

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: Helen Wilson

Lisa Bartlett
Senior Responsible Owner
JSP

1 August 2019

Dear Ms Bartlett

West of England Joint Spatial Plan (JSP) Examination

We would firstly like to thank the Councils, the West of England Combined Authority (WECA) and all other participants for their helpful contributions to the recent JSP examination hearings. We would also like to particularly note the sterling work of Helen Wilson, the Programme Officer, in ensuring that the practical arrangements for the hearings ran smoothly. Given that the provisionally arranged second stage of hearings are only a matter of weeks away we promised to write to you as a matter of urgency to set out our thoughts on the way forward with the remainder of the examination.

You will recall that last summer, shortly after submission of the plan for examination, we wrote to you setting out significant concerns about a number of aspects of the plan, including the way in which the overall spatial strategy, of which the proposed Strategic Development Locations (SDLs) are an integral part, had been selected against reasonable alternatives. We provided you with the opportunity to prepare a significant amount of further evidence in connection with our concerns.

Unfortunately, in the light of that additional evidence and all that we have now read and heard in the examination, including the further suggested modifications to the plan put forward by the Councils during the hearings, our significant concerns remain. In particular, we are not persuaded that there is evidence to demonstrate that the Strategic Development Locations, and thus the overall spatial strategy, have been selected for inclusion in the plan, against reasonable alternatives, on a robust, consistent and objective basis. We therefore cannot conclude that these fundamental aspects of the plan are sound. Although there are a number of outstanding detailed points which arose during the hearings on which the Councils were intending to submit notes, these would not affect our conclusions on the selection of SDLs and overall spatial strategy.

In view of this it would be clearly inappropriate to hold the proposed Matters 7.1 – 7.12 hearings, provisionally arranged for September/October, to discuss the SDLs in more detail. Consequently, we have asked Helen to cancel these hearings. It would also not make sense to hold the Matters 3b, 5 and 6 hearings at this time.

Whilst it might not be the only way in which these soundness problems could be addressed, it might be appropriate to consider developing a high-level strategy for the plan area which, not based on specific SDLs, identifies how housing, employment and other development should be broadly distributed. Proposals for specific strategic development locations would then follow on from this. Obviously such a strategy would need to be tested against reasonable alternatives. This approach would also potentially provide the plan, and the follow-on local plans, with the flexibility to select alternative/additional SDLs should this be necessary if one were to “fall away” or if the quantum of development needs were to change over time. However, it is important that we make absolutely clear that we have not reached the view that any of the individual proposed SDLs could not form a sound part of a plan for the West of England or as allocations in local plans.

We are currently preparing a letter setting out our concerns in more detail which we aim to send you by mid-August. We will not reach final conclusions on the way forward for the examination until we have had the chance to consider your response to that letter. However, whilst we recognise the need for pragmatism in the examination of local plans and the desirability of a plan for the West of England being found sound as soon as possible, subject if necessary to modifications, we think it only fair to advise you that we currently consider that withdrawal of the JSP from examination may well be the most appropriate way forward. Bearing in mind the amount of additional evidence which has already been prepared since the plan was submitted for examination in respect of the SDLs and the spatial strategy, we seriously question whether the production of even more evidence, as opposed to going back several stages in the plan making process, would be likely to address our soundness concerns. Importantly, we also question whether such work could be seen as genuinely having been carried out with the necessary objectivity, rather than being an exercise to justify a pre-determined spatial strategy. Given that the spatial strategy and the SDLs are at the absolute heart of the JSP, it is therefore also the case that the problems we have identified are not ones which could be addressed by an early review of the plan.

Furthermore, even if the problems in respect of the spatial strategy and SDLs could be satisfactorily addressed, we have significant concerns about the soundness of a number of other aspects of the plan which we will also set out in our more detailed letter. Based on the discussions at the recent hearings it is also possible that additional concerns would arise in relation to the matters which we have yet to discuss in detail (3b, 5, 6 and 7.1 – 7.12). Whilst it is likely that some or all of these could be individually addressed by Main Modifications, taken together and in the context of the need for significant and fundamental work in relation to the SDLs and spatial strategy, we envisage that, overall, a very substantial amount of further work on the plan needs to be undertaken. This would be likely to involve the preparation of substantial amounts of new evidence, rounds of public consultation and significant policy decisions being made. Work of this amount and nature is likely to be as quickly and more appropriately undertaken by the Councils and Combined Authority themselves, working closely with the community and other interested parties, in respect of a

new plan, rather than within the inevitable constraints of an ongoing local plan examination which has already been underway for more than a year. It would clearly be highly undesirable for the examination to continue for many more months for us then to conclude that fundamental soundness problems remain. It is of course also the case that nearly 60% of the plan's overall provision for housing comprises existing commitments and will be delivered over the coming years irrespective of whether or not the JSP is adopted.

We recognise and commend the considerable effort and resources which the Councils and WECA have dedicated to joint working and preparation of the plan. Our concerns about the JSP should not, in any way, be interpreted as meaning that we consider the preparation of joint plans or strategic planning across local authority boundaries to be fundamentally problematic; indeed, a number of participants in the examination have pointed to examples of successful joint strategic planning elsewhere in the country.

We appreciate that the Councils and the West of England Combined Authority will be extremely disappointed by this letter. However, we trust that you recognise that we have not reached these conclusions lightly and have done so only after giving you every reasonable opportunity during the examination to address our concerns.

We have asked Helen to publish this letter on the examination website although we are not inviting, nor envisage accepting, any comments on it from other examination participants.

Yours sincerely

Malcolm Rivett and Steven Lee

INSPECTORS