

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

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Dear Ms Bartlett

West of England Joint Spatial Plan (JSP) Examination

1. Further to our letter of 1 August 2019 we write to set out in more detail our fundamental concerns about the soundness of the West of England Joint Spatial Plan (JSP). However, we are not seeking to comment on all the issues discussed at the hearings held so far and instead focus on the key points which have led us to conclude that there are very substantial soundness problems with the plan.
2. At the outset we wish to note that we recognise the enormous amount of effort and resources the Councils have dedicated to preparing the plan and their commendable commitment to joint working. On our part we have always sought to examine the plan in a positive and pragmatic way. However, ultimately we must examine its soundness against the tests set out in the *National Planning Policy Framework*, most particularly to ensure that the JSP is both justified and effective. The Councils will, of course, be aware that many of the points we raise in this letter are ones which have also been made, albeit in numerous slightly different ways, by examination participants (including local residents, parish councils, community groups and the development industry) at Regulation 19 consultation stage, in response to the consultation on additional evidence prepared during the examination, in hearing statements and at the hearings themselves.

The Spatial Strategy and Selection of Strategic Development Locations

3. The Councils confirmed at the hearings that the proposed 12 strategic development locations (SDLs) are an integral part of the plan's spatial strategy and that there is no overarching spatial strategy which sits above the SDLs and has guided their selection. On this basis it is therefore clearly a pre-requisite of the justification and soundness of the JSP's spatial strategy that the SDLs have been selected against reasonable alternatives on a robust, consistent and objective basis.
4. Moreover, although policy 1 details a housing supply figure for each district, these are simply a 'bottom-up' summation of (i) existing local plan commitments, (ii) assumptions on 'urban living' and non-strategic growth and (iii) anticipated delivery at each of the relevant SDLs. Furthermore, it was confirmed at the hearings that, in terms of the 17,000 or so dwellings

identified as needed to be provided for at SDLs, no requirement figures (either precise or indicative) have been considered or identified for any individual settlements, for each local authority area or for any other sub-area of the West of England as a whole. Thus, we understand that the SDLs were selected on the basic presumption that any candidate SDL anywhere within the plan area could meet the plan area's housing needs just as well as any other candidate.

5. However, given that the plan area comprises two housing market areas (Wider Bristol and Bath) and that the Councils and examination participants have referred to various local housing needs (eg Bristol City's 'unmet' needs and those of Weston-Super-Mare and north South Gloucestershire), we are not persuaded that this approach is justified. For example, in the light of such local housing needs, we do not find it credible that housing at Charfield or Buckover SDLs, in the north of South Gloucestershire, could meet the same needs as would be provided for some 25 miles or so away by Churchill or Banwell SDLs in the south of North Somerset; or indeed that any of these four SDLs would meet the same needs likely to be provided for by Brislington or Whitchurch SDLs on the edge of the Bristol built-up area.
6. Nevertheless, notwithstanding the above, the specific reasons given for selecting the chosen SDLs and rejecting other reasonable alternatives (most comprehensively set out in Appendix 5 of the *Consolidated Sustainability Appraisal* (WED009), prepared in response to our initial letters) show that housing needs below the plan area-wide level were in fact instrumental in selecting at least some of the SDLs. For example, it is indicated that Charfield and Buckover SDLs were selected, in part, because they would help to meet the housing needs of the north of South Gloucestershire. Consequently, by definition, the vast majority of candidate SDLs, which are not in this part of the plan area, could not hope to be selected in the light of this factor. Whilst meeting the housing needs of the north of South Gloucestershire could, in principle, be a justifiable aim of the plan, as far as we can tell it has never been clearly cited as such, other than in connection with the reasons given for selecting or rejecting individual candidate SDLs within South Gloucestershire. Nor has this aim itself been appraised through SA or tested against possible alternatives. In a similar vein many of the other reasons given for the selection or rejection of SDLs have not been clearly stated to be aims or objectives of the plan, nor robustly appraised against alternative approaches.
7. We appreciate that some of the reasons given for the selection/rejection of candidate SDLs match or align with the eight principles set out in paragraph 4.2 of *Topic Paper 2* (SD7A) – eg directing housing growth away from the north east of Bristol towards the south east or embracing housing delivery models such as garden villages. At the hearings the Councils variously and confusingly stated that these principles (a) had informed the selection of SDLs, (b) merely describe the selected SDLs, and (c) both of these. Furthermore, we note that there is no reference to these principles in *The Formulation of the Emerging Spatial Strategy* document (SD7C) of November 2016, which we understand was the first published document in which selected SDLs were identified. Indeed, as we understand it, these principles were not first published until a year or so later in the first version of *Topic Paper 2* (SD7B) at the time of the Regulation 19 consultation on the

