

**REPORT TO: JOINT COMMITTEE**

**DATE: 30<sup>th</sup> November 2018**

**REPORT TITLE: JOINT SPATIAL PLAN (JSP) UPDATE**

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### **Purpose of Report**

1. This report provides an update to Joint Committee on the Joint Spatial Plan (JSP) Examination in Public (EIP).

*The JSP is a joint plan of the four authorities of the West of England (Bristol City Council, Bath and North East Somerset, North Somerset and South Gloucestershire) and is overseen by the West of England Joint Committee. WECA is not party to the JSP or decisions and agreements made with regards to the JSP.*

### **Background**

2. The Joint Spatial Plan (JSP) was submitted to the Secretary of State on the 13<sup>th</sup> April 2018. On this date the JSP entered the 'Examination in Public' (EIP). It is during this stage where the independent Inspector(s) review the plan and its supporting evidence base and determine whether the plan is sound and therefore ready to be adopted.
  - 2.1 Inspector Malcolm Rivett BA (Hons) MSc MRTPI has been appointed by the Planning Inspectorate (PINS) to conduct the examination. Steven Lee BA (Hons) MA MRTPI has also been appointed to assist Inspector Malcolm Rivett. Mr Robert Young has been appointed as Programme Officer for this examination and from the date of submission he has been the point of contact for the Inspector.
  - 2.2. The role of the Inspectors is to ascertain if the plan is sound and legally compliant. The Inspectors will review duly made representations to the JSP submission plan consultation along with the submission documents themselves. The authorities are led by the appointed inspector(s) with regards to setting the timetable for examination stages and meeting any request for additional information. As agreed in the Joint Committee report on the 30<sup>th</sup> October 2017, appropriate delegations have been established in each Council for the progression of the JSP during the Examination stage to ensure the requests of the inspector are met ahead of the examination hearings.
  - 2.3 As part of the inspectors review of the JSP, additional work has been requested to be made public. These requests are presented through the Inspectors Letters to the Councils' of which four have been received to date. The authorities have undertaken additional work in response to points raised by the Inspectors in their letters. These letters and the council's response can be found on the JSP website on the

examination webpage. At the request of the Inspector the authorities are undertaking a consultation on these documents, which started in November 2018.

### Issues for Consideration

3.0 The councils are undertaking a single public consultation, which commenced on 12<sup>th</sup> November, and will close on 7<sup>th</sup> January 2019. This consultation programme provides stakeholders and members of the public the opportunity to view and comment on the additional information provided. That feedback will be passed to the Inspectors to consider as they prepare for the next phase of their assessment of the JSP.

The work published for consultation includes:

- **Schedule of Proposed Changes** – suggests changes to the JSP since it was submitted to the Secretary of State in April 2018.
- **Duty to Cooperate Paper** – demonstrates how the Unitary Authorities have met the Duty to Cooperate with adjoining authorities and other public bodies in preparing the JSP.
- **Site requirements for the Strategic Development Locations** – sets out the Justification of the site requirements for the 12 Strategic Development Locations in Policy 7 of the JSP
- **Updated Viability Assessment** – demonstrate that the spatial strategy and development requirements in the JSP are viable and deliverable at a strategic level.
- **Updated Employment Evidence** – demonstrates there is sufficient supply of employment land across the WoE to support the economic growth ambitions for the sub-region
- **Transport Topic Paper 8** – explains the programme of transport measures needed to support the JSP in terms of potential projects that may alleviate traffic congestion, encourage more journeys to be made via public transport or via improved cycle and walking routes and that will connect new and growing communities with service and employment opportunities.
- **Emerging Findings Transport Report** – an assessment of the transport schemes and options needed to deliver the JSP which at this stage focusses on identifying the critical issues and identifies strategic options that could help improve travel options and mitigate the effects of additional traffic demand on the network.
- **Consolidated Sustainability Appraisal** – an appraisal of the economic, environmental and social impacts of the Plan and how the preferred strategy has been chosen in light of the alternative options.
- **Updated Habitats Regulations Assessment** – a statutory requirement which seeks to ensure that the habitats and species of European importance are protected.

