

# Guildford Borough Council

## Green Belt Supplementary Planning Document (SPD)

Consultation Statement

November 2023

Prepared in accordance with Regulation 12 of the  
Town and Country Planning (Local Development) (England) Regulations  
2012



GUILDFORD  
B O R O U G H

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## 1. Introduction

- 1.1 This consultation statement has been prepared in accordance with Regulation 12 of the Town and Country Planning (Local Development) (England) Regulations 2012.
- 1.2 Regulation 12(a) requires that before adopting a Supplementary Planning Document (SPD), a statement must be prepared setting out:
  - the persons whom the authority consulted when preparing the SPD;
  - a summary of the main issues raised by those persons; and
  - how those issues have been addressed in the SPD
- 1.3 The purpose of the draft Green Belt SPD ('the SPD') is to supplement Policy P2: Green Belt, contained in the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS). The SPD provides further guidance on how the exceptions listed in paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) will be interpreted in relation to whether a proposal can be considered to constitute 'not inappropriate' development.

## 2. Preparing the draft SPD

- 2.1 The commitment to prepare a Green Belt SPD is stated in paragraph 4.3.20 of the LPSS where it states that the SPD will be prepared to support Policy P2: Green Belt and provide greater clarity to applicants. Production of the document occurred concurrently with the production of Local Plan: Development Management Policies document.
- 2.2 In the meeting of the Council on 05 April 2022, motion CO113 APPROACH TO THE REVIEW AND POTENTIAL UPDATE TO THE LOCAL PLAN: STRATEGY AND SITES (2019) was resolved whereby section (4) stated "That priority be given to the production of a Green Belt Supplementary Planning Document alongside the emerging Local Plan: Development Management Policies".
- 2.3 The SPD was produced through close coordination with the Council's Development Management team. The iterative process allowed the SPD to comprehensively respond to specific issues arising from planning applications coming forward within the borough.
- 2.4 Furthermore, direct engagement was made with councillors through the cross-party Local Plan Panel. The councillors received and were invited to comment on a draft SPD at a meeting on 06 February 2023 prior to wider public consultation.
- 2.5 The main responses from the Local Plan Panel which assisted in finalising the draft SPD are highlighted in Table 1 on the following page.

Table 1 Responses from councillors on the Local Plan Panel during review of draft SPD and resulting actions

<b>Response</b>	<b>Action</b>
Clarify what is meant by 'agriculture'	A definition for the purposes of the SPD has now been included
Include a reference to encourage pre-application advice to understand what scale of extension might be considered appropriate	A reference recommending pre-application advice is sought early on in the design process has now been included
Desire to include factors that would be considered to determine whether a site is in a village	A (not-exhaustive) list of factors has now been included
Request for further guidance on how it would be determined whether a site was in a 'built-up area'	Further guidance over whether an area would be considered in a 'built-up area' has now been included

### 3. Formal consultation on the draft SPD

- 3.1 A four-week consultation was held between Wednesday 22 February 2023 (midday) and Wednesday 22 March 2023 (midday). We advised those stakeholders (comprising organisations, members of the public, businesses and amenity groups) whose email addresses and postal addresses we held on our consultation database.
- 3.2 During the consultation period, the consultation document was available on our website and paper copies of the consultation document were available in the borough's four libraries and in the main Council office at Millmead. These arrangements are in accordance with our [Statement of Community Involvement](#), May 2020.
- 3.3 The SPD has undergone a Habitat Regulations Assessment (HRA) screening to determine whether it would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The SPD has also undergone a Strategic Environmental Assessment (SEA) screening to determine the impact on the environment and to integrate considerations of the environment into the preparation and adoption of the SPD.

3.4 The Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions, and with Natural England on all HRA screening opinions, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in the HRA/SEA screening document were sent to the Environment Agency, Natural England and Historic England for consideration in tandem with the consultation on the SPD document. The responses of the organisations are included in the final SEA and HRA Determination Statement which is available on our website.