plan. Consequently, we cannot be certain what the selection process actually entailed.

8. Moreover, even if it could be demonstrated that these principles did form the basis on which the selection/rejection of SDLs was undertaken (a) there is no priority or sequential approach to them (other than for 'urban living') so it is unclear how SDLs have been selected against them when most candidates are likely to meet at least one of the principles; (b) there is no comprehensive and consistent assessment of candidate SDLs against the principles; and (c) as far as we can tell, no appraisal or testing against possible alternatives has been undertaken of the principles themselves. Additionally, we remain to be convinced that, in terms of assumed mitigation measures (eg transport), candidate SDLs have been appraised on a consistent basis and that realistic reasonable alternatives for the size/configuration of SDLs have been considered.
9. The problems caused by the absence of a spatial strategy which is not based on specific SDLs are particularly highlighted in relation to the Green Belt, the protection of which is a strong element of national policy. The plan contends that exceptional circumstances exist to remove land from the Green Belt for five of the proposed SDLs (totalling around 8,550 dwellings, taking account of anticipated delivery after the current plan period). However, on the stated basis that any candidate SDL could meet the plan area's housing needs just as well as any other, there would, on the face of it, be little justification to select SDLs in land currently designated as Green Belt when there are reasonable alternatives outside the Green Belt. Nonetheless, we recognise that early Sustainability Appraisal work identified that a strategy of entirely avoiding the Green Belt would be likely to result in unsustainable patterns of development. However, in the absence of any follow-up evidence to demonstrate broadly how much housing development would be appropriate both outside and within the Green Belt to ensure the plan provides a sustainable pattern of development, we cannot see how exceptional circumstances to remove land from the Green Belt for five SDLs and around 8,550 dwellings can be demonstrated. If we were to accept that there are, in principle, exceptional circumstances to remove land from the Green Belt there is no clear evidence as to why there should not be considerably more or considerably less housing on land currently in the Green Belt as advocated by many examination participants.
10. We appreciate that *Topic Paper 2* explains that SDLs in the Green Belt were selected only after all candidate SDLs outside of this designation, deemed to be sustainable, suitable and deliverable, had been identified. This approach could potentially be justified if it was not for the fact that the plan identifies as a contingency location (to be brought forward at a later date if needed) land at east Clevedon which is outside of the Green Belt. We have reached no view on the merits of an SDL at east Clevedon. However, whilst we appreciate that the Councils now wish to modify the plan so as not to make reference to contingency locations, it does not appear to be consistent with the approach detailed in *Topic Paper 2* to select SDLs in the Green Belt in preference to east Clevedon.
11. As stated in our previous letter we have not definitively reached the view that any of the individual SDLs proposed in the JSP could not, in principle,

form a sound part of a plan for the West of England or for any of the individual local authority areas. However, in the light of the above, we conclude that robust evidence has not been provided to demonstrate that the 12 SDLs proposed in the plan have been selected against reasonable alternatives on a robust, consistent and objective basis. Consequently, given that the SDLs are an integral part of the plan's spatial strategy, we cannot conclude that the spatial strategy is itself sound. Additionally, the absence of a robust SDL selection process or a strategy which is not based on specific SDLs means that there is not a clear basis on which to select alternative/additional SDLs (either in a review of the JSP or in local plans) should this be necessary if one were to "fall away" (eg because of deliverability problems) or if the quantum of development needs were to change over time.

