

# Full Council

14<sup>th</sup> November 2017



**Report of:** Zoe Willcox Service Director Planning

**Title:** West of England Joint Spatial Plan

**Ward:** All wards

**Member Presenting Report:** Cllr Nicola Beech, Cabinet Member for Strategic Planning and City Design

## Recommendation

That Full Council agrees that:

1. the draft West of England Joint Spatial Plan (JSP) in Appendix A to this report is published for consultation under regulations 19, 20 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. if the JSP is ready for independent examination, it is submitted to the Secretary of State before the end of March 2018 under regulation 22 of the regulations along with the other submission documents required by regulations, and;
3. the Service Director for Planning, or any other Director with responsibility for Strategic Planning, is delegated the authority, in consultation with the Cabinet Member for Strategic Planning and City Design and in co-ordination with Bath and North East Somerset, South Gloucestershire and North Somerset Councils, to;
  - a) make modifications to the JSP if needed, either prior to publication or prior to submission, and
  - b) respond to issues arising during the examination, including making modifications to the JSP

## Summary

The report seeks authorisation to progress the draft West of England Joint Spatial Plan for the period 2016 to 2036 to formal publication for consultation prior to submission to the Secretary of State for examination.

The draft JSP was considered by the West of England Joint Committee on 30<sup>th</sup> October and authorisation for publication is now being sought of each of the constituent councils.

When adopted, the Joint Spatial Plan will provide the strategic planning policy framework to guide the management and use of land in the public interest. The JSP will set the overall quantum of housing development required up to 2036 in the WoE and will identify the broad locations where development will be supported, to be brought forward through the authorities Local Plans. The Joint Spatial Plan will support the review of the Bristol Local Plan.

### **The significant issues in the report for Bristol are:**

The Joint Spatial Plan will provide for the delivery of:

- 105,500 new homes across the WoE between 2016 and 2036
- 33,500 new homes within the Bristol City Boundary
- 24,500 new affordable homes across the WoE

Bristol residents will benefit from:

- New homes within the urban fabric of Bristol and provision for new homes at the Brislington Park and Ride and land within the Bristol City Boundary at Bath Road. New homes will also be provided at Strategic Development Locations across the WoE.
- the provision of affordable homes within Bristol and in adjoining authorities
- Identification of new strategic transport and other infrastructure to support the growth of homes and jobs in the WoE.

Working together the West of England authorities will make the most of development opportunities to ensure that balanced and sustainable communities are delivered with high quality built and green environment throughout.

## Policy

1. The JSP is being prepared as a statutory Development Plan Document. Its preparation is regulated by statute. The next steps entail public consultation, submission and Examination into the 'soundness' of the Plan.
2. The Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The JSP provides the spatial framework for the review of the Bristol Local Plan.

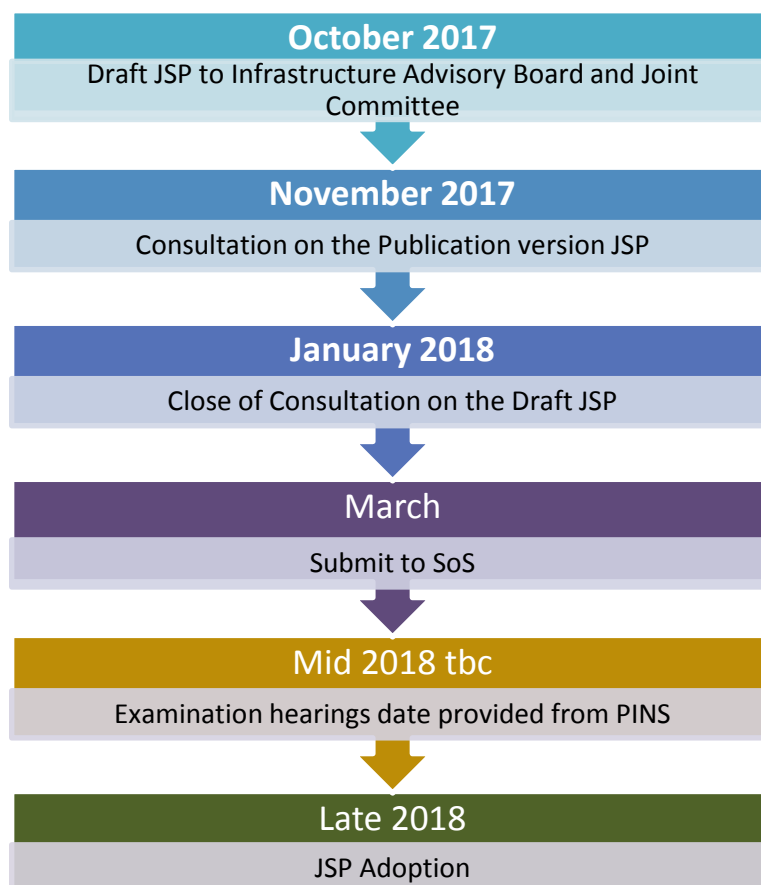
## Consultation

3. **Internal**  
Strategic Leadership Team
4. **External**  
Statutory stakeholder and community stakeholders and organisations.

