fallen from 4.3% in May 2015. Across the whole of the PSA⁴¹, the vacancy rate in May 2017 was 6.9%, which had fallen each year as measured against the previous two years⁴². It is now considerably below the national average vacancy rate for town

³⁷ See 2017 RLSA, Appendix 10, para. 1.8

³⁸ 2017 RLSA, Appendix 10, para. 1.29

³⁹ Source: <http://www.costar.co.uk/en/assets/news/2014/October/The-UKs-most-and-least-vital-retail-centres/>

⁴⁰ Source: Monitoring data from retail surveys (unpublished), Guildford Borough Council

⁴¹ This included units within the existing tertiary and specialist frontages, as well primary and secondary frontages.

⁴² The vacancy rate across the entire town centre fell from 8.9% in May 2015 and 7.3% in November 2016

centres, which was 9.4% in January 2017⁴³. These are strong indicators of the success of the town centre's retail market. Further major retail proposals likely to come forward in this area in the next few years include the allocated North Street site (addressed in more detail in response to Question 6).

- 31.13 In the secondary frontages, just 6.7% of the commercial units surveyed were vacant in May 2017, not including units removed or under construction⁴⁴, and this rate had remained unchanged from the time of the previous survey in November 2016.

Conclusion

- 31.14 In conclusion, the Council considers that the proposed primary and shopping frontage policies in the Submission Local Plan are fully in accordance with the requirements of the NPPF and its draft replacement; they are also justified by up-to-date and locally relevant evidence within retail studies and surveys of retail units.
- 31.15 Bearing in mind the evidence outlined above, the Council considers that primary and secondary frontages are important to protect the viability and vitality of key shopping areas in Guildford thereby ensuring that the town centre remains economically viable and competitive following the Plan's adoption.

⁴³ Source: BRC Springboard Footfall and Vacancies Monitor: <https://brc.org.uk/news/2017/vacancy-rate-remains-stable-though-footfall-decline-deepens>

⁴⁴ This calculation excluded 25 vacant units that had been vacated to enable the redevelopment of Tunsgate Square shopping centre, which were under construction at the time of the survey in May 2017.

Question 32 – Guildford town centre, district centres and local centres

Policy E7(6), E8(5), E9(7): childhood obesity is a product of a number of factors including parental choice and example and the propensity to undertake physical activity. Not all takeaway food is “unhealthy”; not all kinds of takeaway food are bought by children; and the policy would have no bearing on the many retail units that sell high calorie, high sugar food, or on the many existing takeaways. In this context there is no evidence that these policies would be effective in safeguarding or improving childhood health and they should be deleted.

Summary

- 32.1 The Council is concerned with intervening to reduce the potential for worsening childhood obesity levels in the Borough. Whilst it recognises that this issue is not likely to be addressed through planning policy alone, it contends that Government guidance, along with local evidence in relation to the prevalence of childhood obesity in Guildford justifies the Policy. Through preventing the further proliferation of hot food takeaways within walking distance of (secondary) schools, additional access to these types of outlet will be avoided.
- 32.2 A draft proposed modification is, however presented seeking to modify the policy to target it more clearly to avoiding proliferation of hot food takeaways in relation to secondary schools (rather than all schools).

Justification for Council’s approach

- 32.3 The Council is concerned with the prevalence of childhood obesity in Guildford. It appears that there is no evidence of a decline in this regard, rather there has been a marginal increase in its prevalence in terms of most recent available data. (see Table 32.1 below).

Prevalence of overweight and obesity in Guildford and its impacts

- 32.4 Whilst the propensity for childhood obesity (14%) amongst Year 6 children (ages 10-11) in Guildford is below the England average of 19.1%, it is above the Surrey average (13.2%). (see Table 32.1). This figure masks variation within the Borough (see Table 32.2) with some areas reflecting levels of childhood obesity well above the Surrey average and in some cases above (or approaching the England average).

Table 32.1: Childhood obesity prevalence (Year 6) for Guildford

Time Period	Guildford: % Obese: Year 6	Surrey: % Obese: Year 6	England: % Obese: Year 6
2012/13	12.5	12.8	18.9
2013/14	12.6	13.4	19.1
2014/15	14	13.2	19.1

Source: <https://www.surreyi.gov.uk/dataset/obesity-children>

Table 32.2: Childhood obesity prevalence (Year 6) within Guildford (by ward)

Region	Obese pupils - Year 6 (age 10-11 years) - % obese (2013/14 – 2015/16)
Ash South and Tongham	17.7
Ash Vale	18.7
Ash Wharf	20.5
Burpham	8.1
Christchurch	9.4
Clandon and Horsley	10
Effingham	10
Friary and St Nicolas	12.8
Holy Trinity	13.8
Lovelace	10
Merrow	8.1
Normandy	12.5
Onslow	11.2
Pilgrims	13.5
Pirbright	12.5
Send	10
Shalford	13.5
Stoke	17.8
Stoughton	14.2
Tillingbourne	no data
Westborough	16.4
Worplesdon	16.3

Source: <https://www.surreyi.gov.uk/dataset/obesity-and-excess-weight-prevalence-by>

32.5 The Council is concerned about the issue due to the damage it can cause to children’s health and well-being. The links between childhood obesity and health risks such as the onset of type 2 diabetes⁴⁵ and mental and emotional health⁴⁶ is well documented.

Causes of overweight and obesity – food environment

32.6 The Council recognises that the causes of obesity (and being overweight) amongst children are multifaceted and similarly that solutions to the issue are not simple. Changes are required to the environment to support greater levels of physical activity

⁴⁵ See for instance Abbasi A, Juszczak D, van Jaarsveld CHM, Gulliford MC. Body mass index and incident type 1 and type 2 diabetes in children and young adults: a retrospective cohort study. *J Endocr Soc* 2017;1(5):524–37

⁴⁶ See Public Health England (2015) Childhood obesity: applying All Our Health. <https://www.gov.uk/government/publications/childhood-obesity-applying-all-our-health/childhood-obesity-applying-all-our-health>

amongst children (e.g. sports programmes), but also to food intake and the wider food environment⁴⁷.

- 32.7 With regard to the former, the Borough have identified physical activity as a key action area within its Public Health Strategy. One of the four desired outcomes is to reduce the levels of childhood obesity⁴⁸.
- 32.8 The food environment is regarded as an important additional focus to address childhood obesity. This is supported by Government plans, which include interventions to make school food healthier. In this regard, the school food standards came into force from January 2015, which are to be updated and are likely to be broadened to apply to all schools. This approach recognises that access to foods with high levels of fat, low in fibre, along with sugar rich drinks and consumption of large portion sizes and high energy density foods present risks to greater obesity amongst children⁴⁹. Whilst this may help address the (healthier) food offering within schools, concerns remain regarding easy access to poor food alternatives within proximity of schools.
- 32.9 The Council are aware that the increasing consumption of out-of-home meals – that are often cheap and readily available at all times of the day – has been identified as an important factor contributing to rising levels of obesity. Furthermore, these meals tend to be associated with higher energy intake; higher levels of fat, saturated fats, sugar, and salt, and lower levels of micronutrients.⁵⁰

Planning policy as a justifiable means to restrict concentration of hot food takeaways in proximity to schools.

- 32.10 Planning policies can be used by councils to help promote healthier food and drink choices. Government has identified restricting the opening of new hot food takeaway outlets as part a means to control the over-concentration and proliferation of hot food takeaways as part of broader plans for tackling obesity⁵¹. This is included in the Public Health England (PHE) toolkit, which suggests that planning teams can create a healthier food environment through, inter alia, ensuring development avoids over-concentration of hot food takeaways in existing town centres or high streets, and restricting their proximity to schools or other facilities for children and young people and families (emphasis added)⁵².

⁴⁷ See <https://www.gov.uk/government/publications/childhood-obesity-a-plan-for-action/childhood-obesity-a-plan-for-action>

⁴⁸ See Health and Wellbeing Strategy, Guildford Health and Wellbeing Board (2017-2022)

⁴⁹ Government Office for Science (2007) Foresight Tackling Obesity: Future Choices – Project Report 2nd Edition

⁵⁰ See Public Health England (2017) Guidance Health matters: obesity and the food environment. <https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/health-matters-obesity-and-the-food-environment--2>

⁵¹ Ibid.

⁵² Ibid.

- 32.11 The Council is aware that there is precedent for this approach. A number of London Boroughs have adopted policy seeking to avoid the proliferation of hot food takeaways in proximity to schools and that this is being pursued as part of the London Plan.
- 32.12 The Council acknowledge the Inspector's comments that the policy would have no bearing on the many retail units that sell high calorie, high sugar food, or on the many existing takeaways. This Policy will not prejudice or affect existing takeaways in areas impacted by the Policy.
- 32.13 However, the Council are of the view that Policies E7(6), E8(5), E9(7) will contribute to wider efforts to address childhood obesity by reducing the likelihood of the proliferation of hot food takeaway outlets within walking distance of schools. The Council contend that this will play a role in reducing access to hot food takeaways by school children, which is regarded as one measure toward making a positive contribution to reducing the potential for childhood obesity.
- 32.14 This should be viewed within the Council's wider approach to addressing the Borough's health issues and as per its Health and Wellbeing Strategy.