12. We first set out our concerns about the spatial strategy and the SDL selection process in June 2018, a few weeks into the examination. In the spirit of pragmatism and recognising the desirability of getting a sound plan in place, we gave you the opportunity to prepare a considerable amount of further evidence in an attempt to address these concerns. Unfortunately, this has not been successful and for the reasons detailed above our concerns remain and, indeed, have deepened. In the light of this we consider that any further work to simply re-justify the selection of SDLs included in the plan or any change in the way the existing strategy is merely articulated in the JSP, could not now be considered to be anything other than retrospective justification of the plan. Consequently, it would be very unlikely to persuade us that the SDLs, and thus the spatial strategy overall, were selected on a robust, consistent and objective basis.
13. Instead, we believe that it is likely to be most appropriate for the Councils to return to the plan preparation process to formulate a robust, consistent and objective framework against which candidate SDLs can be selected for inclusion in the plan. Whilst it is not the only possible way the problems we have identified could be addressed, this could involve developing, as a first stage, a clear, high-level spatial strategy for the plan area which, not based on specific SDLs, identifies how housing, employment and other development should be broadly distributed. The selection of specific strategic development locations included in the plan would then logically follow on from this. However, it must be recognised that the 12 currently-proposed SDLs might or might not be the ones most appropriate to include in the plan in the light of any such strategy. Moreover, we do not think there is currently the evidence on which we could formulate such a strategy and, in any case it would almost certainly involve key policy decisions which we believe are most appropriately made by the Councils/Combined Authority themselves. This is essentially a plan preparation function and, given that it is fundamental to the plan as a whole, is not one which can be easily carried out during the examination.

Strategic Development Location Policy Requirements

14. Notwithstanding, and separate from, our concerns about the selection of the SDLs included in the plan, we also expressed concern in our first letter at the start of the examination about the plan's Chapter 4, paragraph 66 statement that the long list of SDL policy requirements (policies 7.1 – 7.12) are a

“starting point” and would “evolve”. This is not a basis on which formal development plan policy should be written and adopted because it creates undesirable ambiguity and uncertainty. The Councils’ response at that stage was merely to suggest modification of paragraph 66 to remove the “starting point” and “evolve” references.

15. Since then the SDL policy requirements have, in fact, evolved with a significant number of modifications proposed to them by the Councils during the examination up to this point. And, given the amount of further work necessary to progress many of the SDLs to local plan site allocations, we would be surprised if there were to not be a need for the requirements to evolve further. The situation with regard to the Nailsea SDL, brought to our attention at the hearings, highlights this point: policy 7.7 makes clear that the Nailsea SDL relates to “land to the south west of Nailsea”. However, the Councils indicated that, in the light of responses to the *Issues and Options Consultation* for the *North Somerset Local Plan*, they are currently reconsidering the location of the Nailsea SDL. Whilst we reach no conclusions on the relative merits of these two locations, this demonstrates the potential for over-prescriptive policy 7.1 - 7.12 requirements to constrain the ability of local plans to formulate robust site allocation policies for the SDLs.
16. We also recognise that to be acceptable in planning terms the SDLs will need to be supported by infrastructure and comply with various other policy requirements. However, in the light of the above and based on the comments of representors on the requirements detailed in policies 7.1 – 7.12 (as proposed to be modified by the Councils), we consider it likely that we would ultimately conclude that many of these requirements are too specific, and provide insufficient flexibility, to be effective as formal development plan policy in the JSP. This is particularly so in advance of allocation of the sites and when there is, thus, no certainty about their precise location.
17. We do not dispute the Councils’ argument that for the SDLs to be deemed sound evidence is needed to demonstrate that it is realistic that deliverable infrastructure requirements could be brought forward to make the developments acceptable in planning terms. However, the need for such evidence does not then automatically justify as formal planning policies for SDLs (which are not site allocations) specific infrastructure and other detailed requirements.
18. We would not be able to reach final conclusions on these policy requirements in advance of discussing them in detail at hearings. Nonetheless, as a result of the discussions already held on the principle of the SDL policy requirements, we believe it likely that we would ultimately conclude that many of the policy 7.1 – 7.12 requirements would inappropriately constrain the Councils in preparing robust site allocation policies for deliverable housing developments in the subsequent local plans. On this basis they would not be justified or effective.
19. We envisage there are two main possible ways for this problem to be addressed. If the Councils are keen to set out, comprehensively and in detail, specific infrastructure and other requirements for the SDLs which are ultimately included in the JSP, then this is likely to be most justifiably and