## 4. Finalising the SPD

- 4.1 All comments received as part of the consultation have been considered and appropriate changes made where these were considered justified.
- 4.2 Prior to adoption by Executive, the SPD was taken to the cross-party Planning Policy Board. All Board members supported the adoption of the document but requested that the following text was added to paragraph 6.5: *'There will be a point at which agricultural and forestry uses cease, and the processing of the raw materials begin. Buildings which are necessary to support this processing related activity would no longer be considered to fall within the agriculture and forestry exception.'*
- 4.3 Appendix 1 contains a table setting out the main issues raised during the public consultation. It also sets out the Council's response to each of the issues, the changes that were made to the SPD as a result of the issue, or explains why no changes were considered necessary.
- 4.4 The main issues raised by 'prescribed bodies'<sup>1</sup> are identified at the start, followed by 'other organisations'<sup>2</sup> and then 'other respondents' comprising of 'individuals/members of the public.

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<sup>1</sup> As listed in Regulation 4 of the Town and Country Planning (Local Development) (England) Regulations 2012

<sup>2</sup> This includes statutory consultees, infrastructure providers, site promoters/developers and other community groups/organisations

## Appendix 1 - consultation comments and GBC response

### Prescribed bodies

Section / paragraph	Comment	GBC response
	<b>Historic England</b>	
	No response	Noted
	<b>Surrey County Council</b>	
Para 5.43	As the Minerals and Waste Planning Authority (MWPA), welcome the inclusion of paragraph 5.43 in the SPD, which specifically makes mention of paragraph 150 of the National Planning Policy Framework (NPPF). This sets out that mineral extraction is not inappropriate development in the Green Belt.	Noted
Section 4	Acknowledge that waste management development does not benefit from the above exemption and is not covered in the SPD. However, would still like the SPD to make reference in section 4 to paragraph 5.3.1.5 of the Surrey Waste Local Plan 2019 (SWLP) which in short states, that it is considered unlikely that the anticipated waste management needs of the county will be met without developing waste management facilities on Green Belt land. The overarching need for waste management in Surrey combined with a lack of suitable alternative sites outside the Green Belt and the need to locate facilities close to sources of waste, such as households and businesses, are among the reasons why it is considered that very special circumstances may exist for allowing development within the Green Belt.	New paragraph 4.4 added:  <u>'Some uses, particularly those related to key infrastructure, may require a Green Belt location such as waste or wastewater treatment works. This is because it may be necessary for them to be located within a specific area, they may need to be located away from built up areas or there is a lack of alternative sites. These factors would need to be considered when assessing whether very special circumstances exist.'</u>

	<b>Rushmoor Borough Council</b>	
	No comment	Noted
	<b>National Highways</b>	
	No comment	Noted
	<b>Natural England</b>	
	No comment	Noted
	<b>Transport for London</b>	
	No comment	Noted

#### Other organisations

<b>Section / paragraph</b>	<b>Comment</b>	<b>GBC response</b>
	<b>Paradigm Planning Ltd</b>	
Para 5.21 – 5.34 and 5.38 – 5.42	Confusingly expressed in places especially the section 5.21-5.34 on infilling and villages and previously developed land 5.38-5.42.	The SPD attempts to provide guidance as simply and as clearly as it can however it is acknowledged that Green Belt policy is complex, particularly in relation to limited infilling in villages due to the different categories of villages listed in Policy P2 which this SPD provides guidance on in turn. Both

		exceptions require a number of assessments and judgements to be made.
	Could do with a better structure	The structure of the SPD broadly follows the structure of paragraphs 149 and 150 of the NPPF (the principal paras that the SPD expands upon).
	Mark quotations more clearly eg in italics and indent.	Amended so quotations are in italics.
	Add diagrams to help illustrate point and examples.	Green Belt policy is not like design policy which can be easily illustrated to show both what is acceptable and what is not. Instead, it requires judgements to be made on the specifics of each case in arriving at a conclusion on whether the exception is met or not.
	Add glossary	This is a short SPD that has limited use of abbreviations therefore a glossary is not considered necessary.
Section 6	Section 6 - define 'spatial'	Paragraph 6.1 amended as follows:  ‘As set out in paragraph 137 of the NPPF, one of the essential characteristics of Green Belts is their openness. In considering the concept of openness, there are two dimensions; spatial and visual. <u>The spatial dimension relates to the physical scale of the development itself whereas the visual dimension is the extent to which the development can be seen.</u> This