## Context

5. The West of England faces a significant strategic challenge; to accommodate and deliver much needed new homes and jobs properly supported by infrastructure, to create attractive places while maintaining the environmental assets and quality of life unique to our area.
6. The Joint Spatial Plan (JSP) will address these challenges in a coordinated approach, outlining the housing and employment requirement of the West of England for the period 2016-2036. The document will provide the joint framework to ensure that development requirements are brought forward consistently across the West of England authorities.
7. This coordination on strategic planning matters is complemented by the approach to addressing strategic transport issues through the Joint Transport Study (JTS). The JTS has informed the JSP by outlining future strategic transport proposals for delivery up to 2036 that address current challenges on the network and inform future development proposals.
8. The preparation stages of the JSP are set out in the diagram below. This has entailed consultation under regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012, through the 'Issues and Options' and 'Towards the Emerging Spatial Plan' consultation stages. These consultation documents and supporting technical information are available for public viewing [here](#).
9. The next consultation on the JSP will be on the Publication Plan under regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012. The Publication version JSP is attached at appendix A.
10. The proposed consultation period will be from the 22nd November 2017 to the 10th January 2018. If the plan is ready, and subject to any minor modifications, the Plan will then be

submitted to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning) Regulations 2012, in March 2018 for a proposed Examination in Public (EiP) mid-2018. Following the examination and consideration of the Inspector's report, the plan will be adopted by the four Authorities. Once adopted, the JSP will become a statutory Development Plan Document and will guide the four Councils in the development of their Local Plans.



11. Members of the West of England Scrutiny Committee received an update on the JSP and the key issues it will need to address at its meeting on 27th September and considered the Publication Plan at their meeting on 24th October. The Infrastructure Advisory Board, considered the Publication Plan document on 23rd October 2017. Their views were summarised and considered by the Joint Committee at their meeting on 30th October 2017.

## Proposal

### The Joint Spatial Plan:

12. The Publication version Joint Spatial Plan and appropriate supporting documents are appended to this report. Further technical documents will be produced and made available during the consultation stage to support this document.

## Scope

13. The JSP is a strategic level Development Plan Document that will form the strategic policy

context for individual Local Plans prepared by the four authorities. The JSP will be a statutory document and will therefore need to be prepared in accordance with statute, local plan regulations and national policy to ensure it is a ‘sound’ document supported by technical evidence.

14. The scope of the JSP, with its supporting evidence base, is focused on: identifying the number of new market and affordable homes and amount of employment land needed across the West of England from 2016-2036; identifying the most appropriate spatial strategy and strategic locations for growth; and, outlining the strategic transport and other infrastructure required to support sustainable growth.

### Key Issues

15. Previous stages of the Plan’s preparation included public consultation on the key issues and challenges that should be addressed. The comments received have been considered and used to inform the draft Plan’s critical issues and strategic priorities. Key issues of which the JSP has needed to address include:
- Identifying housing and employment need.
  - Affordable housing delivery.
  - Quality of homes and place and communities.
  - Infrastructure to support growth.
16. In addressing these key issues, the draft Plan document outlines the following critical issues and strategic priorities:

<b>Critical Issue</b>	<b>Strategic Priority</b>
There is a critical need to substantially boost the housing supply, particularly affordable housing of which the need is acute across the Plan area.	1. To meet the sub-region’s identified housing needs, in a sustainable way. In particular to make a substantial step change in the supply of affordable housing across the plan area.
Economic prosperity has brought substantial benefits to residents, communities & the environment. However, prosperity has not been shared equally by all communities as there are pockets of deprivation within the sub region.	2. To pursue inclusive economic growth by accommodating the economic growth objectives of the LEP Strategic Economic Plan. Particularly to: <ul style="list-style-type: none"> <li>• promote the growth of existing employment centres such as the Enterprise Zones and Enterprise Areas</li> <li>• ensure more inclusive growth and life chances for all, across the West of England, and improve accessibility to jobs.</li> </ul>
The form and function of development in some parts of the	3. To deliver a spatial strategy which;