effectively done in connection with formal allocation of the SDLs. However, if the Councils remain committed to the allocation of the SDLs in the individual authorities' local plans, then for the JSP to be sound it is likely to be necessary to significantly reduce in number and/or make much more flexible the current requirements set out in policies 7.1 – 7.12. It could also be appropriate to use supporting text (as distinct from formal policy) to indicate the specific issues which are likely to need to be considered in formulating the local plan site allocation policy requirements for the SDLs. The adoption of one approach for some of the SDLs and of the other approach for the remainder, as raised as a possibility at the hearings, would also potentially be feasible.

Non-Strategic Housing Growth

20. Policy 2 provides for non-strategic housing growth to be brought forward through the follow-on local plans. Whilst the policy itself does not indicate the amount of this type of development, Figure 5 (and supporting evidence) is clear that a total of 3,400 dwellings is assumed. However, the written evidence and the responses from the Councils at the hearings do not convincingly explain the derivation of, or justify, the assumed 3,400 dwelling non-strategic housing growth provision.
21. We appreciate that in response to our initial letters the Councils have now considered through the *Consolidated Sustainability Appraisal* a higher, 5,000 dwelling, non-strategic growth option. Nonetheless, at the hearings the Councils confirmed that the *Consolidated Sustainability Appraisal* does not set out the reasons for rejection of this reasonable alternative in favour of the JSP strategy. Indeed, in seeking to justify the selection of the JSP strategy against reasonable alternatives, the *Consolidated Sustainability Appraisal* simply refers the reader back to *Topic Paper 2*, a document prepared before a number of reasonable alternatives (including the 5,000 dwelling non-strategic growth alternative) had been appraised. Obviously this does not assist in justifying the selected 3,400 figure for non-strategic housing growth.
22. Notwithstanding the above, through the discussions at the hearings it became apparent that there is, in reality, no cap set in the JSP to the amount of non-strategic housing growth which could be allocated in local plans or granted planning permission. Indeed, if other sources of housing supply (commitments, 'urban living' and SDLs) were not to deliver as anticipated, increasing the amount of non-strategic housing provision above 3,400 dwellings would seemingly be the easiest way of the Councils ensuring that the overall supply of at least 105,500 homes could be achieved.
23. On the evidence we have read and heard we consider that high levels of dispersed development across the West of England, unguided by any strategy, would not be sustainable. In the light of this (and the potentially un-capped amount of non-strategic housing growth which could come forward) we find it particularly concerning that the JSP does not provide any steer on where non-strategic housing growth should be located or of the housing needs it should be seeking to address, other than the Chapter 3 paragraph 11 reference to enabling "local communities to thrive". Moreover, the fact that it is assumed that non-strategic housing growth could take

place on land to be removed from the Green Belt through local plans (and we understand that there are such proposals in emerging local plans) is of particular concern. We do not have the evidence to determine whether or not exceptional circumstances exist to remove land from the Green Belt for any particular non-strategic housing growth development site. Nonetheless, the JSP in effect allowing the removal of land from the Green Belt through local plans for non-strategic housing growth (particularly when there is no limit to the amount of such release) does not sit comfortably with the Councils' contention that SDLs have only been proposed in the Green Belt after all other sustainable alternatives for housing have been exhausted.

