

COUNCIL SUPPLEMENTARY NOTE ON THE IMPLICATIONS FOR THE LOCAL PLAN PARTIAL UPDATE SOUNDNESS OF THE HALTING OF WORK ON THE WECA SPATIAL DEVELOPMENT STRATEGY

1. The West of England Metro Mayor wrote to Michael Gove, Secretary of State for Levelling Up, Housing and Communities on 9th May advising him that it has not proved possible to reach unanimous agreement on the Spatial Development Strategy (SDS) for the West of England and therefore, he has halted all further work on the SDS (see CD-SD069).
2. This supplementary note for the examination sets out the Council's position in respect of the implications of the halting of work on the Spatial Development Strategy (SDS) for the soundness of the Local Plan Partial Update (LPPU). In so doing it considers the implications against the soundness tests set out in NPPF paragraph 35, namely:
 - a) *Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
 - b) *Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
 - c) *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
 - d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*
3. As set out in the LPPU Commencement Document (CD-SD053) and re-iterated in EXAM1A the purpose, remit and scope of the LPPU is to replenish housing supply in order that the Core Strategy housing requirement can be met; update policies in respect of delivering Council priorities; and update policies for clarity and in order that they comply with current national policy as set out in NPPF 2021. In so doing the LPPU does not alter the strategic objectives, spatial strategy, housing/job growth requirements or the plan-period of the adopted Core Strategy and Placemaking Plan, which together comprise the adopted Local Plan. As such it is not dependent on a sub-regional plan being prepared.
4. In adopting the Core Strategy in 2014 the Council committed to reviewing it within five years, co-ordinated alongside the review of the other West of England unitary authorities' (UAs) Core Strategies, primarily to address the important strategic cross boundary matter of identifying whether there is any unmet housing need arising in Bristol, quantifying it and setting out an appropriate strategy for responding to it. In addressing this issue (as well as other sub-regional strategic matters) the four West of England UAs embarked on preparing a Joint Spatial Plan (JSP). Whilst still formally a Local Plan, the JSP was intended to be a strategic plan for the West of England area providing a framework to steer the Local Plan of each UA. The JSP was prepared and submitted for examination in 2018. Following part of the examination it was subsequently withdrawn in 2020. B&NES was preparing a new Local Plan (2016-2036) related to the JSP timetable and reached the Regulations 18 consultation stage. However, the work

was stopped because the Local Plan (2016-2036) was being prepared in the context of and to deliver the withdrawn JSP.

5. Upon withdrawal of the JSP and in accordance with the Combined Authorities (SDS) Regulations as amended (2018); the West of England Combined Authority (WECA) Order (2017); and the GLA Act (1999), the WECA Mayor began preparation of the Spatial Development Strategy (SDS) with the three WECA UAs of Bristol, South Gloucestershire and B&NES. The SDS is the vehicle for addressing strategic sub-regional and cross boundary matters across the WECA area, including quantifying and responding to any unmet housing need arising in Bristol. All the WECA UAs have scheduled preparation of Local Plans alongside and to conform with the SDS.
6. Given preparation and adoption of the sub-regional spatial plan has been delayed as set out above and the consequential impact on the ability of B&NES to progress preparation of a new Local Plan, B&NES Council took the decision in March 2020 to prepare a partial update to its Local Plan (the LPPU). The purpose, remit and scope of the LPPU is set out in paragraph 3 above.
7. In the Council's view the halting of work on the SDS does not undermine the justification for preparing the LPPU and nor does it adversely affect its soundness. Under the WECA order, the WECA Mayor is required to prepare a SDS. Article 10 of the Order (with the Modifications set out in Schedule 2 to the Order) applies section 334 of the Greater London Act 1999 to the WECA. Section 334 requires the preparation and publication (following Examination) of an SDS:

334.— The spatial development strategy.

(1) The Mayor shall prepare and publish a document to be known as the “spatial development strategy”

....”

8. Accordingly, the halting of further work on the SDS does not remove the legal duty to prepare and publish this Strategy, albeit it will impact on the timing of it. A response from the Secretary of State to the Metro Mayor's letter is awaited which should provide some clarity. The next steps in terms of the SDS cannot therefore currently be confirmed and the implication for the timetables for progressing the individual UA new Local Plans is unclear at this stage.
9. However, delays to progressing the SDS and/or putting in place alternative arrangements do not undermine justification for preparing the LPPU. If anything, this strengthens the justification for a partial update i.e. in line with the Government's objective of having up-to-date Local Plans in place and para 33 of the NPPF B&NES will have in place an updated local policy framework and replenished/increased housing supply in a plan-led manner up to 2029, enabling a 5YHLS to be identified in the short term and the Housing Delivery Test to continue to be met. Within the circumstances in B&NES the LPPU is the most appropriate means by which the Council can meet the national requirements of a plan-led system. There is nothing to be gained in ceasing progression of the LPPU to adoption at this late stage in the process; such a course of action would not enable the Council to prepare a new Local Plan any more

expeditiously. The LPPU was never intended by B&NES to be undertaken instead of a full review of the Local Plan, but is a stepping-stone to ensuring an up-to date planning policy framework needed due to the delay to the preparation of a full local plan caused by issues at the sub-regional level.