Proposed amendments to Policies

- 32.15 The Council have further considered the scope of the policy and are of the view that focussing it on walking distance from secondary schools is more appropriate. This is in light of the view that secondary school children are more likely to visit these types of outlet by walking from school, especially when not supervised. These proposed changes are reflected below.

Outline of draft proposed modification to Policy E7: Guildford Town Centre

- 32.16 Draft proposed modification to policy:

- (6) Proposals for new food takeaways within 500m of **secondary** schools will not be accepted because of the potential negative impact on the health of school children.

Outline of draft proposed modification to Policy E8: District Centres

- 32.17 Draft proposed modification to policy:

- (5) Proposals for new hot food takeaways (Use Class A5) within 500m of **secondary** schools will not be accepted because of the potential negative impact on the health of school children.

Outline of draft proposed modification to Policy E9: Local Centres and isolated retail units

32.18 Draft proposed modification to policy:

- (7) Proposals for new hot food takeaways (Use Class A5) within 500m of secondary schools will not be accepted because of the potential negative impact on the health of school children.

Question 33 – Sustainable Design and Construction

The Written Ministerial Statement of 25 March 2015 states that local planning authorities should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. In addition, whilst the NPPF encourages local authorities to plan in locations and ways which reduce greenhouse gas emissions, it does not seek a heating and cooling hierarchy. The hierarchy Policy D2 is unnecessary and unduly prescriptive: for example, it unaccountably places individual dwelling renewable heating low in the hierarchy, fails to recognise the growth of renewable-generated energy through the national grid, and overlooks the fact that CHP is impractical in many cases and in any case involves pollutant emitting and carbon-generating energy production in urban areas. Given the contents of the WMS, sustainability statements and energy statements for all development are unnecessary and unduly onerous. The policy and supporting text needs to be deleted and replaced by a shorter, more effective policy. I suggest that this is an instance where the Council might look at the wording in the recently-produced draft NPPF as well as the context provided by the Building Regulations and the WMS.

Summary

- The policy and supporting text has been shortened and focused in response to the matters raised and to become more effective.
- The heating and cooling hierarchy has been removed and replaced with a general requirement to consider CHP within the District Heat Priority Areas and Sufficiently Large and Intensive Developments
- The requirements for energy and sustainability statements now only apply to major development.

Justification for Council's approach

“The Written Ministerial Statement of 25 March 2015 states that local planning authorities should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”

- 33.1 The policy does not set any technical standards relating to the construction, internal layout or performance of new buildings. It does set a technical standard relating to energy provision, which is not restricted by the Written Ministerial Statement of 25 March 2016 (the WMS) and is a power granted to Local Authorities through the Planning and Energy Act 2008. This is discussed further at paragraph 33.28 onwards and in more detail in the [Environmental Sustainability and Climate Change topic paper](#) (see paragraphs 3.8 and 4.21 to 4.26).
- 33.2 The submission policy includes a general requirement for developments to reduce energy use and carbon through selection of materials. This does not constitute a

technical standard, but it is understood that the Inspector is concerned that this may be in conflict with the WMS. To address the Inspector's concerns this is proposed to be removed.

“Whilst the NPPF encourages local authorities to plan in locations and ways which reduce greenhouse gas emissions, it does not seek a heating and cooling hierarchy. The hierarchy Policy D2 is unnecessary and unduly prescriptive: for example, it unaccountably places individual dwelling renewable heating low in the hierarchy, fails to recognise the growth of renewable-generated energy through the national grid, and overlooks the fact that CHP is impractical in many cases and in any case involves pollutant emitting and carbon-generating energy production in urban areas.”

- 33.3 The Council understands the Inspector's view and has removed the hierarchy from the policy. The policy retains a clause that requires CHP to be considered where development falls within a District Heat Priority Area or is defined as “Sufficiently Large and Intensive” development. These have been retained because decentralised heat has strong support across government policy. See the [Environmental Sustainability and Climate Change topic paper](#) paragraphs 4.24 to 4.26 and the [Environmental Sustainability and Climate Change evidence base document](#) paragraphs 3.8 and 3.21 for more information on the policy and evidence basis for CHP in policy D2.
- 33.4 It is agreed that CHP can be impractical in many cases. The policy (both the submission version and with the proposed amendments) requires CHP to be considered as a primary energy source only within the District Heat Priority Areas and within “Sufficiently Large and Intensive Developments” (defined in the policy supporting text). The Council considers that CHP is appropriate in these circumstances because:
- the District Heat Priority Areas have a suitably high density and a co-location of heat producers and potential customers
 - the definition of Sufficiently Large and Intensive Developments means they have a suitably high density, a size that can support provision of the network and will include or be located near a significant source of heat.
- 33.5 The District Heat Priority Areas have been identified through the [Guildford Renewable Energy Mapping Study](#) while the definition of Sufficiently Large and Intensive Developments has been developed with assistance from the Carbon Trust, the body that was previously the government's advisor on carbon reduction.
- 33.6 The Inspector has asked the Council to consider the wording in the proposed changes to the NPPF currently being consulted upon. The Council considers that its emerging policy is in line with the draft NPPF. It is noted in particular that the draft retains the support for “identifying suitable areas for renewable and low carbon energy and identifying opportunities where development can draw its energy supply from decentralised, renewable or low carbon supply systems and for co-locating potential heat customers and suppliers” at paragraph 150.

“It is also not clear how new buildings can require a “reduction in carbon emissions of at least 20%” since there is no baseline from which the reduction can be calculated.”

- 33.7 The baseline is included in the supporting text at 4.5.30. This has now also been added to policy D2(9) for clarity and to ensure the requirement is effective. The baseline is the same baseline used in the [Assessment of the Viability of Carbon Emission Targets for New Builds](#), which establishes that the requirement is viable and achievable.

“Given the contents of the WMS, sustainability statements and energy statements for all development are unnecessary and unduly onerous.”

- 33.8 The Council is of the view that the WMS of 25 March 2015 does not prohibit the LPA from requiring the submission of sustainability and energy statements by applicants in appropriate circumstances. The relevant part of the WMS states *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes... Local planning authorities may also need to review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications.”* The Council interprets the intention of this section as being to stop LPAs requiring technical details that *“are no longer necessary”* following the withdrawal of the Code for Sustainable Homes and the prohibition on technical standards except the new national technical standards, but it does not preventing the LPA from requesting information that is still needed.
- 33.9 The draft Planning Policy Guidance currently under consultation appears to confirm this is the correct approach as it states *“Strategic and local plans may require a variety of other environmental assessments, such as under the Habitats Regulations where there is a likely significant impact (which may not necessarily be within the same local authority area). This may also include assessments of energy and climate change (to help inform a proactive approach in plans to mitigating and adapting to climate change and help increase the use and supply of renewable and low carbon energy and heat)”* (our emphasis).⁵³
- 33.10 The Council recognises that the recommendation from the Inspector is focused on reducing the burden on applicants for planning permission. In view of this, the Council has changed the requirement for sustainability and energy statements so that they are only required for major developments (10 or more dwellings gross, or commercial developments over 1000m² gross). For smaller developments, the

⁵³ “What evidence might be needed to plan for the natural environment?”
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687239/Draft_planning_practice_guidance.pdf

relevant information can be included within the application or Design and Access Statement. Para 4.5.16a asks for sustainability and energy statements to be proportionate for the development so the Council does not think that this will be burdensome for major developments.

- 33.11 Major developments are defined through gross thresholds rather than net because the scale of the work is likely to dictate the ability of developments to produce energy and sustainability statements, not the amount of net development.
- 33.12 The proposed Sustainable Design and Construction SPD will set out guidance to make it easier for applicants to understand what information should be submitted. For minor developments, compliance with the 20 per cent carbon reduction requirement can be demonstrated in the same way as for the current 10 per cent requirement, which is for the developer to provide a calculation that typically shows the building regulations Target Emissions Rate (TER) for the building, the amount of carbon saved through provision of low carbon energy and the percentage reduction on the TER. For minor developments, the sustainable development requirements in paragraphs 1-3 of the policy can be demonstrated simply by listing the proposed measures within the application.
- 33.13 To deliver the above, D2(1) has been reworded and a new D2(11) has been added as follows.

(1) Proposals for zero carbon development are strongly supported. Proposals Applications for development, including refurbishment, conversion and extensions to existing buildings, are required to set out in a sustainability statement how they will deliver should include information setting out how sustainable design and construction practice will be incorporated including:...

(11) Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at (5)-(10) of this policy. For major development, this should take the form of an energy statement.

“The policy and supporting text needs to be deleted and replaced by a shorter, more effective policy. I suggest that this is an instance where the Council might look at the wording in the recently-produced draft NPPF as well as the context provided by the Building Regulations and the WMS.”

- 33.14 The Council is of the view that this has been achieved by the proposed amendments. The [Environmental Sustainability and Climate Change topic paper](#) discusses how development of the policy has had regard to the NPPF, the WMS and the Building Regulations. The Council notes that the proposed changes to the NPPF focus on the provision of renewable and low carbon energy and heat rather than energy efficiency improvements, which the policy as amended accords with. The policy also has regard to the context provided by the Building Regulations where it refers to the use of the Target Emission Rate (TER) as a baseline for calculating a 20 per cent reduction in carbon emissions.

