

Annex 1: Councils' Response to Inspectors Letter of 28th June 2018 (ref ED02)

Annex 1

<i>Issue</i>	<i>Councils' response</i>
<p><i>1. Duty to Co-operate</i> 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.</p>	<p>The Councils will prepare a paper which sets out the ways in which the authorities have met the Duty to Cooperate in the preparation of the JSP</p> <p>This will also be supported where appropriate by Statements of Common Ground with adjoining local planning authorities, prescribed bodies and key partners.</p> <p>This work will provided to the Examination as set out in the proposed timetable below at para 10.</p>
<p><i>2. Habitats Regulations Assessment (HRA)</i> 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.</p>	<p>The Councils will produce further work through joint working with Natural England on the HRA. This will look to update the JSP HRA in line with the recent Court of Justice of the European Communities court ruling for People Over Wind and Sweetman to ensure that any mitigation requirements identified are implemented through an Appropriate Assessment.</p> <p>This work is being developed in close liaison with Natural England. In addition, the work to develop and deliver a Green Infrastructure Plan is progressing with key partners including Natural England, the Environment Agency and the Local Nature Partnership. The process to deliver key mitigations will continue to be reviewed through the GI Plan.</p> <p>This work will be made available for public consultation as set out in the proposed timetable.</p>
<p><i>3. Spatial Strategy</i> We note the Councils' contention that there are not reasonable alternatives to the plan's</p>	

<p>“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).</p> <p>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.</p>	<p>In considering the inspectors’ comments for clarification on how the Sustainability Appraisal has addressed reasonable alternatives with regard to the Plan’s urban living and non-strategic growth elements of the Spatial Strategy, and transport work to support them, the Councils will submit supplementary work on the Sustainability Appraisal in response to the Inspectors’ questions. This work will be made available for public consultation as identified in the proposed timetable.</p>
<p><i>4. Selection of the Strategic Development Locations</i></p> <p>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.</p>	<p>In considering the inspectors’ comments for clarification on how the Sustainability Appraisal has addressed reasonable alternatives with regard to the Plan’s SDLs, and transport work to support them, the Councils will submit supplementary work on the Sustainability Appraisal in response to the Inspectors’ questions. This work will be made available for public consultation as identified in the proposed timetable.</p>

<p><i>5. Green Belt</i></p> <p>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.</p>	<p>The council have considered this point and will suggest some wording as requested by the Inspectors. This work will be made available for public consultation as set out in the proposed timetable.</p>
<p><i>6. Affordable Housing Policy</i></p> <p>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</p>	<p>In considering the formal request for the Councils to consider the need to prepare supplementary evidence to appraise the likely viability of the Affordable Housing policy's requirements.</p> <p>The Councils will undertake further work to clarify and strengthen our evidence. We will make this available for consultation in line with the proposed timetable.</p>

<p>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.</p>	
<p><i>7. Employment</i> 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.</p> <p>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</p>	<p>In considering the inspectors' comments for clarification on how the Sustainability Appraisal has addressed reasonable alternatives with regard to the Plan's Employment Land, the Councils will submit supplementary work on the Sustainability Appraisal in response to the Inspectors' questions. This work will be made available for public consultation as identified in the proposed timetable.</p>
<p><i>8. Policies 7.1 – 7.12 – strategic principles and infrastructure requirements</i></p>	<p>The Councils would like to confirm to the Inspectors that the current policies 7.1 – 7.12 will be retained as published within the draft plan. The authorities recognise the Inspectors' comments and acknowledge that these policies will require further detailed testing through</p>

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

the examination hearings but would seek confirmation that this will be proportionate and reflect the strategic nature of the JSP.

In considering the Inspectors' comments the Councils consider that the current Policies 7.1-7.12 proposals (as submitted and consulted on during the regulation 19 consultation on the draft plan) establish the high level strategic objectives for the 12 SDLs within the West of England. Accordingly, we do not consider the requirements of Policies 7.1 to 7.12 displace the purpose of the Local Plans that are to come forward following the end of the Examination. There will still be a clear role for Local Plans on the more specific detailed guidance on the building out of the SDLs. As such, the level of detail is justifiable and necessary for the strategic nature of the JSP and there is clear benefit in establishing of strategic objectives for specific areas that will help deliver the target of 105,500 homes by 2036 in a sustainable way.

<p>to policies 7 and 7.1-7.12 as suggested in the letter, we would be grateful if draft rewording 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.</p>	
<p><i>9. Additional Evidence</i></p> <p>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</p> <ul style="list-style-type: none"> (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. <p>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.</p>	<p>As set out in the response to the questions above, the Councils will prepare further work on the SA, HRA and other additional technical work</p> <p>Considering both the statutory requirements for consultation, ensuring that the Examination progresses as quickly as possible and avoiding confusion amongst Examination participants, the Councils propose a single public consultation in 2018, followed by a single stage hearing period in 2019.</p> <p>Following the close of the consultation, the Councils will provide a summary of comments received and a brief response from the Councils.</p>

<p>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?</p> <p>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.</p>	
<p><i>10. Staged Hearings</i> 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</p>	<p>The Councils support the Examination hearings to take place in 2019 and for the hearings to be undertaken in a single-stage.</p>

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

The Councils would welcome the inspectors view and feedback on the updated timetable as below. The proposed timetable allows for the time needed to undertake the technical work which is set out below, undertake 6 weeks public consultation and for the councils to provide a summary of comments received and a brief indication of the Councils' response to them. The proposed key milestones are as follows:

-
- Consultation 12th Nov to 21 Dec
- Key issues report by 15 Feb
- Inspectors set Issues and Matters by 8 March
- Respond to Issues and matters by 19th April
- Hearings to start 13th May

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.