

## West of England Joint Spatial Plan - Publication Representation Form

The West of England councils - Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire councils are inviting representations on the Publication Document of the West of England Joint Spatial Plan. These will be considered by the examining Inspector in the context of the soundness and legal compliance of the Plan.

**Please return this form by Wednesday 10<sup>th</sup> January 2018.**

**Email to:** [comment@jointplanningwofe.org.uk](mailto:comment@jointplanningwofe.org.uk) **or post to:** West of England Joint Spatial Plan, C/o South Gloucestershire Council, Planning, PO Box 1954, Bristol BS37 0DD

**This form has two parts:**

**Part A** – Personal Details

**Part B** – Your representation.

**Please fill in a separate sheet for each representation you wish to make.**

To ensure your representation is restricted to issues of soundness and legal compliance, you are advised to refer to the accompanying **Guidance Document** and make your representation on this official form that has been specifically designed to assist you in making your representation.

**Please be aware that all comments made on the Joint Spatial Plan will be publicly available.**

Anonymous forms cannot be accepted and so to submit your form you must include your details below.

You should refer to section 5 in the Guidance Document for advice on how to make a **joint representation**.

### Part A

#### 1. Personal Details\* 2. Agent's Details (if applicable)

\* If an agent is appointed, complete only the Title, Name and Organisation boxes in 1. below adding the agent's details in 2 below.

Title*	Ms	
First Name*	Sophie	
Last Name*	Spencer	
Job Title (where relevant)	Director	
Organisation* (where relevant)	CPRE Avonside (including CPRE South Gloucestershire District Group, CPRE BANES District Group and CPRE North Somerset District Group)	
Address Line 1	PO Box 1621	
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E-mail Address	director@cpreavonside.org.uk	

*Sophie Spencer*

Signature

Date 08/01/18

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## Part B - Your Representation

Please use a separate form for each representation made and read the accompanying **Guidance Note** that accompanies this form before you complete it.

**Name or Organisation: CPRE Avonside (Form 2 of 17)**

**Q1. On which part of the Joint Spatial Plan are you commenting? Please see the note above.**

Chapter	Paragraph	Policy
1	5	-
3	24-28	-
4	10	-
4	52-53	5
4	-	6

Key Diagram

**Q2. Do you consider the Joint Spatial Plan to be:**

Legally compliant?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Compliant with the Duty to co-operate?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

*Please tick as appropriate*

**Q3. Please give details of why you consider the Joint Spatial Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

If you wish to support the legal compliance or soundness of the Joint Spatial Plan or its compliance with the duty to co-operate, please also use this box to set out your representation.

### Summary

The JSP is unsound in relation to its provision for transport and other infrastructure for a number of reasons.

**Firstly**, contrary to the claim of paragraph 5 it does not provide strategic transport and other infrastructure in the right place or at their right time to support sustainable growth. **The JSP s not positively prepared.**

**Secondly**, it is not in line with Government planning practice guidance produced by The Department for Communities and Local Government, 28th July 2017 which says (in regard to How can the local planning authority show that a Local Plan is capable of being delivered including provision for infrastructure?) Paragraph: 018 Reference ID: 12-018-20140306

*"the plan should also be realistic about what can be achieved and when (including in relation to infrastructure)".*

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**Thirdly** the JSP is not realistic in what can be achieved in terms of infrastructure. So it is also **unsound because it is not effective**. In addition, there are serious flaws in the evidence used to make the assumptions made in the plan and it does not consider what would happen should the proposals not be realised, it is therefore **not justified either**.

### Detail

Planning for transport and other infrastructure is not adequate. The evidence documents to the JSP contain serious errors. Key schemes have been overlooked and the dependencies of one scheme on another identified in the Joint Infrastructure Study ignored. The indicative programme set out in the documents lacking as it does, these dependencies, is unjustified. Not all the transport infrastructure necessary to accommodate individual strategic locations has been identified. The JTS has ambitions to build mass transit systems on the most heavily congested routes, but there is an absence of any detail. The degree to which it has been researched appears to be minimal. The technical difficulties are acknowledged to be considerable; the possibility of underground running is flagged up for three of the four schemes named. The conjectured costs of these three schemes range from £2,220,000,000 to £6,300,000,000 which represents nearly 50% of the estimated total cost of the whole transport vision. We contend that to have such a proportion undefined in technical and programme detail renders it meaningless. Both the transport and health infrastructure lack detail of how they are to be funded. There are no timelines showing phasing of development and the interdependence with infrastructure provision. It cannot be judged deliverable on the evidence provided.

We question the ability of the JSP to deliver Strategic Priority 3 with an outcome of a 'reduction in car dependency and improved public transport access'. The greater majority of the Strategic Priority Areas are sited where car use will maintain an inherent advantage over public. We need a clearly funded and timed Transport Strategy that is in line with delivering on the Strategic Priorities, enabling the most sustainable areas to be delivered first.