24. In the light of the above we consider that to be sound the plan should set out a clear policy steer on the amount and broad location of housing needs to be provided for by non-strategic housing growth. However, we anticipate that such policy would require the preparation of a considerable amount of justifying evidence and, potentially, assessment against reasonable alternatives. In the absence of this we are not in a position to advise on the content of this policy.

Employment Land Requirements

25. Paragraph 5 of Chapter 1 of the JSP makes clear that the scope of the plan includes identifying the amount of employment land needed across the West of England and the most appropriate spatial strategy for this growth. This is intended to be addressed through JSP policy 4, which supports the delivery of 82,500 additional jobs across the plan period, primarily at 13 existing key strategic employment locations. Additional employment land is also identified at most of the SDLs. Clearly, given that we have not yet held a hearing session on policy 4, we cannot reach any final conclusions on it, including importantly with regard to the justification of the 82,500 additional jobs growth figure. Nonetheless, the 82,500 figure aside, based on all we have heard and read to date (including the Councils' Policy 4 (Matter 5) hearing statement) we remain to be convinced that the policy is effective given that it does not detail the amount of employment land to be provided for across the plan area as a whole, at the identified key strategic employment locations or within each district. Indeed, this particular omission seems to conflict with paragraph 5 of Chapter 1 of the plan.
26. In response to concerns set out in our initial letters the Councils have now, through the *Consolidated Sustainability Appraisal* (CSA), considered higher jobs targets and related alternative distributions of employment land to that set out in policy 4. However, notably there is no appraisal of alternative distributions of employment land to meet the Council's preferred additional jobs target of 82,500 including, potentially, alternatives to the provision of employment land at SDLs. In the light of this we believe it to be a strong possibility that we would conclude that there is not the evidence to demonstrate that proposed distribution is an appropriate one.
27. Moreover, if we were to conclude that the jobs growth figure should be higher than 82,500, the CSA's consideration of alternative strategies for delivering this would then become a key consideration. Whilst we recognise that planning for housing and employment is intrinsically linked, the approach taken in the CSA of appraising together, as single scenarios, higher

housing and jobs figures than proposed in the plan, means that it is difficult to assess the extent to which the identified positive and negative sustainability effects arise from the housing or employment elements of each scenario. Furthermore, the seeming assumption in this appraisal that provision for more than 82,500 additional jobs would have to be accompanied by higher housing provision than the JSP requirement figure is contrary to the Councils' argument presented in respect of the objectively-assessed need for housing. That was that the plan's housing requirement figure of 102,800 would provide the necessary labour force to accommodate significantly more than 82,500 additional jobs.

28. Furthermore, and fundamentally, we are not convinced that providing for a higher jobs growth figure through employment land allocations at additional SDLs over and above those included in the plan (as is assumed in the *Consolidated Sustainability Appraisal*) is the only or most obvious reasonable alternative. This is particularly so bearing in mind the evidence which demonstrates that there is already more than sufficient employment land to meet the 82,500 jobs figure. In this context there is no convincing evidence to demonstrate why additional jobs could not be accommodated within, or as expansion of, the 13 existing key strategic employment locations. On the face of it such an approach would be seemingly more sustainable than providing for new employment land on greenfield sites at additional SDLs.
29. In summary, whilst we cannot currently reach final conclusions on it, we foresee a strong possibility of us concluding that there are fundamental soundness problems with policy 4 which would require significant change to the plan. This would be likely to require the preparation of a significant amount of justifying evidence and a more thorough appraisal of realistic, reasonable alternatives.
30. At the July hearings we also discussed in some detail two other specific employment-related issues:

Employment Land Provision within the Green Belt

31. Notwithstanding the plan's statement at Chapter 4, paragraph 24 that existing employment land is sufficient to deliver both strategic employment needs and the anticipated jobs growth over the plan period, the plan proposes significant new employment land provision at most of the SDLs. This includes on land currently in the Green Belt at Yate (approximately 30ha), Coalpit Heath (up to 5ha) North Keynsham (around 50,000 sq m of employment floorspace) and Whitchurch (quantum to be determined through the local plan). The Councils' exceptional circumstances justification for the removal of land from the Green Belt for the SDLs relates solely to housing provision and we have seen no written evidence which justifies why there are exceptional circumstances to justify the removal of a significant amount of Green Belt land at these locations to provide for new employment land. Moreover, at the hearings the Councils were unable to provide any meaningful explanation or justification in this particular respect. Whilst we could not reach a final conclusion on this point until we had held hearings in respect of policy 4 and the relevant SDLs, without a clear and convincing exceptional circumstances case being presented, we would be unable to conclude that the employment land elements of these SDLs are sound.

Bristol Port and Bristol Airport

32. Policy 4 identifies Bristol Port and Bristol Airport as key strategic infrastructure employment locations and at the hearings we heard, largely undisputed, evidence of their fundamental importance to the economy of the plan area as a whole and the wider region. However, whilst policy 4 states that the Port and Airport (along with the other key strategic employment locations) will ensure the continued economic growth of the West of England, there is no clear indication of how this should be achieved or what it means in terms of the allocation of land.
33. The Councils explained to us that it would be for the local plans to consider the case for the allocation of land (and, if necessary, the removal of land from the Green Belt) to provide for growth at the strategic employment locations. However, it is a stated aim of the JSP to identify the amount of employment land needed and the most appropriate spatial strategy for this growth. Moreover, the Port and Airport are of fundamental and strategic importance to the whole of the West of England and, consequently, any growth at them would also be likely to have implications for the wider employment strategy for the area. In this context we anticipate it very likely that we would ultimately conclude that it is not a justified and effective approach for the plan to delegate, to a subsequent local plan, decisions on the nature, scale and location of growth at the Port and Airport and the existence or otherwise of exceptional circumstances to remove land from the Green Belt in connection with this. Consequently, we envisage it very likely that we would conclude that, for the plan to be sound in respect of the Port and Airport strategic employment locations, decisions on these matters should be addressed in the JSP. It is also the case that a considerable amount of work would be likely to be necessary to prepare the evidence to make justified decisions about the approach to take.

Objectively-Assessed Need for Housing

34. As indicated at the Matter 3a hearing session we would not be in a position to reach a conclusion on whether the contended objectively-assessed need (OAN) for housing for the plan area of 102,800 (as detailed in the Council's proposed modification to policy 1) is justified until we have held hearings in connection with affordable housing and the employment land requirement. Nonetheless, if we were to conclude that this figure is robust this would not address or ameliorate any of the other problems with the plan we have identified. Alternatively, if we were to conclude that the robust OAN for the West of England is a significantly higher figure (potentially up to the 140,000 dwellings contended by a number of participants to the examination) then clearly a very substantial amount of work to the plan would need to be undertaken to reflect this.

Other Matters

35. The elements of the plan which we have yet to hold hearings on are policy 4 (The Employment Land Requirement) and policies 7.1 – 7.12 (the proposed SDLs) – which we have already touched-on in this letter – and policy 3 (The Affordable Housing Target), policy 5 (Place Shaping Principles) and policy 6 (Strategic Infrastructure Requirements).

36. Based on the representations and written evidence, policy 3 and policy 6 are as controversial as any of the other elements of the plan and we note that significant modification of both policies has already been proposed by the Councils. We are unable to comment further at this stage. However, given this context and based on our experience so far with the policies we have fully examined through hearings, we would be surprised if a substantial amount of further evidence work to justify either the policies as currently proposed by the Council or further modifications to them to make them sound were not to prove to be necessary.
37. Moreover, hearing evidence on these other aspects of the plan would not resolve the fundamental soundness problems we have identified as a result of the hearing sessions so far held.

