

# **North Somerset Council**

## **REPORT TO THE COUNCIL**

**DATE OF MEETING: 07 JANUARY 2020**

**SUBJECT OF REPORT: WEST OF ENGLAND JOINT SPATIAL PLAN AND  
TIMELINE FOR FUTURE STRATEGIC PLANNING**

**TOWN OR PARISH: ALL**

**OFFICER/MEMBER PRESENTING: COUNCILLOR TONKIN**

**KEY DECISION: N/A**

**REASON: COUNCIL DECISION**

## **RECOMMENDATIONS**

It is recommended that the West of England Joint Spatial Plan (JSP) as submitted to the Secretary of State for examination on 13 April 2018 should be withdrawn under regulation 27 of the Town and Country Planning (Local Planning) England) Regulations 2012 and in accordance with the section 22(1) of the Planning and Compulsory Purchase Act 2004.

### **1. SUMMARY OF REPORT**

1.1 The report seeks authorisation to withdraw the West of England Joint Spatial Plan (JSP) from examination. The Planning and Compulsory Purchase Act 2004 states that a local planning authority may withdraw a local development document at any time before it is adopted.

### **2. POLICY**

2.1 The Joint Spatial Plan sought to provide the strategic planning framework for the West of England 2016-2036.

### **3. DETAILS**

3.1 The JSP is a joint statutory Development Plan Document covering the four authorities of Bristol, Bath and North East Somerset, North Somerset and South Gloucestershire. It sets out key strategic planning policies for the West of England area and was submitted for examination in April 2018. The purpose of examination is to test the soundness of the plan as required by the Planning and Compulsory Purchase Act 20 (1).

3.2 Following the first round of hearings in July 2019, the Inspectors appointed by the Secretary of State wrote to the four Councils in August and September. These letters have been published on the examination website. The Inspectors stated that they do not consider that the JSP is sound for reasons set out in their letters, that these matters are difficult to address in a modification of the plan and that withdrawal of the JSP is the most appropriate option.

3.3 In the light of the issues raised by the Inspectors it is considered that the advice should be accepted and the JSP should be withdrawn. The council will now prepare a new Local Plan for North Somerset under a duty to cooperate with neighbouring planning authorities.

3.4 The preparation, adoption or withdrawal of Local Plans must comply with statutes and regulations, in this case principally the Planning and Compulsory Purchase Act 2004 (as amended), and the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.5 The 2004 Act makes provision for withdrawal of a Local Plan in Section 22(1) where it states a local planning authority may at any time before a local development document is adopted under section 23 withdraw the document.

3.6 Regulation 27 of the 2012 Regulations states the local planning authority must as soon as reasonably practicable after withdrawing it;

- (a) make available a statement of that fact;
- (b) notify relevant bodies and/or persons that the local plan has been withdrawn; and
- (c) cease to make any documents relating to the withdrawn local plan.

3.7 As this is a joint Plan with Bristol City Council, North Somerset Council, South Gloucestershire Council and Bath & North East Somerset Council all four Unitary Authorities will need to withdraw the plan.

3.8 The JSP was jointly submitted to the Secretary of State for Examination on 13 April 2018 by the West of England councils; Bath and North East Somerset, Bristol City Council, North Somerset Council and South Gloucestershire Council.

3.9 The JSP will be formally withdrawn from the process on the approval of all four councils.

3.10 The four authorities in the West of England are committed to joint working to deliver strategic spatial planning. North Somerset will prepare its own local plan, ensuring strategic matters with cross-boundary issues with other local planning authorities, including those within the West of England Combined Authority, are addressed through the duty to co-operate.

3.11 The scope and timetable for the North Somerset Local Plan will be revisited in the light of the decision to withdraw the JSP and a revised Local Development Scheme published in due course. The plan will need to assess the current challenges particularly in relation to

housing delivery and cross-boundary implications and how to deliver sustainable development in the context of the climate change emergency. It will set out the spatial strategy and contain both strategic and non-strategic policies to guide future development. The spatial strategy and strategic policies will be developed alongside those being prepared by the WECA authorities to ensure they are aligned and consistent. Work needs to be progressed to minimise uncertainty and with effective engagement with local communities and other stakeholders.

#### **4. CONSULTATION**

4.1 Statutory and community stakeholders and organisations have been consulted in the preparation of the Joint Spatial Plan. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for publicity on the withdrawal of the JSP. All those who have participated in the process will be notified of the withdrawal when confirmed.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The Joint Spatial Plan was being funded jointly by the West of England authorities and WECA.

#### **6. LEGAL POWERS AND IMPLICATIONS**

6.1 The powers relating to the preparation, adoption or withdrawal of Local Plans are set out in the Planning and Compulsory Purchase Act 2004 (as amended), and the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

7.1 The strategic policy approach to climate change and environmental issues will be revisited and taken forward through the new planning policy documents.

#### **8. RISK MANAGEMENT**

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

#### **9. EQUALITY IMPLICATIONS**

9.1 Engagement with equalities communities and stakeholders and consideration of relevant issues was undertaken as part of the preparation of the Joint Spatial Plan. An EqIA of the withdrawal of the JSP has not been undertaken, however an EqIA will be undertaken of the replacement process for provision of statutory planning policies.

#### **10. CORPORATE IMPLICATIONS**

10.1 The strategic planning framework has significant implications for a wide range of Council services in terms of, for example, the future location of population, jobs and infrastructure.

## **11. OPTIONS CONSIDERED**

11.1 The option to pursue the JSP has been discounted in light of the significance and nature of the Inspectors' conclusions arising from the July hearings.

### **AUTHOR**

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### **APPENDICES**

None.

### **BACKGROUND PAPERS**

Joint Spatial Plan and examination documents

<https://www.jointplanningwofe.org.uk/consult.ti/JSPPublication/viewContent?contentid=354419>

Inspectors' letter 1 August 2019 <http://www.hwa.uk.com/site/wp-content/uploads/2019/04/Post-Hearings-Letter-Final-1.pdf>

Inspectors' letter 11 September 2019 <http://www.hwa.uk.com/site/wp-content/uploads/2019/04/Detailed-Letter-v2.pdf>