

## Weight to be given to residual policies in the Local Plan 2003

1. Guildford Borough Council adopted the Local Plan: Strategy and Sites (LPSS) in 2019 (part 1 of the new Local Plan) and the Local Plan: Development Management Policies (LPDMP) in 2023 (part 2 of the new Local Plan). The intention was that the two parts would together form a comprehensive Local Plan, and that the Local Plan 2003 would no longer form part of the development plan. Both the LPSS and LPDMP include a wide range of policies that directly superseded policies contained in the Local Plan 2003. The policies which were directly superseded are shown in Appendices 8 and D respectively.
2. However, given changes in the policy context in the last two decades, there are a number of Local Plan 2003 policies which were not directly superseded by a policy in either of the two new Local Plans. This is because it was not considered necessary or appropriate to have policies adopted addressing the same subject matter. These are what are referred to as the “residual policies” the Local Plan 2003<sup>1</sup>.
3. As set out in Appendix D of the LPDMP, the Council explained the intention to revoke these residual policies following adoption of the LPDMP.

*‘As part of the preparation of the Guildford Borough Local Plan: Development Management Policies, all of the saved Guildford Borough Local Plan 2003 policies (which were not superseded by the Guildford Borough Local Plan: Strategy and Sites, 2019) were reviewed. The table above includes identification of those policies within the saved Guildford Borough Local Plan 2003 which are superseded by specific policies in the Guildford Local Plan: Development Management Policies. The remainder of the saved policies in the Guildford Borough Local Plan 2003 are redundant and, on adoption of the Guildford Local Plan: Development Management Policies, will be revoked.’*

4. This issue was raised by the Council before the examining Inspector of the LPDMP however it was agreed that this matter fell outside of his remit. Instead, following adoption of the LPDMP, the Council wrote to the Secretary of State requesting that he use his powers to revoke the residual policies. The Secretary of State has since confirmed that he does not consider he has the power to revoke the policies or withdraw the saving direction made in relation to them on 24 September 2007. Whilst the Council do not agree with the position taken by the Secretary of State, it has itself no powers to unilaterally revoke or withdraw these residual policies. They therefore remain part of the development plan until such time as the Council prepares and adopts a ‘new style’ Local Plan, following

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<sup>1</sup> For avoidance of doubt, those policies are: G3 Development Concerning Hazardous Substances; LP2003 G4 Development in The Vicinity of Hazardous Substances; LP2003 G10 Telecommunications; GT1 Land at Bedford Road Opposite the Odeon Cinema; GT2 Former Farnham Road Bus Depot; RE11 New Agricultural Dwellings; RE12 Temporary Housing Accommodation in The Countryside for An Agricultural or Forestry Worker; RE13 New Agricultural Buildings; RE14 Extension of Residential Curtilages into The Countryside; R7 Built Facilities for Recreational Use.

the implementation of the planning reforms set out in the Levelling Up and Regeneration Act<sup>2</sup>.

5. Given these circumstances, whilst the residual policies of the Local Plan 2003 still form part of the development plan, the general position of the Council is that they will be given very limited weight. The Council will, however, have regard to the specific circumstances of any planning application to which the residual policies are relevant when determining what weight to attribute to them (and in particular, whether there is any basis for departing from the general position of very limited weight).

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<sup>2</sup> The Government's consultation on implementation of plan-making reforms proposes that when the new plan-making system comes into force, existing DPDs and historic saved policies will remain in force until the local planning authority adopt a new-style local plan, at which point those existing DPDs and saved policies will automatically cease to have effect.