- 33.15 The consultation on the draft NPPF states “The Clean Growth Strategy sets out the Government’s plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals.” The consultation also asks whether paragraph 149b should have further amendments to reflect the ambitions of the Clean Growth Strategy.
- 33.16 The Government appears to be looking towards the NPPF to help deliver the ambitions of the strategy. The strategy states “Moving to a productive low carbon economy cannot be achieved by central government alone.... Local areas are best placed to drive emission reductions through their unique position of managing policy on land, buildings, water, waste and transport. They can embed low carbon measures in strategic plans across areas such as health and social care, transport, and housing.” (Clean Growth Strategy, p118. our emphasis). The Council is of the position that Policy D2 with the proposed amendments is appropriate and helps to deliver the ambitions of the Clean Growth Strategy while retaining compliance with the current NPPF and the Inspector’s recommendations.

Justification for the remaining parts of Policy D2

- 33.17 Policy D2(1)(a) which requires “the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates” has been retained. This requirement delivers Surrey Minerals Policy MC4 which states that the Mineral Planning Authority, in partnership with LPAs and other bodies, will promote the use of sustainable design and construction that provides for efficient use of minerals and enables the incorporation of a proportion of recycled or secondary aggregate in new projects.
- 33.18 Policy D2(1)(b) which requires “waste minimisation and reusing material derived from excavation and demolition” has been retained as it delivers the following two county policies:
- Surrey Waste Plan Policy CW1, which encourages Local Planning Authorities to include policies in development plans which seek to minimise waste in construction
 - Surrey Minerals Plan Core Strategy Policy MC5, which seeks to ensure that development plans encourage the re-use of construction and demolition waste at source or its separation and collection for recycling.
- 33.19 Retaining policies D2 (1)(a) and (b) will ensure that development management decisions are consistent with the Surrey Waste and Minerals plans, which also form part of the development plan. The inclusion of requirements 1(a) and 1(b) is supported by Surrey County Council. These requirements also satisfy the NPPF where it requires:
- the minimisation of waste and pollution (paras. 7, 17, 110, and 143).
 - the prudent use of natural resources (para. 7).

33.20 Policy D2(1)(c) which requires the “*use of landform, layout, building orientation, massing and landscaping to minimise energy consumption*” has been retained (with proposed amendments to fit the proposed rewording to the opening paragraph of the policy). This meets NPPF paragraph 96 which requires local planning authorities when determining planning applications to expect new development to “*take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*”.

33.21 Policy D2(1)(d) has been retained and reworded as to require “*water efficiency that meets highest national standard*”. Guildford borough is in an area of serious water stress so qualifies for the adoption of the national technical standard for water efficiency. The supporting text as amended sets out the following text:

4.5.20 The “national standard” for water efficiency refers to any nationally described standard on water consumption in new developments. The “highest national standard” refers to the standard that has the lowest water consumption. At the present time, the “highest national standard is the “optional requirement” described by regulation 36 paragraph 2(b) of the Building Regulations 2010 which sets a water efficiency standard for new dwellings of 110 litres per occupant per day. If one or more new national standards are introduced, the standards that have the lowest water consumption will apply. Compliance with the “optional requirement” is assessed through the building regulation process.

33.22 The policy refers to the “highest national standard” rather than directly to the optional standard set out in the Building Regulations for two reasons:

- it seems possible that the optional standard may be tightened
- the serious nature of the water situation in Guildford borough warrants the highest standard available.

33.23 The current national minimum standard for water efficiency in new dwellings is 125 litres per person per day. Local Authorities in areas of water stress (or where other justifications exist) can adopt the optional minimum standard of 110 litres per person per day, a standard that was included in the new optional technical standards introduced in 2015. The cost of implementing the 110 litres per day water standard over the national standard has been found to be between £6 and £9 in the [Cost Impact Report for the Housing Standards Review](#) produced by EC Harris. The tighter standard can also be achieved through a fittings only approach, which makes compliance very easy, and is assessed through the building control water calculator which must be undertaken in all circumstances, so carries no additional process cost. As a result, the Council is of the view that there is a good chance that the national standard will be amended to 110 litres per person per day, with a consequential tightening in the optional standard.

33.24 If a tighter national standard for water use becomes available, this should be adopted in Guildford borough for the following reasons.

- The borough is in an area classified by the government as experiencing “serious water stress”

- Despite this, per-capita water consumption is higher than in other areas⁵⁴
- Planned reductions in abstraction of water from the environment, a rising population, changing rainfall patterns and potential water transfer to the London zone will exacerbate this problem
- This combination of issues means that the borough experiences one of the most serious water supply and demand situations in the UK.

33.25 Therefore, the policy refers to the “highest national standard” in order to future proof the policy and to ensure the serious issue of water stress receives the benefit of the strongest available policy measures.

33.26 Policy D2(1)(e) which requires “*measures that enable sustainable lifestyles for the occupants of the buildings*” has been retained. The Council considers that these measures are reasonable and that compliance can be assessed through information provided in the planning application or the sustainability statement (for major development). Measures can include the provision of facilities like composting and recycling storage, so can help to deliver Policy CW1 of the Surrey Waste Plan. Measures can also include provision of parking for car clubs and electric car charging points, which complement the measures in Policy ID3.

33.27 Policy D2(4) which requires “*adaptations for a changing climate and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience to the full range of expected impacts*”. This has been retained because the NPPF requires the local plan to drive adaptation to climate change (paragraphs 7, 94, 99 and 156).

33.28 Policy D2(9) requires new developments to achieve a 20 per cent reduction in carbon emissions against the relevant Target Emissions Rate in building regulations. This has been included in the policy for the following reasons:

- LPAs have been granted the power to require a proportion of energy used in developments to be sourced from renewable and low carbon sources
- It is not prohibited by the WMS
- The requirement is viable and achievable

33.29 The Planning and Energy Act 2008 states:

(1) A local planning authority in England may in their development plan documents, a strategic planning panel may in their strategic development plan, and a local planning authority in Wales may in their local development plan, include policies imposing reasonable requirements for—

- (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;*
- (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;*
- (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.*

⁵⁴ See page 24 of the [Environmental Sustainability and Climate Change evidence base document](#)

33.30 The WMS of 25 March 2015 placed a prohibition on technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Policy D2(9) requires the provision of energy. This is not covered by “energy performance”, which refers to energy efficiency. This is confirmed by the amendments to the Planning and Energy Act (not yet commenced) made by the government through the Deregulation Act 2015. The Deregulation Act amends subsection 1(c) of the Planning and Energy Act so that it does not apply to dwellings. No amendments have been made to subsections 1(a) and 1(b) which indicates that LPAs are intended to retain the power to require the provision of renewable and low carbon energy.

33.31 Furthermore, both the current and draft NPPFs include the following text at paragraphs 96 and 152 respectively:
In determining planning applications, local planning authorities should expect new development to... comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable...

33.32 The Council has produced the [Assessment of the Viability of Carbon Emission Targets for New Builds, which sets out how the 20 per cent reduction in carbon emissions can be achieved and what the likely uplift on build costs will be. These costs have been incorporated into the viability testing for the local plan and have been found to be viable. The requirement is both viable and achievable.](#)

Outline of draft proposed modifications to D2

Tracked changes version of the amended policy: pages 63-71.

Clean version (no tracked changes) of the policy: pages 72-78.

Tracked changes version: Policy D2: Sustainable design, construction and energy

Introduction

Sustainable development

- 4.5.9 The NPPF states that sustainable development means achieving growth while “ensuring that better lives for ourselves don’t mean worse lives for future generations”. ~~In environmental terms, this means taking into account the impact of our consumption patterns on the environment’s ability to provide both for ourselves and for future generations, and living within the environmental limits of one planet. In practice, this means being careful about how much we consume, reusing materials and favouring renewable resources over finite resources.~~
- ~~4.5.10 The NPPF sets out the government’s vision of sustainable development, and highlights the key themes that should be addressed including:~~
- ~~(a) water supply and demand (paragraphs 94 and 99)~~
 - ~~(b) minimisation of waste and pollution (paragraphs 7, 17, 109, 110, 143 and~~
 - ~~(c) 156)~~
 - ~~(d) promotion of renewable, low carbon and decentralised energy (paragraphs 93 and 97)~~
 - ~~(e) the prudent use of natural resources (paragraph 7)~~
 - ~~(f) radical reduction of greenhouse gas emissions (paragraph 93), and~~
 - ~~(g) management of the risks of climate change through suitable adaptation measures in new developments (paragraphs 14, 94, 99 and 156).~~

Climate change and the low carbon economy

- 4.5.11 The NPPF identifies climate change and the movement to a low carbon economy as a key challenge~~s~~ for the planning system ~~to address and requires it to assist in the movement towards a low carbon economy.~~ The South East of England is likely to face significant challenges from a changing climate and changing weather patterns. To avoid the costs associated with retrofitting and replacement, new buildings should be future proofed; suited to, and easily adaptable for, the range of climate conditions and weather patterns we are likely to see over the next century and adaptable to new technologies. The buildings we build today are likely to be with us into the next century, so the benefits of building adaptable and ~~energy and resource~~ efficient developments will last a long time.
- 4.5.12 A significant percentage of our carbon emissions come from our homes (32 per cent in our borough⁵⁵). Our current housing stock will remain in use for a long time so retrofitting existing homes for better energy efficiency is a vital step for reducing carbon emissions. The Council supports the retrofitting of buildings for energy efficiency where planning permission is required. Retrofitting heritage assets in a way that conserves their significance can be difficult. In these cases, the Council will work with applicants to find appropriate solutions, and bodies like Historic England provide useful guidance.