<p>West of England has resulted in significant pressure on infrastructure and settlement patterns which are over-reliant on the private car.</p> <p>This inhibits wealth creation and productivity and contributes to climate change and poor health.</p>	<ul style="list-style-type: none"> <li>• focuses on three primary centres of Bristol, Bath and Weston-super-Mare and recognises the complementary role of market towns to achieve sustainable growth.</li> <li>• ensures that new development is properly aligned with infrastructure and maximises opportunities for sustainable and active travel.</li> <li>• through a place making approach promotes places of density and scale with a range of facilities and which encourages health lifestyles and cultural wellbeing.</li> <li>• integrates high quality, multi-functional green infrastructure. Reduces greenhouse gas emissions and ensure resilience to the impacts of climate change.</li> </ul>
<p>The sub-region benefits from a world class environment. This brings substantial economic and community benefits and contributes significantly to the quality of life of residents, visitors and businesses.</p>	<p>4. To protect and enhance the sub-region's diverse and high quality natural, built and historic environment and secure a net gain in biodiversity.</p> <p>To prioritise development on brown field locations, optimise densities and retain the overall function of the Bristol and Bath Green Belt.</p>

## The Policies

17. The Policy framework in the JSP addresses the critical issues and strategic priorities. In summary the policy framework is as follows:
18. Policy 1: Housing Requirement: The JSP sets out the housing need for the period of 2016-2036. The overall housing need for the plan area up to 2036 is 102,200. The housing provision set for the JSP is 105,500 new dwellings which includes a flexibility in supply to ensure the delivery of the housing need. A contingency of around 3,000 dwellings is also identified for consideration as part of plan review should further capacity be required in the future. The mechanism to release any contingency is a plan review at the five year review period. The policy establishes the distribution between the unitary authority areas based on the spatial strategy (outlined within Policy 2).
19. Policy 2: Spatial Strategy: This policy sets out the spatial strategy and the justification underlying the choice of locations for identifying how the JSP housing and job requirements will be delivered across the West of England. The strategy is depicted on the Key Diagram. The reasoned justification to this Policy provides the basis by which the JSP has established the exceptional circumstances to some proposed amendments to the general extent of the Bristol and Bath Green Belt to sustainably accommodate the growth required over the plan period.

20. The following sequential approach for housing growth has been applied to achieve the Plan's strategic aims:-
- Reviewing existing commitments,
  - Maximising urban capacity and optimising density,
  - Allowing for small windfalls beyond that included in Local Plans,
  - Allowing for 'non-strategic' growth,
  - Assessing potential strategic locations, and
  - Assessing other sources e.g. empty homes, specialised housing such as Students & C2 etc
21. Policy 3: Affordable Housing Target: There is a critical need to deliver the affordable housing needs for the West of England. The Policy sets the Affordable Housing Target and the framework to boost the delivery of Affordable Housing across the West of England from 2016-2036.
22. Policy 4: Employment land requirement: This policy sets out the overall West of England jobs requirement and identifies key strategic employment locations including:
- Existing and strategic town centres
  - Enterprise Zones and Areas
  - Key strategic infrastructure employment locations
  - Additional employment land (floor space and ha) provision will also be identified at strategic development locations.
23. Policy 5: Place making principles: This policy sets out the strategic principles to ensure the delivery of high quality and sustainable new development incorporating multi-functional place making principles. These principles will be taken forward and refined through Local Plans and supporting Supplementary Planning Documents.
24. Policy 6: Strategic Infrastructure: The delivery of new homes through the JSP has an impact on the strategic infrastructure requirements for the West of England. The growth provided through the JSP will add to historic pressures on infrastructure namely transport. The JSP will ensure new development is properly aligned with infrastructure. This policy identifies the strategic infrastructure required to deliver the JSP growth elements. This will reflect the JSP Key Diagram and the supporting Infrastructure Delivery Programme.
25. Policy 7: Strategic development locations (SDL): This policy sets out the specific policy requirements for each of the proposed SDLs. These locations will not be allocated through the JSP it will be the role of the new Local Plans prepared by individual authorities to make the allocations for the SDLs and provide delivery guidance.

### **Duty to Cooperate**

26. The 4 authorities of the West of England; Bath & North East Somerset Council, Bristol City Council, North Somerset Council, South Gloucestershire Council and the West of England Combined Authority are committed to work collaboratively through a plan-led approach. Engagement with neighbouring authorities has been ongoing. This is consistent with the Government's core planning principles and the Duty to Cooperate (DtC). By preparing the JSP the 4 authorities are ensuring compliance with the DtC.

## Other Options Considered

27. The process of preparing the Joint Spatial Plan has involved publication of a number of options for development locations for the delivery of this strategic level spatial plan. No alternative to the Joint Spatial Plan is considered appropriate at this formal stage which sets out the plan which the West of England authorities consider to be ‘sound’ under the National Planning Policy Framework – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy** – the plan should enable the delivery of sustainable development.
28. The reasoned justification included after the policies in the Plan, along with the supporting attachments to this report, explains the rationale for the preferred spatial strategy and why the UAs think this accords with the requirements for soundness.
29. In seeking to formulate the most appropriate strategy (see para 27 above), the four UAs have been obliged to consider the reasonable alternatives. These are included in;
- The reasoned justification to the Polices in the JSP publication document
  - Appendix C: Draft Sustainability Appraisal (summary).
  - Appendix D: Habitats Regulation Assessment update paper.
  - Appendix E: Report on Engagement and main issues raised.
  - Appendix F: Topic Paper 1: The Housing Requirement.