		means that the absence of visual intrusion, or the presence of screening, does not in itself mean that there is no impact on the openness of the Green Belt as a result <u>of the development</u> . Equally this does not mean that the openness of the Green Belt has no visual dimension. Instead, any assessment of the impact of a proposal on the openness of the Green Belt must include consideration of both <del>its the</del> spatial <u>aspect-impact</u> as well as <del>its the</del> visual <u>aspect-impact</u> .'
Appendix 1	Appendix 1 what is i.r.t.?	Amended to ' <u>in relation to</u> '
	<b>Effingham Parish Council</b>	
para 5.5 to 5.8	<p>Section on: "Buildings for agriculture and forestry" para 5.5 to 5.8.</p> <p>A recurring attempt to get round the NPPF policies on new buildings in the Green Belt is the building of barns supposedly for agricultural use. Whilst this guidance ensures such barns have to be for agriculture or forestry, it would have been helpful to specify in the guidance that the size and design of the proposed building should be appropriate to its purpose. We are aware of approved barns that appear too large for the purpose they are supposedly intended for and which neighbours suspect may have been built with future conversion to residential use in mind. Such supplementary guidance would help prevent this loophole.</p>	<p>In order to meet this Green Belt exception, a proposal would need to demonstrate that it was legitimately going to be used for agriculture and forestry purposes. Para 5.7 has been amended as follows:</p> <p>'In order to fall within this exception, applicants will need to demonstrate that the intended use <u>and design</u> of the building is related to and supports agricultural and forestry related activities, for example a barn.'</p>

		Each proposal must be assessed on its merits at the time rather than what future planning application may be submitted for the building in the future.
Para 2.1 and 5.1	<p>Typo's:</p> <p>2.1 "Nation" should be "National"</p> <p>5.1 line 9 " For example, an extension to an agricultural building did result in.." appears to be missing a word like "which" between "building" and "did"</p>	Noted and amended.
	<b>Thames Water</b>	
Section 4	<p>Thames Water have a number of sewage works, water treatment works and pumping station sites located in the Green Belt around Guildford. They are often required to be in these locations to be located away from residential areas and/or close to a water course (for effluent discharge) or water resource.</p> <p>The previous PPG 2 Annex C related to Major Developed Sites in the Green Belt and stated: "C1 Green Belts contain some major developed sites such as factories, collieries, power stations, water and sewage treatment works....These substantial sites may be in continuing use or be redundant. They often pre-date the town and country planning system and the Green Belt designation."</p> <p>Water and wastewater infrastructure is essential to any development. Failure to ensure that any required upgrades to the infrastructure network are delivered alongside development could result in adverse impacts in the form</p>	<p>New paragraph 4.4 added:</p> <p><u>'Some uses, particularly those related to key infrastructure, may require a Green Belt location such as waste or wastewater treatment works. This is because it may be necessary for them to be located within a specific area, they may need to be located away from built up areas or there is a lack of alternative sites. These factors would need to be considered when assessing whether very special circumstances exist.'</u></p>

	<p>of internal and external sewer flooding and pollution of land and water courses and/or low water pressure. Therefore, policies/supporting text that support essential water and wastewater infrastructure at existing developed sites in the Green Belt would be welcomed.</p> <p>A key sustainability objective for the preparation of Local Plans and Neighbourhood Plans should be for new development to be co-ordinated with the infrastructure it demands and to take into account the capacity of existing infrastructure. Paragraph 20 of the revised National Planning Policy Framework (NPPF), 2021, states: “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for... infrastructure for waste management, water supply, wastewater...”</p> <p>Paragraph 11 states: “Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) All plans should promote a sustainable pattern of development that seeks to: meet the</p> <p>development needs of their area; align growth and infrastructure; improve the environment;</p> <p>mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”</p> <p>Paragraph 28 relates to non-strategic policies and states: “Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of</p>	
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development. This can include allocating sites, the provision of infrastructure...”