⁵⁵ UK local authority and regional carbon dioxide emissions national statistics: 2005-2012 (2013, DECC)

Resources and waste

- 4.5.13 ~~The efficient use of water is a particularly important issue in our borough.~~ Projections of changing rainfall patterns, an increasing population, planned reductions in abstraction and proposed water transfer schemes mean that our water supply is likely to come under increasing pressure in an area already identified as being under serious water stress. Producing clean water carries a carbon cost, so using water more efficiently can have an impact on carbon emissions as well as helping to conserve water stocks.
- 4.5.14 The issue of waste is directly linked to the way we use resources. Reusing waste products and materials and reclaiming materials through recycling can reduce our consumption of primary resources and support the move to a circular economy. Around a third of the UK's waste comes from the construction and demolition sector.
- 4.5.15 Early engagement between developers and the Council to help achieve the greatest sustainability benefit is encouraged. ~~Applicants for planning permission should submit statements that set out how the requirements set out in policy D2 will be met.~~ The Council will support this work by signposting relevant advice and providing guidance through the Sustainable Design and Construction Supplementary Planning Document (SPD).

POLICY D2: Sustainable design, construction and energy

Sustainable development

- (1) Proposals for zero carbon development are strongly supported. ~~Proposals Applications~~ for development, including refurbishment, conversion and extensions to existing buildings, ~~are required to set out in a sustainability statement how they will deliver~~ should include information setting out how sustainable design and construction practice will be incorporated including (where applicable):
- ~~5.1 (a) — sustainable design and construction practice including (where applicable):~~
- ~~(a)(i)~~ the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates
 - ~~(b)(ii)~~ waste minimisation and reusing material derived from excavation and demolition
 - ~~(iii) the use of materials both in terms of embodied carbon and energy efficiency~~
 - ~~(c)(iv)~~ use of landform, layout, building orientation, massing and landscaping to minimise energy consumption
- ~~5.2 (b) — the lowest level of carbon emissions (direct and embodied);~~
- ~~(d)(c)~~ the highest levels of energy and water efficiency water efficiency that meets the highest national standard and
 - ~~(e)(d)~~ measures that enable sustainable lifestyles for the occupants of the buildings.
- (2) When meeting these requirements, the energy and waste hierarchies should be followed except where it can be demonstrated that greater sustainability can be achieved by utilising measures further down the hierarchy. ~~The Sustainable Design and Construction Supplementary Planning Document (SPD) sets out guidance on appropriate standards and practice.~~
- (3) Major development should include a sustainability statement setting out how the matters in this policy have been addressed. Smaller developments should include information proportionate to the size of the development in the planning application.

Climate Change Adaptation

- (34) ~~All Dd~~ developments should be fit for purpose and remain so into the future. ~~Development proposals~~ Proposals for major development are required to set out in a sustainability statement how they have incorporated adaptations for a changing climate and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience to the full range of expected impacts.

Renewable, low carbon and decentralised energy

- (45) The development of low and zero carbon and decentralised energy, including (C)CHP* distribution networks, is strongly supported and encouraged.
- ~~(5) All new developments are required to connect to (C)CHP distribution networks where they exist, or incorporate the necessary infrastructure for connection to future networks, unless it can be clearly demonstrated that doing so is not feasible or that utilising a different energy supply would be more sustainable.~~
- (6) Proposals for development within Heat Priority Areas as shown on the Policies Map and all sufficiently large or intensive developments must demonstrate that (C)CHP has been given adequate consideration as the primary source of energy, ~~demonstrate that heating and cooling technologies have been selected in accordance with the following heating and cooling hierarchy unless it can be clearly demonstrated that an alternative approach would be more sustainable:~~
- ~~1— Connection to existing (C)CHP distribution networks~~
 - ~~2— Site wide renewable distribution networks including renewable (C)CHP~~
 - ~~3— Site wide gas-fired (C)CHP distribution networks~~
 - ~~4— Renewable communal heating networks~~
 - ~~5— Gas-fired communal heating networks~~
 - ~~6— Individual dwelling renewable heating~~
 - ~~7— Individual dwelling heating, with the exception of electric heating~~
- ~~(7) Where (C)CHP distribution networks already exist, new developments are required to connect to them or be connection-ready unless it can be clearly demonstrated that utilizing a different energy supply would be more sustainable or connection is not feasible.~~
- ~~(8) All (C)CHP systems are required to be scaled and operated in order to maximise the potential for carbon reduction. Developments that do not connect to or implement (C)CHP or communal heating networks should be 'connection-ready'.~~
- ~~(8) Energy statements must be provided to demonstrate and quantify how development will comply with the energy requirements of this policy. Guildford Borough Council will work proactively with applicants on major developments to ensure these requirements can be met.~~

Carbon reduction

- (9) New buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent below the relevant Target Emission Rate (TER) set out in the Building Regulations 2010 (as amended) (Part L). This should be achieved through the provision of appropriate renewable and low carbon energy technologies in the locality of the development. Where it can clearly be shown that this is not possible, offsite offsetting measures in line with the energy hierarchy should be delivered. ~~Proposals should set out how this will be achieved in an energy statement.~~
- (10) Retail units falling within Use Classes A1, A2, A3 and A4 in Guildford Town Centre are not subject to the carbon reduction requirement at paragraph (9).

(11) Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at paragraphs 5-10 of this policy. For major development, this should take the form of an energy statement.

* (C)CHP refers to both combined cooling heating and power (CCHP) and combined heating and power (CHP).

Definitions

- 4.5.16 Zero carbon development means ~~zero carbon as defined nationally. At present, this means~~ development where emissions from all regulated energy use are eliminated or offset. This definition may be reviewed in the future.
- 4.5.16a Major development is defined as residential development of 10 or more gross new dwellings or commercial development of 1000 sqm gross new floorspace or more. Sustainability and energy statements should set out a level of detail proportionate to the scale of development.
- 4.5.17 The energy and waste hierarchies set out the sequence of steps that should be followed to make development more sustainable. The sequence of steps in the hierarchies will sometimes depend upon the full life cycle approach to impacts. As an example, landfill may be preferable to energy recovery for some materials. Decisions in this regard should be based on information or guidance from a reliable and authoritative source.
- ~~4.5.18 Embodied carbon means carbon dioxide emitted during the manufacture, transport and construction of materials and the end of life emissions released when materials are recycled, incinerated or otherwise disposed of. The embodied carbon in a material is often identified through a life cycle analysis.~~
- ~~4.5.18a Direct carbon emissions refers to the carbon emissions that result from the construction and occupation of a development, including the emissions from building services like lighting and heating.~~
- ~~4.5.18b The lowest level of carbon emissions (direct and embodied) means that direct and embodied carbon emissions have been eliminated as a first step, then minimised and finally offset.~~
- 4.5.19 The approach to water management should follow the basic principles of the hierarchies, with elimination and efficiency as the first steps, and other measures, including water harvesting and grey water reuse systems, coming later.

The energy hierarchy	The waste hierarchy
<p>Step 1: Eliminate energy need Developments should be designed to eliminate the need for energy through measures including:</p> <ul style="list-style-type: none"> • design of the scheme layout • thermally efficient construction methods and materials • design features that eliminate the need for appliances 	<p>Step 1: Eliminate waste Construction practice and design should reduce waste wherever possible through measures including:</p> <ul style="list-style-type: none"> • efficient procurement avoiding over-supply and excessive packaging • eliminating waste at the design stage. <p>Step 2: Reuse waste materials Reuse waste materials, ideally in its</p>

- making optimal use of passive heating and cooling systems

Step 2: Use energy efficiently

Developments should incorporate energy efficient systems, equipment and appliances to reduce the remaining energy demand. Energy storage devices may improve efficiency.

Step 3: Supply energy from renewable and low carbon sources

The remaining energy need should be met from renewable and low carbon sources.

Step 4: Offset carbon emissions

As a final step, remaining emissions should be offset, for example through off-site measures that reduce carbon emissions or remove carbon from the atmosphere.

current location, avoiding the energy costs associated with transport and recycling.

Step 3: Recycle/compost waste materials

Recover materials through recycling and substitute for primary materials. Compost organic material to produce rich soils that replace fertilisers, ideally in a closed system to avoid the emissions released by organic material in landfill.

Step 4: Recover energy

If it cannot be reused or recycled, use waste instead of fossil fuels in energy generation to recover embodied energy.

Step 5: Disposal to landfill

Usually the last resort. Disposal to landfill wastes materials and embodied energy.

