

| Bath & North East Somerset Council | |
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| MEETING | Council |
| MEETING DATE: | 16th January 2020 |
| TITLE: | West of England Joint Spatial Plan |
| WARD: | All |
| AN OPEN PUBLIC ITEM | |
| List of attachments to this report: | |
| None | |

1 THE ISSUE

- 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 RECOMMENDATION

- 2.1 That Full Council agrees that;

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West of England Joint Spatial Plan (JSP) as submitted to the Secretary of State for examination in April 2018 should be withdrawn under regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in accordance with section 22(1) of the Planning and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

3 THE REPORT

- 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 2004.

- 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 conclude 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light of the issues raised by the Inspectors it is considered that the advice should be accepted and the JSP should be withdrawn.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 four authorities and WECA remain committed to working together on the best way forward on strategic planning policies for the sub-region to positively address its strategic planning needs including the Climate Emergency. The next steps will be set out in due course following the formal decisions to withdraw by all four Full Councils.
- 3.4 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.

4 STATUTORY CONSIDERATIONS

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no direct resource implications for the withdrawal of the Joint Spatial Plan although the resources implications of the alternative arrangements will need to be considered in due course.
- 5.2 It is considered that withdrawal of the JSP would comply with the Council's legal duties with respect to human rights and the public sector equality duty.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

7.1 The four authorities and WECA remain committed to working together on the best way forward on strategic planning policies for the sub-region to positively address the Climate Emergency.

8 OTHER OPTIONS CONSIDERED

8.1 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.

9 CONSULTATION

9.1 Statutory and community stakeholders and organisations have been consulted in the preparation of the Joint Spatial Plan. The 2012 Regulations set out the requirements for publicity on the withdrawal of the JSP and all those who have participated in the process will be notified of the withdrawal.

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| Background papers | The Planning and Compulsory Purchase Act 2004 (as amended) Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework Joint Spatial Plan Examination Inspectors' letters to the four West of England Authorities dated 11 th September 2019 and 1 st August 2019 The West of England Joint Spatial Plan (Submission Version 2018) |
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