

# ***Examination of the West of England Joint Spatial Plan***

***Inspectors: Malcolm Rivett BA (Hons) MSc MRTPI and Steven Lee BA (Hons) MA MRTPI***

***Programme Officer: Robert Young***

Lisa Bartlett, Senior Responsible Officer  
West of England Combined Authority,  
Engine Shed,  
Station Approach, Temple Meads,  
Bristol, BS1 6QH

28 June 2018

Dear Ms Bartlett,

## **Examination of the West of England Joint Spatial Plan**

Thank you for your letter of 18 June 2018.

### **Duty to Co-operate**

The comments on the Duty in your letter, and the supporting appendices, are of assistance to us. However, we believe it would be helpful if this were to be set out in a brief paper in which the Councils seek to specifically demonstrate how they have met the Duty in preparation of the plan.

### **Habitats Regulations Assessment (HRA)**

We note and support the Councils' intention to undertake further HRA work and we recognise that the Councils could not reasonably have anticipated the need for this work in preparing the plan for submission.

### **Spatial Strategy**

We note the Councils' contention that there are not reasonable alternatives to the plan's "urban living" proposals and that "non-strategic growth" will be appraised through the Local Plans processes. At this point in the Examination it is not yet possible for us to determine whether or not the Sustainability Appraisal (SA) work is adequate in this respect. However, bearing in mind that these two elements of the spatial strategy are envisaged to provide more housing than the Strategic Development Locations, the Councils may wish to

reconsider whether there are any reasonable alternatives to these elements of the spatial strategy (and, thus, to the spatial strategy as a whole). If the Councils consider that there are not such reasonable alternatives then it would be helpful for the reasons for this to be briefly, but clearly and specifically, documented.

### Selection of the Strategic Development Locations

We note the Councils' response to our questions about the selection of the Strategic Development Locations (SDLs) and the intention to undertake further SA work. We comment on the implications of this for the Examination overall below, but, at this point, it would be helpful for us to know (and potentially be able to comment on) the precise nature of the additional SA work which is to be carried out.

### Green Belt

We note the Councils' response to our question about the plan's approach to the Green Belt and emphasise that at this stage in the Examination we have not reached any view on the principle of removing land from the Green Belt. However, should deletion of Green Belt land be justified, in order to provide effective guidance for Local Plan preparation and Examination we consider that it is likely to be necessary for the Joint Spatial Plan to be more explicit about the factors which the Local Plans would need to and would not need to consider in respect of deleting land from the Green Belt and exceptional circumstances. In order to assist consideration of Green Belt issues through the Examination, we therefore request that draft wording for inclusion in the plan is prepared which makes explicit the Councils' intentions in this respect.

### Affordable Housing Policy

We note the Councils' response to our queries about the affordable housing policy. We have a number of follow-up questions but believe that these would be most appropriately explored through hearing statements and the hearings themselves. However, at this point, and bearing in mind that policy 3 would apply to all new housing development, we wish to formally invite the Councils to reconsider whether or not they wish to prepare supplementary evidence to appraise the likely viability of the policy's requirements.

### Employment

We note the Councils' responses to our queries concerning employment and there will be a number of issues relevant to this which we will need to explore through hearing statements and the hearings. As we have indicated above it is not yet possible for us to determine whether or not the Sustainability Appraisal work is adequate. Nonetheless, when considering the amount of employment land identified across the area and, for example, the demand scenarios identified in the EDNA, we would like to invite the Councils to reconsider whether there are

any reasonable alternatives to the plan's policy 4 employment strategy/proposals. If the Councils consider that there are not such reasonable alternatives, then it would be helpful for the reasons for this to be briefly, but clearly and specifically, documented

*Policies 7.1 – 7.12 – strategic principles and infrastructure requirements*

We note the Councils' response to our questions in relation to the strategic principles and infrastructure requirements detailed in policies 7.1 – 7.12. We infer from this, and specifically the suggestion of amending paragraph 66 of the plan, that the Councils' intention is now that the requirements would be definitive. Thus, they would not be a 'starting point' and nor would they 'evolve' as the Local Plans are prepared. It appears to us that the implication of this is that the Local Plans would be likely to have a relatively small role in influencing the nature and design of the SDLs, other than in determining the site boundary.