## Risk Assessment

30. There are the following risks associated with this project:

<b>FIGURE 1</b>						
<b>The risks associated with the implementation of the recommendation to agree the publication of the Joint Spatial Plan:</b>						
RISK	INHERENT RISK (Before controls)		RISK CONTROL MEASURES	CURRENT RISK (After controls)		RISK OWNER
	Impact	Probability		Impact	Probability	
That the Joint Spatial Plan is published and consulted on, progresses to examination but is not found sound	<b>Medium</b>	<b>High</b>	The Joint Spatial plan has been prepared following guidelines and planning regulations, with extensive public consultation. Professional advice has been sought where needed to inform the drafting of the plan.	<b>Low</b>	<b>Low</b>	Sarah O'Driscoll
That there is a significant issue raised during the consultation which will delay the submission.	<b>Medium</b>	<b>Medium</b>		<b>Low</b>	<b>Low</b>	Sarah O'Driscoll



**FIGURE 2****The risks associated with not implementing the proposal to agree publication of the Joint Spatial Plan:**

RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
	Impact	Probability		Impact	Probability	
The failure to progress the WoE JSP to publication and subsequent examination will mean that Bristol City Council has no jointly agreed and statutorily based policy approach for the provision of new housing and employment opportunities across the West of England. Bristol will be unable to meet the needs for residents for jobs and new homes.	<b>High</b>	<b>High</b>	The Joint Spatial Plan has been prepared following guidelines and planning regulations, with extensive public consultation. Professional advice has been sought where needed to inform the drafting of the plan.	<b>High</b>	<b>High</b>	Sarah O'Driscoll

**Public Sector Equality Duties**

- 32a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.

- 32b) Engagement with equalities communities and stakeholders and consideration of relevant issues has been undertaken as part of the preparation of the Joint Spatial Plan. A full EqIA of the policies of the WoE JSP has been undertaken and is available.

## **Legal and Resource Implications**

### **Legal**

33. The JSP will ultimately form part of each UA's adopted Development Plan and as such it must be prepared in accordance with the statutory requirements and guidance. The publication and consultation will meet these requirements and will enable the JSP to move on to formal submission to the Secretary of State once the response to the consultation has been considered and the Council is satisfied that it will be submitting a plan that is sound.

**(Legal advice provided by Joanne Mansfield (Lawyer) 30<sup>th</sup> October 2017)**

### **Financial**

#### **(a) Revenue**

34. The City of Bristol's share of the cost in relation to the production of the JSP is covered by Earmarked Reserves in 17/18. The JSP provides the approach to the distribution of growth and development to be embedded in the West of England area over the next 20 years.

#### **(b) Capital**

There are no capital financial implications.

**(Financial advice to be provided by Tian Ze Hao Finance - Business Partner Place 26<sup>th</sup> September 2017 )**

### **Land**

35. The Council in its capacity as landowner fully supports the draft Joint Spatial Plan proposals and recognises that through the adoption of the JSP, the Council's potential for utilising its land and buildings to contribute to the proposed housing delivery numbers both within Bristol and in partnership with its neighbouring local authorities, will be greatly assisted. The adoption of the JSP will also enable the Council to increase the opportunity to redevelop its brownfield land assets and ensure that its property holdings operate and are developed in the most efficient manner to increase the employment, infrastructure and economy levels within the wider area of Bristol.

**(Land advice provided by: Joe Jeffrey - Service Manager Property Development 27<sup>th</sup> October 2017)**

### **Personnel**

36. There are no direct Human Resources implications for the Council arising from these recommendations.

**(Personnel advice provided by Alex Holly - Neighbourhoods Business Partner 24 October 2017)**

**Appendices:**

Appendix A: West of England Draft Joint Spatial Plan: Publication Draft in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Appendix B: Strategic Development Location Templates.

Appendix C: Draft Sustainability Appraisal (summary).

Appendix D: Habitats Regulation Assessment update paper.

Appendix E: Report on Engagement and main issues raised.

Appendix F: Topic Paper 1: The Housing Requirement.

Appendix G: WoE Equalities Impact Assessment.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

National Planning Policy Framework 2012

National Planning Practice Guidance

The Town and Country Planning (Local Planning) (England) Regulations 2012

Planning & Compulsory Purchase Act 2004 (amended)

Bristol City Council Core Strategy 2011

Bristol City Council Site Allocations and Development Management Local Plan 2014

Bristol City Council Central Area Plan 2015

LEP Strategic Economic Plan

Joint Transport Study 2017