### Examination Hearing Sessions

3.1 The examination Hearing sessions are led by the Inspectors. These sessions allow those who have made duly made representations to the submitted Plan in April 2018, to participate on specific matters to assist the Inspector in considering the policies and principles set within the JSP. The dates and venue for hearings, along with the Inspectors' draft timetable and issues/matters to be discussed at the hearings will be set by the Inspectors in due course. It is anticipated that the hearings will commence in May 2019.

### Next Steps

3.2 The provisional timetable to the examination hearings is set out below:

<b>Month</b>	<b>JSP Activity</b>
<i>October 2018</i>	<i>Further evidence preparation.</i>
<i>November 2018 – January 2019</i>	<i>consultation on additional reports.</i>
<i>February 2019</i>	<i>Councils publish Key Issues Report on the consultation.</i>
<i>March 2019</i>	<i>Inspectors set Issues and Matters.</i>
<i>April/May 2019</i>	<i>Participants Respond to Issues and Matters.</i>
<i>May 2019</i>	<i>Commencement of hearing</i>

3.3 Following the hearings, the Inspectors will conclude if the Plan can be adopted as submitted or whether modifications are required to make it sound. Any such modification will need to be subject to public consultation.

### **Consultation:**

4.1 The JSP has undertaken consultation stages in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This report has been prepared following discussion and review from WECA and UA officers.

### **Engagement with Government:**

5.1 The West of England Authorities formally wrote to the Secretary of State James Brokenshire on 29 August 2018 to express concern and disappointment at the response received from the Department following the requests made by South Gloucestershire Council (SGC) for the exercise of powers of recovery in relation to two appeal sites (land South of Gloucester Road Thornbury and land off Wotton Road, Charfield).

5.2 Further to that letter Councillor Toby Savage and Mayor Tim Bowles met with the Secretary of State to discuss the detrimental implications of such appeal decisions on the delivery of strategic development locations in the JSP. Councillor Savage and Mayor Bowles drew attention to the recent Ministerial Statement supporting the Oxfordshire Housing and Growth Deal. The West of England Mayors and Leaders collectively followed this discussion with a letter on 9 November 2018 inviting the Secretary of State to urgently consider exercising relevant powers in the West of England to support the delivery of the JSP.

### **Other Options Considered:**

6 This is an update report for information only and requires no decision regarding options or proposals.

### **Risk Management/Assessment:**

7 There are no direct implications arising from this report. Any risks will be reviewed

through the Joint Spatial Plan Project Board.

### **Public Sector Equality Duties:**

- 8 The public sector equality duty created under the Equality Act 2010 means that public authorities must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 8.1 The Act explains that having due regard for advancing equality involves:
- Removing or minimizing disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.2 The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies and the delivery of services, including policies, and for these issues to be kept under review.
- 8.3 An Equalities Impact Assessment has been undertaken as part of the Joint Spatial Plan.

### **Economic Impact Assessment:**

- 9 There are no direct implications arising from this report.

### **Finance Implications:**

- 10 The joint Spatial Plan will be resourced by the four Unitary Authorities, via the JSP Budget for which B&NES is the lead authority.

Advice given by: Malcom Coe, Director of Investment and Corporate Services, West of England Combined Authority.

### **Legal Implications:**

- 11 There are no direct implications arising from this report.

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Advice given by: Shahzia Daya, Director of Legal Services, West of England Combined Authority

**Land/Property Implications;**

12 There are no direct implications arising from this report.

Advice given by: David Carter, Director of Infrastructure, West of England Combined Authority.

**Human Resources Implications:**

13 The Plan will be resourced by Unitary Authority officers. As this project evolves, the resource requirements will be reviewed to ensure effective delivery of the project.

Advice given by: Alex Holly, Head of HR, West of England Combined Authority

**Recommendation:**

14 Members are asked to note the update report.