- 4.5.20 The ~~highest level~~ national standard ~~offer~~ water efficiency ~~means that developments should achieve~~ refers to any nationally described standard on water consumption in new developments. The “highest national standard” refers to the standard that has the lowest water consumption. At the present time, the “highest national standard is the “optional requirement” described by regulation 36 paragraph 2(b) of the Building Regulations 2010 ~~as a minimum. This “optional requirement”~~ which sets a water efficiency standard for new buildings of 110 litres per occupant per day. ~~If one or more the “optional requirement” building regulation is tightened, or a new national standards~~ are introduced, ~~the highest level of water efficiency will refer to~~ the standards ~~that have~~ the lowest water consumption will apply. Compliance with the “optional requirement” is assessed through the building regulation process.
- 4.5.21 The suitability of measures that support sustainable lifestyles for building occupants will be considered on a case by case basis. They could include features such as storage for recyclable materials, energy storage devices, composting facilities, laundry drying areas, use of natural light and solar gain, energy saving appliances, parking for bicycles and electric vehicle charging points.
- 4.5.22 The full range of expected climate change impacts are set out in publications from UK Climate Projections 2009 (UKCP09, to be reviewed in 2018) and from other national and international bodies. The Guildford Environmental Sustainability and Climate Change Study presents a summary from several sources.
- 4.5.23 Decentralised energy means energy that is produced near where it is used, rather than at a large plant further away and supplied through the national grid. Energy can refer to electricity and heat. The Council supports delivery of decentralised energy schemes with an aspiration that these should have some degree of community benefit and/or community ownership where this is possible.
- 4.5.24 (C)CHP refers to both combined cooling, heating and power (CCHP) and combined heating and power (CHP). ~~The energy hierarchy should be followed when considering~~

~~which technology to use and consideration should be given to whether the need for cooling can be met through passive cooling and other design features. The solution that results in the lowest carbon emissions should be chosen.~~

~~4.5.25 Where the policy refers to communal heating/cooling networks it means systems that distribute heating and cooling to a number of dwellings within one building but do not use (C)CHP as their source (i.e. they do not include power generation). Distribution networks mean systems that connect two or more distinct buildings. For the purposes of this policy, energy efficient heat pumps are considered to be renewable heating technologies.~~

4.5.26 Where (C)CHP distribution networks already exist, new developments are required to connect to them unless there are clear reasons why this is not feasible. When considering new power and heating systems, the hierarchy should be followed unless it can be clearly demonstrated that other sources of energy would be more sustainable, particularly through lower carbon emissions and taking full account of the benefits of providing both heating and cooling.

4.5.27 Sufficiently large or intensive developments are defined as any of the following:

- (a) residential only developments of at least 50 dwellings per hectare and/or at least 300 dwellings
- (b) residential only developments of 50 dwellings or more that are located near a significant source of heat
- (c) mixed developments of 50 dwellings or more that include either two or more non-residential uses or a single use that would generate significant amounts of heat, such as a swimming pool.

4.5.28 Where developments fall within Heat Priority Areas, as shown on the Policies Map, the provision of new (C)CHP distribution networks should be considered feasible unless it can clearly be demonstrated otherwise. Where single building networks are proposed, these should be capable of expanding to connect with other networks and heat sources in the future. Outside the Heat Priority Areas, the provision of new (C)CHP distribution networks should be considered feasible for sufficiently large or intensive developments unless it can be demonstrated otherwise. Where sites have a variable density and it can be shown that the use of a (C)CHP distribution network across the whole of the site is not feasible, consideration must be given to a partial solution on the higher density elements of the site.

4.5.28a (C)CHP systems should be scaled and operated in a way that produces the lowest carbon emissions. A CHP system only generates carbon and financial savings when it is running and the more it runs, the more energy efficient and cost-effective it will be. As a result, CHP will likely only be appropriate where there is a high and constant demand for heat. A recommended rule of thumb is at least 4,500 – 5,000 hours per year, depending on the application. The size of the system should be determined by the heat load and demand profile. If there is a high demand for cooling then CCHP, with the heat converted to cooling, may also be environmentally and economically viable. (C)CHP systems should be designed and operated to be energy efficient, with the selection of optimum operating temperatures and measures to minimise heat losses.

4.5.29 'Connection-ready' means developments that are optimally designed to connect to a (C)CHP or communal heat network on construction or at some point after construction. Developments will be 'connection-ready' if they use a centralised communal wet heating system rather than individual gas/electric boilers or electric heating, and proposals comply with the minimum requirements outlined in the Chartered Institute of

Building Services Engineers (CIBSE) Heat Networks Code of Practice.

- 4.5.30 New developments, except retail developments in Guildford Town Centre, but including non-retail units within mixed use developments, must achieve a reasonable reduction in carbon emissions of at least 20 per cent through the provision of appropriate low and zero carbon energy technologies in the locality of the development. This should be achieved after energy efficiency has been addressed, in line with the Energy Hierarchy. Technologies will be considered appropriate only where they would be effective. The reduction in emissions is judged against a baseline of the relevant Target Emission Rate (TER) set out in the Building Regulations. For types of development where no TER is set out, reductions should be made against the typical predicted energy use of building services. This represents a minimum standard and where possible this should be ~~improved upon-exceeded in order to meet the requirement to deliver the lowest level of carbon emissions (direct and embodied). The Council will review this standard at appropriate intervals.~~
- 4.5.30a The financial viability of the requirements set out in Policy D2 will be considered as part of the planning application process.

Reasoned justification

- 4.5.31 The NPPF describes the role of planning as helping to secure “radical reductions” in greenhouse gas emissions and helping to meet the objectives of the Climate Change Act 2008, which includes CO₂ emissions reductions targets of 34 per cent by 2020 and 80 per cent by 2050 against a 1990 baseline. The UK has a further target for generating 15 per cent of energy (including heat) from renewable sources by 2020. These national targets are ambitious so our borough’s efforts at carbon reduction and increasing renewable energy must also be ambitious.
- ~~4.5.32 National policy, guidance and legislation indicates that local planning policy should focus on sustainable design while building regulations focus on technical standards. Therefore, new developments are required to implement sustainable design and construction measures that address carbon emissions, waste and climate change adaptation.~~
- 4.5.33 Local Authorities are empowered to require developments to provide a proportion of their energy from renewable and low carbon sources through planning policy. ~~The Our~~ borough lags behind much of the UK in small scale renewable energy generation capacity⁵⁶. ~~Therefore, i~~n order to play our part in achieving the UK’s carbon reduction and renewable energy commitments, new developments are required to meet a percentage of their energy requirements through on-site low and zero carbon energy generation.
- 4.5.34 The NPPF requires the Local Plan to have a positive strategy to promote renewable, low carbon and decentralised energy, and places particular significance on (C)CHP networks. Therefore, the development of decentralised energy, and particularly (C)CHP distribution networks, is strongly supported.
- 4.5.35 (C)CHP distribution networks can work at a range of scales from a single building up to a city and can provide low or zero carbon power, heat and cooling in a cost-effective, efficient and environmentally sound way. (C)CHP removes the need for individual gas boilers and large plant rooms, which provides flexibility in building design and

⁵⁶ Guildford Environmental Sustainability and Climate Change Study 2013

maximises space for living and amenity. The UK Government Heat Strategy outlines the significant role that (C)CHP could play in decarbonizing the UK gas grid, offering a future-proofed, flexible and efficient solution to local energy supply.

- 4.5.36 Where (C)CHP uses a gas fired engine it will produce direct carbon emissions, though these systems are still highly efficient. The engines in (C)CHP systems need replacing after a certain amount of time so there is an opportunity to replace gas engines with engines that use renewable fuels when they come to the end of their lives.
- 4.5.37 It is acknowledged that requiring developers of a single building to consider implementing (C)CHP on a scale wider than their own development would not be fair. Therefore, the Council encourages the delivery of single building communal systems that can be connected to (C)CHP distribution networks and other sources of heat in the future.
- 4.5.37a National planning policy instructs local planning authorities to promote and encourage low carbon development subject to considerations of feasibility and viability. The Council has produced the “Assessment of the Viability of Carbon Emission Targets for New Builds” which sets out the viability of achieving the 20 per cent reduction in carbon emissions and provides examples of how it can be achieved. The assessment identifies a cost impact on retail development and it is acknowledged that there are particular viability issues for retail developments in Guildford town centre. As Guildford town centre is a sustainable location for retail developments, new retail units in the town centre are exempted from the carbon reduction requirement as, on balance, this could have a negative impact on sustainable development by discouraging retail development in this sustainable location.
- 4.5.38 The Guildford Environmental Sustainability and Climate Change Study identifies the particular issue of increasing pressure on water stocks in an area already classed as being under serious water stress. Water consumption in our borough is significantly higher than in other parts of the UK. This indicates both a significant scope for improving the way we use water and the need for a water efficiency standard in new dwellings above the basic national standard. At the present time, the ~~only standard that can be adopted~~ highest national standard is the “optional requirement” set out in regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) of 110 litres per occupant per day. in the building regulations. However, this standard may be improved in the future and it is considered that local circumstances warrant the implementation of the highest standard available, and the highest standard will always be sought. This standard is considered a minimum as in many cases it may be possible to achieve a better standard.
- 4.5.39 The Surrey Waste Partnership, comprising Surrey County Council and Surrey’s Borough and District Councils, is responsible for setting the waste management strategy. Surrey County Council is responsible for implementing much of the strategy through its Waste Plan. The waste management behaviour of households in our borough is ~~something that is~~ best addressed through policies and action plans created by our recycling and waste services team. However, around a third of the UK’s waste comes from the construction and demolition sector, which is an area where planning policy can have an impact. Construction waste should be reused and recycled where possible in line with the waste hierarchy.