The Way Forward

38. As previously mentioned the focus of this letter is primarily on the key points which have led us to conclude that there are very substantial soundness problems with the plan. Nonetheless, for the reasons detailed above, we consider that an enormous amount of work in relation to these issues alone is needed to produce a plan for the West of England which is likely to be capable of being found sound.
39. Furthermore and crucially, given our findings detailed above on the additional evidence work already prepared during the examination, the production of yet further work which simply seeks to re-justify the JSP as it currently stands, most particularly with regard to the selection of SDLs and the spatial strategy, is unlikely to be successful in achieving a plan we could find sound. Importantly, such an approach would also be likely to lack credibility amongst many examination participants, some of whom have already commented that they consider that the Sustainability Appraisal work undertaken since the plan was submitted for examination has simply sought to retrospectively justify the JSP strategy. Instead, we believe that the Councils need to return to the plan preparation process and, with open minds, reconsider many fundamental elements of the JSP. These include (but are not necessarily limited to):
- the overall spatial strategy;
 - the process and principles by which SDLs are assessed and selected;
 - the plan's detailed policy requirements in respect of SDLs and/or potential allocation of some/all SDLs;
 - the approach to, and policy steer on, the purpose, amount and distribution of non-strategic growth; and
 - the plan's proposals for overall employment land provision if, as we believe is likely, we were to conclude that policy 4 is not sound, including proposals for, or the policy steer on, growth at Bristol Port and Bristol Airport if, as we believe is likely, we were to conclude that the plan is not currently sound in these particular respects.

40. Additionally, if we were to conclude that the contended OAN of 102,800 is significantly underestimated, there would be a need to provide for a significantly higher objective-assessed need for housing in the plan.
41. Moreover, each of these elements cannot be considered in isolation, as the preferred and justified approach in relation to one is likely to impact on at least some of the others. Furthermore, there would need to be robust justification that there are exceptional circumstances to justify any proposed alterations of the Green Belt boundary for housing or any other purposes. It is also very likely that key policy decisions would need to be taken in respect of most or all of these elements of the plan.
42. Ultimately, we envisage that the work likely to be necessary goes way beyond what could be reasonably addressed by main modifications to the submitted JSP and, in fact, would be tantamount to the preparation of a new plan. The *Planning Practice Guidance* (both in its current and previous versions) makes clear that where the changes recommended by Inspectors would be so extensive as to require the virtual re-writing of the plan, it is likely to be suggested that the local planning authorities withdraw the plan. We anticipate that the changes necessary would amount to the virtual re-writing of the JSP.
43. The key policy decisions which will need to be made are also ones which are most appropriately considered by the Councils themselves, in consultation with the local community and development interests, as part of plan preparation, rather than in the context of an ongoing examination in which changes to an already submitted local plan can only be made by main modifications recommended by us as Inspectors. Indeed, the changes we envisage are necessary to the JSP are so fundamental that, in effect, the examination would have to be run again. It is likely that the necessary main modifications would result in a radically altered plan which would need to be, in its entirety, the subject of full public consultation. This would then need to be followed by the publication of completely new Matters, Issues and Questions for the examination and written statements would need to be invited and hearings held on all aspects of the altered plan.
44. Furthermore, before this process could even begin, it is likely that further hearings and exploratory meetings would need to be held in order for us to reach definitive views on the soundness of key issues such as the OAN for housing and the jobs growth target and to discuss the exact nature and scope of the substantial amount of further work needed to be undertaken. Given that it has taken 16 months to get the examination to the current point, we envisage it would take at least the same amount of time, and probably considerably longer, to ultimately complete it. Continuing with the examination is unlikely to be an effective and efficient means of achieving a sound plan.
45. At the hearings we heard from a number of examination participants who were already confused by the processes of, and multiple rounds of consultation undertaken in, getting the plan to this stage. This was particularly so given the parallel processes of developing and consulting on the emerging local plans for each authority and the *Joint Local Transport Plan 4*. Continuing with the examination along the, undesirable, lines

detailed above would also be likely to be more complicated in consultation and public participation terms than returning to the plan preparation stage, thus potentially hindering the community's ability to comment on and influence the plan.