Paragraph 26 of the revised NPPF goes on to state: “Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary....”

The web based National Planning Practice Guidance (NPPG) includes a section on ‘water supply, wastewater and water quality’ and sets out that Local Plans should be the focus for ensuring that investment plans of water and sewerage/wastewater companies align with development needs. The introduction to this section also sets out that “Adequate water and wastewater infrastructure is needed to support sustainable development” (Paragraph: 001, Reference ID: 34-001-20140306).

Our experience of our operational assets in Green Belt is that that there is a lack of recognition of the functions of sewage and water treatment and this often leads to a delay in obtaining necessary planning consents for essential operational development (where permitted development rights cannot be used). It is essential that there is provision of adequate water and wastewater infrastructure to service existing and new development to avoid unacceptable impacts on the environment. With potential delays to achieving the necessary upgrades to our assets, the ability of our infrastructure to provide additional water and treat wastewater flows to the required regulatory standards, is undermined.

We recommend that the SPD recognise that essential water and wastewater development may need to take place at existing developed sites in the Green

	Belt and that this may not constitute inappropriate development (in general accordance with the approach set out in Annex C to PPG2).	
	<b>Ramblers Association</b>	
	No mention in this document that any development should keep footpaths open and not obstruct the public's access to the green belt.	Footpaths and public rights of way are protected under separate legislation.
	<b>Surrey Police</b>	
	Request that any development within the Green Belt has a planning condition that it should achieve a Secure By Design Award. "Appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments" are normally in isolation from the residential areas making them a target for criminal activity.	Local Plan: Strategy and Sites Policy D1(8) already includes a requirement on this issue to enable appropriate conditions to be attached to planning permissions:  <i>All new development will be designed to reduce opportunities for crime and antisocial behaviour.</i>
	<b>Guildford Allotments Co-Operative Society Ltd</b>	
Para 5.9	Allotments get a brief mention in para 5.9 but are otherwise not considered. The SPD does not define what constitutes a building, nor does it appear to differentiate between temporary and permanent structures. It does not explain whether a small shed or greenhouse would be acceptable or not on an allotment plot in green belt land. Does the siting of a shipping container contravene the regulations? Something in the introduction ought to state what constitutes a building, or other structure either included or excluded, and whether there is a de minimus size involved.	Policy P2 and this SPD will apply to any proposals for which planning permission is required. Planning permission is required for the "carrying out of any development on land" pursuant to section 57(1) of the town and country planning act 1990, with the definition of "development" including the carrying out of "building operations". Whilst there is no fixed definition of a building however case law has identified the following three criteria for

		<p>assessing whether a proposal constitutes a building:</p> <ul style="list-style-type: none"> <li>• size (with a building usually something that is constructed on site, rather than being brought on site already made);</li> <li>• permanence; and</li> <li>• physical attachment to the ground</li> </ul> <p>If in doubt, the Council's planning department should be engaged to understand whether planning permission is required for the erection of a structure.</p>
	<b>Ockham Parish Council</b>	
	<p>Would expect that operations such as doggy daycare will remain inappropriate development within the Green Belt. They do not fall under 'outdoor recreation' or 'outdoor sport' or any other definition along these lines and therefore remain contrary to the Green Belt purposes.</p>	<p>This falls outside the scope of the SPD.</p>

### Other Respondents

Section / paragraph	Comment	GBC response
Para 5.42	Disagree with the following underlined part.	Para 5.42 has been amended as follows:

	<p>"In order to meet this, proposals will need to demonstrate that there is a genuine local affordable housing need within that settlement/parish area <u>which is unlikely to otherwise be met.</u>"</p> <p>If there is an unmet need, the proposal should be compliant and I don't understand why this underlined part is included. Please could you explain ?</p> <p>Unlike paragraph 149f (2021 version) of the NPPF, para 149g does not suggest additional restrictions should be applied other than 1) not causing substantial harm and 2) meeting an identified affordable housing need within the area. If the NPPF had implied otherwise, it would have worded para 149g differently as it did in 149f where it specifically states "under policies set out in the development plan".</p> <p>I would like to see the literal meaning of NPPF 149(f) used and not add the wording <u>which is unlikely to otherwise be met.</u></p> <p>It is either inappropriate or not inappropriate. There is either an identified housing need or there is not. It is not dependant on future sites coming forward.</p> <p>A clarification of "substantial" might have been useful such as describing it as "a very high bar".</p>	<p>'The second limb of this policy is only engaged for proposals that 'contribute to meeting an identified affordable housing need within the area of the local planning authority'. <del>In order to meet this, proposals will need to demonstrate that there is a genuine local affordable housing need within that settlement/parish area which is unlikely to otherwise be met. Proposals should therefore reflect the scale of need identified and consider what opportunities exist for that identified local need to access alternative affordable housing provision.</del> Unlike rural exception sites, proposals do not need to comprise of solely affordable housing, nor is the level of market homes restricted to that necessary to make the scheme viable. <del>For that reason, the Council's normal affordable housing requirement of at least 40% will be applicable for all schemes.'</del></p>
	<p>Concern regarding significant false, misleading or hidden relevant information used in support of planning applications.</p>	<p>This falls outside the scope of the SPD.</p>
<p>Para 5.35 – 5.37</p>	<p>Abuse of Rural Exception Scheme. Starting in 2014 Ripley Parish Council identified seven sites as potential Rural Exception Sites for Affordable Homes. Why was it, that probably the most damaging one in terms of Green Belt destruction was chosen.</p>	<p>Rural exception sites are not inappropriate in the Green Belt. As discussed in para 5.2 of the SPD, the impact on openness is therefore not a matter for consideration unless explicitly stated</p>

	<p>What can our Planning Authorities learn from this and guard against repeats?  Much of the literature around Rural Exception Sites show generous landowners offering to make land available near a village for development at a reasonable price. Generally speaking, it seems that this land is on the edge of a village and its development is not destructive of the openness nor continuity of the Green Belt.</p> <p>In Ripley, 6 of the 7 sites investigated by the Parish Council for Rural Exceptions put at risk neither the Openness nor Continuity of the Green Belt.</p> <p>Why is it that the one chosen (if given approval) will do 100% damage to both openness and especially continuity. Actually, it is rather simple the owner knew very well (from prior refusals) that there was little to no prospect of getting approval for development on such a key piece of open land without re-designation as a RES which would allow unencumbered development and have it treated in the same way as agricultural land with no encumbrance for openness nor continuity and the developer cited the Case Law precedence of Valley Garden Nurseries in their support of this re-designation.</p> <p>This is a disgraceful loophole which must be plugged. Rural Exception was not invented to line the pockets of speculators in difficulty with a piece of land. Furthermore, the removal of historical refusals for planning on this site from the GBC Planning Portal fails to highlight the damage that this development could cause.</p>	<p>in the NPPF exception (which it does not for NPPF para 149(f)). This SPD cannot amend this. Proposals would therefore be assessed against Local Plan: Strategy and Sites Policy H3 together with all other policies including policies such as the visual impact of the proposal on landscape character.</p>
	<p>Guildford Council is ignoring statutory guidelines. For instance, it is obvious that the domestic housing development on the Burntcommon area, off the B2215, Ripley Rd, is a major incursion into agricultural, Green Belt land. It not</p>	<p>This site is allocated in the Local Plan: Strategy and Sites (2019) which removed this land from the Green Belt. Green Belt policy and this SPD would therefore no longer apply to this land.</p>



	within the curtilage of either Ripley or Send and clearly flouts Green Belt policy.	
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