Key Evidence

- Guildford Environmental Sustainability and Climate Change Study (Guildford Borough Council, 2013)
- Guildford Renewable Energy Mapping Study (Guildford Borough Council, 2015)
- Assessment of the Viability of Carbon Emission Targets for New Builds (Guildford Borough Council, 2017)

Monitoring Indicators

Indicator	Target	Data source
Megawatts of installed small scale low and zero carbon energy capacity	Increase in capacity to reach UK average	Ofgem Feed in Tariff quarterly reports
Low and zero carbon decentralised energy networks	Increase in number	Planning applications and appeals
Average energy consumption/carbon emissions per household	Reduction in energy consumption/emissions to reach UK average	National statistics
No. of new dwellings complying with higher water efficiency standard	All new homes to comply with standard	Building regulations final certificates
Amount of waste sent for energy recovery/recycling	Increase in amount sent for recycling	National statistics

Clean version: Policy D2: Sustainable design, construction and energy

Introduction

Sustainable development

- 4.5.9 The NPPF states that sustainable development means achieving growth while “ensuring that better lives for ourselves don’t mean worse lives for future generations”.

Climate change and the low carbon economy

- 4.5.11 The NPPF identifies climate change and the movement to a low carbon economy as a key challenges for the planning system. The South East of England is likely to face significant challenges from a changing climate and changing weather patterns. To avoid the costs associated with retrofitting and replacement, new buildings should be future proofed; suited to, and easily adaptable for, the range of climate conditions and weather patterns we are likely to see over the next century and adaptable to new technologies. The buildings we build today are likely to be with us into the next century, so the benefits of building adaptable and efficient developments will last a long time.
- 4.5.12 A significant percentage of our carbon emissions come from our homes (32 per cent in our borough⁵⁷). Our current housing stock will remain in use for a long time so retrofitting existing homes for better energy efficiency is a vital step for reducing carbon emissions. The Council supports the retrofitting of buildings for energy efficiency where planning permission is required. Retrofitting heritage assets in a way that conserves their significance can be difficult. In these cases, the Council will work with applicants to find appropriate solutions, and bodies like Historic England provide useful guidance.

Resources and waste

- 4.5.13 Projections of changing rainfall patterns, an increasing population, planned reductions in abstraction and proposed water transfer schemes mean that our water supply is likely to come under increasing pressure in an area already identified as being under serious water stress. Producing clean water carries a carbon cost, so using water more efficiently can have an impact on carbon emissions as well as helping to conserve water stocks.
- 4.5.14 The issue of waste is directly linked to the way we use resources. Reusing waste products and materials and reclaiming materials through recycling can reduce our consumption of primary resources and support the move to a circular economy. Around a third of the UK’s waste comes from the construction and demolition sector.
- 4.5.15 Early engagement between developers and the Council to help achieve the greatest sustainability benefit is encouraged. The Council will support this work by signposting relevant advice and providing guidance through the Sustainable Design and Construction Supplementary Planning Document (SPD).

⁵⁷ UK local authority and regional carbon dioxide emissions national statistics: 2005-2012 (2013, DECC)

POLICY D2: Sustainable design, construction and energy

Sustainable development

- (1) Proposals for zero carbon development are strongly supported. Applications for development, including refurbishment, conversion and extensions to existing buildings should include information setting out how sustainable design and construction practice will be incorporated including (where applicable):
 - (a) the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates
 - (b) waste minimisation and reusing material derived from excavation and demolition
 - (c) use of landform, layout, building orientation, massing and landscaping to minimise energy consumption
 - (d) water efficiency that meets the highest national standard and
 - (e) measures that enable sustainable lifestyles for the occupants of the buildings.
- (2) When meeting these requirements, the energy and waste hierarchies should be followed except where it can be demonstrated that greater sustainability can be achieved by utilising measures further down the hierarchy.
- (3) Major development should include a sustainability statement setting out how the matters in this policy have been addressed. Smaller developments should include information proportionate to the size of the development in the planning application.

Climate Change Adaptation

- (4) All developments should be fit for purpose and remain so into the future. Proposals for major development are required to set out in a sustainability statement how they have incorporated adaptations for a changing climate and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience to the full range of expected impacts.

Renewable, low carbon and decentralised energy

- (5) The development of low and zero carbon and decentralised energy, including (C)CHP* distribution networks, is strongly supported and encouraged.
- (6) Proposals for development within Heat Priority Areas as shown on the Policies Map and all sufficiently large or intensive developments must demonstrate that (C)CHP has been given adequate consideration as the primary source of energy.
- (7) Where (C)CHP distribution networks already exist, new developments are required to connect to them or be connection-ready unless it can be clearly demonstrated that utilizing a different energy supply would be more sustainable or connection is not feasible.
- (8) All (C)CHP systems are required to be scaled and operated in order to maximise the potential for carbon reduction.
- (9) New buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent below the relevant Target Emission Rate (TER) set out in the Building Regulations 2010 (as amended) (Part L). This should be achieved through the provision of appropriate renewable and low carbon energy technologies in the locality of the development. Where it can clearly be shown that this is not possible, offsite offsetting measures in line with the energy hierarchy should be delivered.

- (10) Retail units falling within Use Classes A1, A2, A3 and A4 in Guildford Town Centre are not subject to the carbon reduction requirement at paragraph (9).
- (11) Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at paragraphs 5-10 of this policy. For major development, this should take the form of an energy statement.

* (C)CHP refers to both combined cooling heating and power (CCHP) and combined heating and power (CHP).

Definitions

- 4.5.16 Zero carbon development means development where emissions from all regulated energy use are eliminated or offset. This definition may be reviewed in the future.
- 4.5.16a Major development is defined as residential development of 10 or more gross new dwellings or commercial development of 1000 sqm gross new floorspace or more. Sustainability and energy statements should set out a level of detail proportionate to the scale of development.
- 4.5.17 The energy and waste hierarchies set out the sequence of steps that should be followed to make development more sustainable. The sequence of steps in the hierarchies will sometimes depend upon the full life cycle approach to impacts. As an example, landfill may be preferable to energy recovery for some materials. Decisions in this regard should be based on information or guidance from a reliable and authoritative source.
- 4.5.19 The approach to water management should follow the basic principles of the hierarchies, with elimination and efficiency as the first steps, and other measures, including water harvesting and grey water reuse systems, coming later.

The energy hierarchy	The waste hierarchy
<p>Step 1: Eliminate energy need Developments should be designed to eliminate the need for energy through measures including:</p> <ul style="list-style-type: none"> • design of the scheme layout • thermally efficient construction methods and materials • design features that eliminate the need for appliances • making optimal use of passive heating and cooling systems <p>Step 2: Use energy efficiently Developments should incorporate energy efficient systems, equipment and appliances to reduce the remaining energy demand. Energy storage devices may improve efficiency.</p> <p>Step 3: Supply energy from renewable</p>	<p>Step 1: Eliminate waste Construction practice and design should reduce waste wherever possible through measures including:</p> <ul style="list-style-type: none"> • efficient procurement avoiding over-supply and excessive packaging • eliminating waste at the design stage. <p>Step 2: Reuse waste materials Reuse waste materials, ideally in its current location, avoiding the energy costs associated with transport and recycling.</p> <p>Step 3: Recycle/compost waste materials Recover materials through recycling and substitute for primary materials. Compost organic material to produce rich soils that replace fertilisers, ideally in a closed system to avoid the emissions released by organic material in landfill.</p>

and low carbon sources

The remaining energy need should be met from renewable and low carbon sources.

Step 4: Offset carbon emissions

As a final step, remaining emissions should be offset, for example through off-site measures that reduce carbon emissions or remove carbon from the atmosphere.

Step 4: Recover energy

If it cannot be reused or recycled, use waste instead of fossil fuels in energy generation to recover embodied energy.

Step 5: Disposal to landfill

Usually the last resort. Disposal to landfill wastes materials and embodied energy.