On this basis, and bearing in mind the comments of representors, we will need to ask the Councils to justify each individual requirement set out in policies 7.1 – 7.12. Moreover, given that the locations are not site allocations, this will need to be done without reference to a site boundary. Given the overall number of listed requirements we anticipate that this is likely to take a significant amount of Examination time, both in terms of the hearings themselves and our preparation for them.

If the Councils are absolutely certain that they wish to proceed on this basis and with an amendment to the reasoned justification to policies 7 and 7.1-7.12 as suggested in the letter, we would be grateful if draft re-wording of the reasoned justification would be prepared, in order that we, and participants to the Examination, are clear as to the intended status of the strategic principles and infrastructure requirements.

*Additional Evidence*

In the letter the Councils have stated the intention to prepare further SA, HRA and other additional technical work. As indicated above we are also requesting the Council to consider the need for (i) further SA work in respect of the spatial strategy and employment (ii) affordable housing viability evidence and (iii), depending upon the approaches the Councils wish to adopt, draft plan wording in connection with our comments on Green Belt and the strategic principles and infrastructure requirements of policies 7.1 - 7.12. Once the Councils have had the opportunity to consider this letter we would be grateful if you would reply to clearly set out each element of the additional work the Councils are intending to commission/prepare, including brief details of its nature and coverage.

The letter indicates the Councils' intention to publish the further SA and HRA work in September 2018, which would then be the subject of formal public consultation. It also advises that the Councils envisage publishing other

additional evidence by the end of October 2018, to be published on the Examination website ahead of our setting of questions for the Examination. Whilst we appreciate that the statutory requirements for consultation vary according to the type of evidence, and we are very keen to progress the Examination as quickly as possible, this approach appears somewhat disjointed with the potential to cause confusion amongst Examination participants. We therefore wonder if it would be more straight-forward to publish and consult on in one go all the additional evidence/documents on which the Councils wish to rely in the Examination?

With regard to such consultation we also request that the Councils provide a summary of comments received and a brief indication of the Councils' response to them.

### Staged Hearings

In the light of the Councils' letter we believe that Examination hearings in 2019 are more realistic than the original aspiration of Autumn 2018. In principle we also have no objection to a staged approach to the hearings. However, at this point, we do not commit to publishing Interim Findings on matters considered at the first stage of hearings; we are examining the plan as a whole and would be likely to only comment on our initial conclusions following the first stage hearings in as far as we believed this would assist discussion at the subsequent stages.

If the hearings are to be staged, and bearing in mind our comments on the time likely to be needed to examine policies 7.1 – 7.12, we believe it might be appropriate for the first stage to consider:

- The principles of legal compliance (albeit that our final conclusions on this will be influenced by the Examination as a whole);
- Housing Need (Policy 1);
- The principles of the Spatial Strategy (Policy 2) (albeit that our final conclusions on this will be influenced by our detailed consideration of the Strategic Development Locations);
- The affordable housing target (Policy 3); and
- Employment issues (Policy 4)

This would then leave the Strategic Development Locations and their requirements (policies 7 – 7.12), together with Place Shaping Principles and Strategic Infrastructure Requirements, to be considered at the second stage. We welcome the Councils' comments on this.

Conclusion

We look forward to the Councils' response and in particular:

- An indication of the preferred way forward in respect policies 7.1- 7.12 strategic principles and infrastructure requirements and their reasoned justification;
- Details of the additional evidence/documents to be prepared, the timescales for it and consultation upon it; and
- The Councils' thoughts on our comments concerning the coverage of Stage 1 hearings.

Yours sincerely,

*Malcolm Rivett* and *Steven Lee*

INSPECTORS