10. The B&NES Local Development Scheme (LDS) currently envisages the adoption of the new B&NES Local Plan in late 2024. In light of the delay in progressing the SDS the Council will be reviewing its LDS shortly and intends to publish an amended LDS alongside the formal launch of the new Local Plan later this year (see also paragraph 11 d) below). Based on its track record, B&NES has not avoided responding robustly to difficult issues through its Local Plans. The Core Strategy released four sites from the Green Belt in response to identified housing needs resulting in record housing delivery in the district, B&NES responded positively to the Bristol City unmet housing needs in the JSP and it is evident from the letter from the WECA Mayor to the Secretary of State that B&NES was supporting the SDS. B&NES is strongly committed to the Plan-led approach
11. The mechanisms by which longer term operation of a plan-led system is secured in B&NES and the other West of England UAs needs to be resolved as soon as possible.
12. Specifically in respect of the soundness tests the Council makes the following observations:
 - a) *Positively prepared* – the LPPU enables the objectively assessed needs identified through and set out via the Core Strategy housing requirement to be met, with additional flexibility enabling the Housing Delivery Test (HDT) to be met throughout the plan-period and 5YHLS to be identified. When taking into account the delivery of Purpose Built Student Accommodation to meet student needs, the LPPU enables a level of housing to be provided that is also in line with, and is greater than, the latest standard method derived housing figure for B&NES. In respect of any unmet need from adjoining authorities, both Wiltshire Council and Mendip District Council have confirmed they do not currently have unmet needs and the level of any unmet need arising in Bristol has not been quantified through the plan-making process. As set out above this is most appropriately quantified and responded to at the sub-regional level.
 - b) *Justified* – within the proposed purpose, remit and scope of the LPPU the Council considers that the Plan represents an appropriate strategy taking into account reasonable alternatives and is based on a proportionate evidence base. The current halting of work on the SDS does not alter the ‘reasonable alternatives’ to be tested and considered in the context of preparing a partial update. It remains appropriate that quantifying and responding to any unmet housing need arising in Bristol is undertaken through the preparation of the SDS (given the WECA order) or, if alternative arrangements are shown to be permissible (or appropriate), through joint working between the three WECA UAs on their Local Plans covering a similar plan period. This is not prejudiced by the LPPU, but the LPPU facilitates this by the identification of housing supply in the short-medium term which is all the more important as a result of the delay to full new Local Plans caused initially by the JSP and potentially by the SDS. B&NES is no further behind than the other WECA UAs in the preparation of a new Local Plan, but will have the advantage of an updated planning policy framework

- c) *Effective* – the LPPU is considered to be deliverable over the plan period and as set out in the response to the Inspector’s initial questions (document EXAM1A) is based on effective joint working on cross boundary strategic matters, which given the purpose, remit and scope of the LPPU are very limited. The issue of any unmet housing need arising in Bristol, whilst clearly a cross boundary strategic matter, is not an issue to be addressed by the LPPU and therefore, is not subject to the Duty to Co-operate in respect of the LPPU preparation. As set out above any unmet housing need arising in Bristol is being quantified and responded to via the WECA SDS, on which the three UAs and the WECA have been engaging effectively and on an on-going basis as demonstrated through the SDS Statement of Common Ground (CD-SD02, SD063 and SD064). The outcome of this engagement is not yet a Draft SDS on which WECA and all three UAs can agree. Whilst work has currently halted on the SDS it does not mean further engagement will not result in an agreed draft SDS. As set out above (paragraph 7), subject to the response from the Secretary of State, a decision on the future sub-regional working arrangements is required.
- d) *Consistent with national policy* – through the LPPU, policies in the adopted Core Strategy and Placemaking Plan have been updated in order that they accord with national policy and meet B&NES’ objectives. In document [EXAM1A](#) under the response to question 12 the Council has outlined why it is appropriate for the LPPU not to have a plan period of at least 15 years from the date of adoption. These reasons remain robust given preparation of a new Local Plan to address a longer-term plan period and housing requirement has informally started and will be formally launched later this year, shortly after the LPPU examination hearings have concluded. Work on the new Local Plan can and will progress through the regulation 18 stage, even with the current halting of work on the SDS. However, under current legislation (as set out in paragraph 7 above) the new Local Plan could not progress to the regulation 19 stage without a SDS in place. As set out above, investigations into the appropriate mechanism for strategic cross boundary planning need to be progressed quickly in order to facilitate work on WECA area UAs respective Local Plans. Ceasing work on or withdrawing the LPPU from examination is not a necessary or positive solution to the current situation.
13. In conclusion, the halting of work on the SDS does not undermine the preparation of the LPPU, but to the contrary emphasises its importance. There is a need for both the LPPU and a new Local Plan, and work on the latter is scheduled to formally commence this year. The Council does not consider that this change in circumstances raises any issue of soundness.