- 4.5.20 The “national standard” for water efficiency refers to any nationally described standard on water consumption in new developments. The “highest national standard” refers to the standard that has the lowest water consumption. At the present time, the “highest national standard is the “optional requirement” described by regulation 36 paragraph 2(b) of the Building Regulations 2010 which sets a water efficiency standard for new buildings of 110 litres per occupant per day. If one or more new national standards are introduced the standards that have the lowest water consumption will apply. Compliance with the “optional requirement” is assessed through the building regulation process.
- 4.5.21 The suitability of measures that support sustainable lifestyles for building occupants will be considered on a case by case basis. They could include features such as storage for recyclable materials, energy storage devices, composting facilities, laundry drying areas, use of natural light and solar gain, energy saving appliances, parking for bicycles and electric vehicle charging points.
- 4.5.22 The full range of expected climate change impacts are set out in publications from UK Climate Projections 2009 (UKCP09, to be reviewed in 2018) and from other national and international bodies. The Guildford Environmental Sustainability and Climate Change Study presents a summary from several sources.
- 4.5.23 Decentralised energy means energy that is produced near where it is used, rather than at a large plant further away and supplied through the national grid. Energy can refer to electricity and heat. The Council supports delivery of decentralised energy schemes with an aspiration that these should have some degree of community benefit and/or community ownership where this is possible.
- 4.5.24 (C)CHP refers to both combined cooling, heating and power (CCHP) and combined heating and power (CHP).
- 4.5.26 Where (C)CHP distribution networks already exist, new developments are required to connect to them unless there are clear reasons why this is not feasible. When considering new power and heating systems, the hierarchy should be followed unless it can be clearly demonstrated that other sources of energy would be more sustainable, particularly through lower carbon emissions and taking full account of the benefits of providing both heating and cooling.
- 4.5.27 Sufficiently large or intensive developments are defined as any of the following:
- (d) residential only developments of at least 50 dwellings per hectare and/or at least 300 dwellings
 - (e) residential only developments of 50 dwellings or more that are located near a significant source of heat
 - (f) mixed developments of 50 dwellings or more that include either two or more

non-residential uses or a single use that would generate significant amounts of heat, such as a swimming pool.

- 4.5.28 Where developments fall within Heat Priority Areas, as shown on the Policies Map, the provision of new (C)CHP distribution networks should be considered feasible unless it can clearly be demonstrated otherwise. Where single building networks are proposed, these should be capable of expanding to connect with other networks and heat sources in the future. Outside the Heat Priority Areas, the provision of new (C)CHP distribution networks should be considered feasible for sufficiently large or intensive developments unless it can be demonstrated otherwise. Where sites have a variable density and it can be shown that the use of a (C)CHP distribution network across the whole of the site is not feasible, consideration must be given to a partial solution on the higher density elements of the site.
- 4.5.28a (C)CHP systems should be scaled and operated in a way that produces the lowest carbon emissions. A CHP system only generates carbon and financial savings when it is running and the more it runs, the more energy efficient and cost-effective it will be. As a result, CHP will likely only be appropriate where there is a high and constant demand for heat. A recommended rule of thumb is at least 4,500 – 5,000 hours per year, depending on the application. The size of the system should be determined by the heat load and demand profile. If there is a high demand for cooling then CCHP, with the heat converted to cooling, may also be environmentally and economically viable. (C)CHP systems should be designed and operated to be energy efficient, with the selection of optimum operating temperatures and measures to minimise heat losses.
- 4.5.29 ‘Connection-ready’ means developments that are optimally designed to connect to a (C)CHP or communal heat network on construction or at some point after construction. Developments will be ‘connection-ready’ if they use a centralised communal wet heating system rather than individual gas/electric boilers or electric heating, and proposals comply with the minimum requirements outlined in the Chartered Institute of Building Services Engineers (CIBSE) Heat Networks Code of Practice.
- 4.5.30 New developments, except retail developments in Guildford Town Centre, but including non-retail units within mixed use developments, must achieve a reasonable reduction in carbon emissions of at least 20 per cent through the provision of appropriate low and zero carbon energy technologies in the locality of the development. This should be achieved after energy efficiency has been addressed, in line with the Energy Hierarchy. Technologies will be considered appropriate only where they would be effective. The reduction in emissions is judged against a baseline of the relevant Target Emission Rate (TER) set out in the Building Regulations. For types of development where no TER is set out, reductions should be made against the typical predicted energy use of building services. This represents a minimum standard and where possible this should be improved upon.
- 4.5.30a The financial viability of the requirements set out in Policy D2 will be considered as part of the planning application process.

Reasoned justification

- 4.5.31 The NPPF describes the role of planning as helping to secure “radical reductions” in greenhouse gas emissions and helping to meet the objectives of the Climate Change Act 2008, which includes CO₂ emissions reductions targets of 34 per cent by 2020 and 80 per cent by 2050 against a 1990 baseline. The UK has a further target for

generating 15 per cent of energy (including heat) from renewable sources by 2020. These national targets are ambitious so our borough's efforts at carbon reduction and increasing renewable energy must also be ambitious.

- 4.5.33 Local Authorities are empowered to require developments to provide a proportion of their energy from renewable and low carbon sources through planning policy. Our borough lags behind much of the UK in small scale renewable energy generation capacity⁵⁸. In order to play our part in achieving the UK's carbon reduction and renewable energy commitments, new developments are required to meet a percentage of their energy requirements through on-site low and zero carbon energy generation.
- 4.5.34 The NPPF requires the Local Plan to have a positive strategy to promote renewable, low carbon and decentralised energy, and places particular significance on (C)CHP networks. Therefore, the development of decentralised energy, and particularly (C)CHP distribution networks, is strongly supported.
- 4.5.35 (C)CHP distribution networks can work at a range of scales from a single building up to a city and can provide low or zero carbon power, heat and cooling in a cost-effective, efficient and environmentally sound way. (C)CHP removes the need for individual gas boilers and large plant rooms, which provides flexibility in building design and maximises space for living and amenity. The UK Government Heat Strategy outlines the significant role that (C)CHP could play in decarbonizing the UK gas grid, offering a future-proofed, flexible and efficient solution to local energy supply.
- 4.5.36 Where (C)CHP uses a gas fired engine it will produce direct carbon emissions, though these systems are still highly efficient. The engines in (C)CHP systems need replacing after a certain amount of time so there is an opportunity to replace gas engines with engines that use renewable fuels when they come to the end of their lives.
- 4.5.37 It is acknowledged that requiring developers of a single building to consider implementing (C)CHP on a scale wider than their own development would not be fair. Therefore, the Council encourages the delivery of single building communal systems that can be connected to (C)CHP distribution networks and other sources of heat in the future.
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- 4.5.38 The Guildford Environmental Sustainability and Climate Change Study identifies the particular issue of increasing pressure on water stocks in an area already classed as being under serious water stress. Water consumption in our borough is significantly higher than in other parts of the UK. This indicates both a significant scope for improving the way we use water and the need for a water efficiency standard in new

⁵⁸ Guildford Environmental Sustainability and Climate Change Study 2013

dwellings above the basic national standard. At the present time, the highest national standard is the “optional requirement” set out in regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) of 110 litres per occupant per day. However, this standard may be improved in the future and it is considered that local circumstances warrant the implementation of the highest standard available, and the highest standard will always be sought. This standard is considered a minimum as in many cases it may be possible to achieve a better standard.

- 4.5.39 The Surrey Waste Partnership, comprising Surrey County Council and Surrey’s Borough and District Councils, is responsible for setting the waste management strategy. Surrey County Council is responsible for implementing much of the strategy through its Waste Plan. The waste management behaviour of households in our borough is best addressed through policies and action plans created by our recycling and waste services team. However, around a third of the UK’s waste comes from the construction and demolition sector, which is an area where planning policy can have an impact. Construction waste should be reused and recycled where possible in line with the waste hierarchy.

Key Evidence

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Monitoring Indicators

Indicator	Target	Data source
Megawatts of installed small scale low and zero carbon energy capacity	Increase in capacity to reach UK average	Ofgem Feed in Tariff quarterly reports
Low and zero carbon decentralised energy networks	Increase in number	Planning applications and appeals
Average energy consumption/carbon emissions per household	Reduction in energy consumption/emissions to reach UK average	National statistics
No. of new dwellings complying with higher water efficiency standard	All new homes to comply with standard	Building regulations final certificates
Amount of waste sent for energy recovery/recycling	Increase in amount sent for recycling	National statistics

Question 34 – Historic environment

Policy D3: Historic Environment does not reflect the approach in section 12 of the NPPF, since it does not deal properly with the significance of the heritage asset and the degree of harm, and does not makes a distinction of approach between designated and nondesignated heritage assets. This policy should be changed to reflect the NPPF; it would be sufficient to say that heritage assets will be protected in accordance with the policies of the NPPF. The focus on planning appeals in the monitoring indicator is unacceptable and ineffective. Acknowledged partial or total loss of heritage assets or acknowledged harm to their settings through any planning permission, listed building consent or other action would be more appropriate.

Summary

34.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to D3: Historic Environment

34.2 Draft proposed modification to policy:

- (2) ~~Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset, whether designated or non-designated, or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question. The impact of development proposals on the significance of heritage assets and their settings will be considered in accordance with case law, legislation and the NPPF.~~

34.3 Draft proposed modification to Monitoring Indicators

Indicator	Target	Data source
Percentage of appeals allowed for heritage reasons originally refused as being detrimental to significance of designated or un-designated heritage assets <u>Number of planning decisions, including appeals, granting permission that results in acknowledged partial or total loss of heritage assets or acknowledged harm to their settings</u>	Reduction in the percentage of appeals allowed that are considered to be detrimental to the significance of designated or undesignated heritage assets <u>N/A</u>	Planning <u>permissions and</u> appeals

Question 35 - Infrastructure

Policy ID1(3) should allow for the possibility of a Grampian condition. (6), (7) and (8) are statements of intent – actions for the Council itself – and do not belong in the policy. 4.6.8 relates to exceptions to take into account viability and should be in the policy. The last sentence needs to be re-cast to make it positively worded.