46. Consequently, whilst we recognise that the Councils' preference might be to continue with the examination if at all possible and, although we will not reach a final decision on the way forward until we have had the opportunity to consider the Councils' response to this letter, we remain of the view that withdrawal of the plan from examination is likely to be the most appropriate option.
47. In reaching these conclusions we have had due regard to the ambition and admirable commitment to joint working of the Councils. Indeed, we wish to reiterate the important point made in our previous letter that 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. Moreover, the key soundness problems with the plan which we have identified do not intrinsically or fundamentally relate to the fact that the plan is a joint one or a high-level strategic document.
48. As with all local plan examinations we have approached our examination of the JSP with both pragmatism and a recognition of the desirability of getting a sound plan in place as soon as possible. In this regard we advised you of our significant concerns about key elements of the plan at an early stage in the examination and then gave you the opportunity to prepare and consult on a large amount of additional evidence. It is unfortunate that this work, and the discussion at the hearings, have not addressed our concerns. We are also of the view that the far-reaching and fundamental nature of the plan's soundness problems are such that they could not be appropriately addressed by a commitment to an early review and update of the plan.
49. In our approach to the examination we have given great weight to the guidance to Inspectors on the examination of local plans in Greg Clark's letter to the Chief Executive of the Planning Inspectorate of 21 July 2015 (as recently restated in James Brokenshire's letter of 18 June 2019). But ultimately we believe that these letters cannot be interpreted as an indication or expectation that a sound plan can be achieved in every local plan examination. Indeed, the recently updated *Procedure Guide for Local Plan Examinations* makes clear (third bullet point of paragraph 8) that one of the three possible outcomes for an examination is that there are soundness problems with a plan which it is not possible to address by main modifications and that, in advance of a formal recommendation of non-adoption, the Councils would be asked to consider withdrawing the plan.
50. At the hearings we also discussed the relationship between the JSP and the forthcoming Spatial Development Strategy (SDS), which the Mayor for the West of England Combined Authority area has both the power and responsibility to produce. We understand that the precise nature of, and timescale for producing, the SDS is yet to be agreed and that work on the JSP commenced long before this power/responsibility was enacted. Nonetheless, it was explained at the hearings that an SDS for the Combined

Authority area of Bath and North East Somerset, Bristol and South Gloucestershire is likely to be prepared at the same time as the statutory five-year review of the JSP, with the reviewed JSP for these three Council areas plus North Somerset remaining in place together with the SDS. On this basis there would be an SDS covering three Council areas, sitting above a JSP for four Council areas (which would need to be in general conformity with the SDS), below which would sit four local plans for each of the Councils which would each need to be consistent with the JSP and (other than in the case of the North Somerset Local Plan) also in general conformity with the SDS.

51. Whilst ultimately this is a matter for the Combined Authority and Councils, it seems to us that the process of preparing and examining this suite of plans and strategies could well be very complex, potentially confusing to the public and unwieldy and would be likely to delay, rather than accelerate, the planning and delivery of new development across the Combined Authority area and North Somerset. With this in mind, now might be an appropriate time for the Councils and Combined Authority to consider whether the currently envisaged approach in respect of the SDS, JSP and local plans continues to be the most appropriate.
52. We recognise that the Councils/Combined Authority may need some time to consider their response to this letter and, therefore, we are setting no deadline for it. However, it would be helpful if you were able to give us a broad indication of the likely timescale for us to receive a full response as soon as possible. We have asked the Programme Officer to post a copy of this letter on the examination website but, as with our previous letter, we are not inviting, nor envisage accepting, comments on it from any other examination participants.
53. Finally, whilst we understand that the Councils and Combined Authority are, understandably, extremely disappointed by our findings, we would like to thank them for their positive approach to, and helpful co-operation and assistance throughout, the examination.

Yours sincerely,

Malcolm Rivett and Steven Lee

INSPECTORS