Summary

35.1 A draft proposed modification is provided in line with the Inspector's comment.

Outline of draft proposed modification to ID1: Infrastructure and delivery

- (3) If appropriate, the imposition of Grampian conditions should be considered as a means to secure the provision of infrastructure when it is needed. If the timely provision of infrastructure necessary to support new development cannot be secured ~~in line with this Policy~~, planning permission will be refused.
- ~~(6) The non-site specific and more general infrastructure requirements are set out in the Planning Contributions Supplementary Planning Document 2017, which will be updated as required.~~
- ~~(7) Where appropriate, we will collect the Community Infrastructure Levy from developments in the borough. We will use Community Infrastructure Levy receipts towards providing infrastructure to support development, and will facilitate the spending of up to one-quarter of Community Infrastructure Levy receipts originating from each parish and from Guildford town on local priorities to support development.~~
- ~~(8) In allocating developer infrastructure contributions, we will prioritise Thames Basin Heaths Special Protection Area mitigation and avoidance in order to ensure that we meet our legal responsibilities.~~
- (5a) Where an applicant advises that their development is unviable with the policy and infrastructure requirements, the Council will consider whether these costs were taken into account in the price paid for the site (or any agreement to purchase the site). If these costs were taken into account, as is required by the Council, but there are higher costs associated with the site that were unknown at this time, then the Council will take this factor into account when considering the viability and acceptability of the proposal.

35.2 Draft proposed modification to supporting text:

- 4.6.1 The timely provision of suitable, adequate infrastructure is crucial to the well-being of the borough's population, and of its economy. The Guildford borough Infrastructure Delivery Plan summarises the capacity and quality of existing infrastructure, including planned improvements. The non-site specific and more general infrastructure requirements are set out in the Planning

Contributions Supplementary Planning Document 2017, which will be updated as required. Historically infrastructure provision and upgrading has not always kept pace with the growth of population, employment and transport demands, and in parts of the borough some infrastructure is currently at or near to capacity, or of poor quality.

~~4.6.8 4.6.6a~~ To ensure that the scale of development set out in the Local Plan can be delivered, we have considered the impact of the Plan policies and other requirements on the viability of development included in the Plan. On this basis, we require that these impacts and related costs are accounted for in the price paid for the site (or any agreement to purchase the site). ~~Where an applicant advises that their development is unviable with the policy and infrastructure requirements, we will consider whether these were taken into account in the price paid for the site (or option on the site). If these had been taken into account, but there are higher costs associated with the site, we will consider negotiating.~~

4.6.6b In allocating developer infrastructure contributions, we will prioritise Thames Basin Heaths Special Protection Area mitigation and avoidance in order to ensure that we meet our legal duties.

Question 36 – Sustainable transport

Policy ID3(4) seeks planning obligations to ensure that future residents will not be eligible for residents' parking permits, but this is unlawful. There have been two court judgments on this:

Westminster City Council v SSCLG [2013] EWHC 690 (Admin) and R (Khodari) v Kensington and Chelsea RBC [2017] EWCA Civ 333. The judgments concluded that section 106 of the Town and Country Planning Act 1990 cannot be used to prevent occupants from applying for car-parking permits. This part of the policy must be deleted.

Summary

- 36.1 On-street parking controls and Controlled Parking Zones are enacted through Traffic Regulation Orders made under the Road Traffic Regulation Act 1984, as amended. In some other towns and cities within England, Traffic Regulation Orders have been used within Controlled Parking Zones to exclude new developments from eligibility for on-street residents' parking permits. Guildford Borough Council proposes to engage with Surrey County Council, the Local Highway Authority, to investigate the potential to amend the Traffic Regulation Order that supports the Guildford town centre Controlled Parking Zone. The forthcoming parking review may provide an opportunity to consider permit eligibility issues, particularly for new developments in areas within of the Controlled Parking Zone where existing residents' demand exceeds the supply of spaces prioritised for their use. The possible exclusion of new developments, and any other restrictions on permit eligibility, would operate outside of the planning system.
- 36.2 Draft proposed modification to policy made in line with the Inspector's comment, with proposed modification to supporting text to explain the Council's proposition regarding the potential to amend the Traffic Regulation Order for the Guildford town centre Controlled Parking Zone.

Outline of draft proposed modification to ID3: Sustainable transport for new development

- 36.3 Draft proposed modification to policy:
- (4) ~~In terms of vehicular parking for new developments:~~
- ~~(a) in Controlled Parking Zones, or component areas thereof, in which the demand for on-street parking by residents of existing dwellings and, where allowed, 'pay and display' visitor parking exceeds the supply of designated on-street parking spaces, planning permission for new residential development resulting in a net increase in dwellings will be subject to a planning obligation to require that future occupants will not be eligible for on-street residents parking permits, with the exception of disabled people who will be eligible, and~~
- ~~(b) for residential new development in all other areas, and for all non-residential new development in the borough, off Off-street vehicle parking for new developments should be provided such that the level of any resulting parking on the public highway does not adversely~~

impact road safety or the movement of other road users.

~~(5) The Council will have regard to the latest parking strategy for Guildford borough in applying the above policy test for new residential development in Controlled Parking Zones or component areas thereof.~~

36.4 Draft proposed modification to supporting text related to vehicular parking between paragraphs 4.6.24a and 4.6.24e inclusive:

4.6.24a With respect to vehicular parking, the policy takes account of the March 2015 written statement to Parliament from the Minister which stated that “Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network.”

4.6.24b Guildford town centre and surrounding residential roads have a Controlled Parking Zone, which is presently comprised of ten component areas. All roads in the Controlled Parking Zone are subject to restriction during busy times of the day. There are and will continue to be regular reviews of the Controlled Parking Zone to assess whether the controls are appropriate and whether new roads need to be included or other changes made. New Controlled Parking Zones could also be designated in future.

4.6.24ba Guildford Borough Council proposes to engage with Surrey County Council, the Local Highway Authority, to investigate the potential to amend the Traffic Regulation Order that supports the Guildford town centre Controlled Parking Zone. The forthcoming parking review may provide an opportunity to consider permit eligibility issues, particularly for new developments in areas within of the Controlled Parking Zone where existing residents' demand exceeds the supply of spaces prioritised for their use. The possible exclusion of new developments, and any other restrictions on permit eligibility, would operate outside of the planning system.

~~4.6.24c In the areas of the Controlled Parking Zone in which the demand for on-street resident and 'pay and display' visitor parking exceeds the supply of designated on-street parking spaces, the Local Planning Authority will apply the policy test for vehicular parking as set out. This provides an exception for disabled people who will be eligible.~~

~~4.6.24d At present, the policy test for new residential development in Controlled Parking Zones or component areas thereof will be engaged in areas A, B, C and D of the Controlled Parking Zone.~~

4.6.24e The policy does not preclude developers from bringing forward proposals for car-free new development. ~~Any such proposal would be subject to the policy tests set out for vehicular parking.~~

Question 37 – Green and Blue Infrastructure

Policy ID4 (8) should refer explicitly to the NPPF rather than referring generally to “national planning policy”.

Summary

37.1 A draft proposed modification is provided in line with the Inspector’s comment.

Outline of draft proposed modifications to ID4: Green and blue infrastructure

37.2 Draft proposed modification to policy:

- (8) Open space (encompassing all open space within urban areas, land designated as Open Space on the Policies Map and all land and water that provides opportunities for recreation and sport as identified in the most recent Open Space, Sport and Recreation Assessment) will be protected from development in accordance with ~~national planning policy~~ the NPPF.

37.3 Draft proposed modifications to supporting text:

- 4.6.45 Where new open space is proposed, including new Suitable Alternative Natural Greenspaces (SANGs), within or adjacent to a BOA, these should be designed and managed to support the aims of the BOA. The Council expects the delivery of new SANGs to make a very significant contribution to achieving the net gains in biodiversity required by ~~national planning policy~~ the NPPF, and in realising the strategic approach to biodiversity in Surrey. The primary role of SANGs is to provide an attractive natural or semi-natural space for recreation. SANG providers must ensure that this function is compatible with biodiversity and conservation through appropriate site selection, design and management.
- 4.6.49a ~~National planning policy~~ The NPPF requires great weight to be given to the need to create, expand or alter schools to meet the needs of existing and proposed communities. This will be taken into consideration if development is proposed on open space and the development meets a legitimate educational need that is appropriately met on the site.
- 4.6.55 The Council has produced an Amenity Assessment to identify open spaces of public amenity value within villages that are inset from the Green Belt by the plan. This assessment looked at land within proposed village inset boundaries, excluding land where inset boundaries were expanded to take in allocations on the edges of villages. Sites that were assessed as having public value are identified as Open Space on the Policies Map and will be protected in line with ~~National planning policy~~ the NPPF to ensure that the value for which the space has been identified is retained. Open spaces outside inset village boundaries are protected by the Green Belt designation so have not been considered for further protection. Land of public value in inset villages that is used for sport and

recreation is identified through the Open Space Sport and Recreation Assessment and will be protected in line with the NPPF.

- 37.4 The plan makes reference to “national planning policy” in other places. To ensure consistency within the document, these will also be amended to refer explicitly to the NPPF.