The question as to who will fund the infrastructure proposals for first five years is unspecific and generally lies lost in the mist of ambiguous statements. Confusion exists over developer contributions, which are frequently required to fund improvements. It is not clear how infrastructure is to be provided first (as stated in the Strategic Priorities) if there is a reliance on developers' contributions from the building of new homes. It is almost assumed these have already been provided; otherwise they rely on so many other contributors as to be uncertain. We cannot see how the aspiration to provide infrastructure first can be realised unless there is access to Highways England's five yearly tranches of investment or Network Rail's Control Periods. Although identified as a significant risk in the Joint Transport Study (JTS) there is no evidence as to how WECA intends to ensure inclusion in the appropriate period of either body or what mitigations and consequences result if they fail.

Deliverability of the entire infrastructure is uncertain, and none of the schemes are identified as being funded by committed sources. Instead reliance is apportioned to lists of possible contributors. Considering that prominent amongst these are the National bodies of Network Rail, Highways England, National Health Service and the energy service providers, all of whom have demands from elsewhere and plan years ahead, then any informed observer must conclude that there needs to be an evaluation of the consequences of non delivery as the NPPF wisely requires. There are no contingency arrangements or alternative strategies on this most uncertain of plans; the degree of unreliability is so large as to make it certain that it cannot be delivered as assumed. The Government's planning practice guidance produced by The Department for Communities and Local Government, Paragraph: 018 Reference ID: 12-018-20140306

states –

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*"When the deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and alternative strategies".*

WECA has yet to formulate its infrastructure delivery plan from which a reliable delivery programme can be produced.

Evidence of consultation over health infrastructure is scarce, the only contacts appear to have been made very recently and have the appearance of an attempt to repair an oversight. The statements made by the providers on which WECA rely is nothing more than a recitation of procedure. There is not one concrete undertaking to support the growth in population in an area that already lags behind the National standard.

The proposals for development locations do not promote sustainable methods of transport. In fact they rely heavily on roads, the opening or increased capacity of stations which the LA's have no authority over and the increased capacity of a rail system which is not under their jurisdiction. There is no evidence that any of these policies can be achieved nor any commitment to ensuring that they are achieved in advance of the building of new homes that will house people who will need to commute long distances to find work (there not being any integration in the JSP between the provision for new jobs and housing). This is contrary to the plans own strategic priority 3. *"ensure new development is properly aligned with infrastructure and maximises opportunities for sustainable and active travel"*. We have submitted more detail about our concerns in relation to the impacts of over reliance on roads and impacts on air quality in relation to Policy 6 strategic infrastructure requirements and Policy 7 the strategic development locations.

Strategic Priority 3 with an outcome of a 'reduction in car dependency and improved public transport access'. None of the Strategic Priority Areas are going to make it easy to get people out of their private cars. We need a clearly funded and timed Transport Strategy that is in line with delivering on the Strategic Priorities, enabling the most sustainable areas to be delivered first. The MetroBus is generally put forward for most of the strategic development locations as a public transport solution to their otherwise isolated location. However, the current MetroBus project is already over time and over budget. There is no guarantee that MetroBus will be extended, and if it is, whether it will be built in a timely and economically viable way. It will damage our landscapes and historic features as a guided bus way is infrastructure heavy compared to a tram (please refer to photo below to demonstrate the scale of change). This is contrary to Policy 5 of the JSP. Finally, there is no guarantee that it will be effective in achieving a modal change from private car to public transport. This depends on price, quality, reliability and frequency. There is an absence of information that demonstrates that MetroBus will be a valuable and reliable public transport alternative, taking people where they want to go. We would like to see a commitment to ensure that new developments have an affordable, high quality, reliably and frequent public transport service.



Source: Manchester Evening News, 5<sup>th</sup> April 2016

The JSP needs a clear and robust policy on reducing air pollution. This is particularly pertinent following the Government issue of the UK Air Quality Plan (UKAQP) in 2017. It sets air quality targets for 2030, which is within the plan period. Also in 2017 the High Court judgement on Gladman Developments Limited v Secretary of State for Communities and Local Government and Swale Borough Council related to an application to build at Pond Farm in Kent. The judgement establishes that authorities are entitled to refuse permissions outside an Air Quality Management Area (AQMA) if the associated traffic is likely to increase air pollution in an AQMA.

The UKAQP and the Pond Farm Judgement may have been issued too late for them to be considered during preparation of the JSP consultation documents. However, the JSP does need to be reviewed in the light of a) the UKAQP, which sets targets to be achieved by 2030, well within the JSP period to 2036 and b) the Pond Farm judgement. We ask for an air quality policy to be added to the JSP to prevent planning decisions in the West of England (WoE) jeopardising the UKAQP 2030 targets and to demonstrate the unitaries' high level of cooperation on air quality.

High levels of net in-commuting to Bristol from the other WoE Unitary Authorities makes Bristol's air quality a cross border issue. The JSP consultation documents have not considered this. The WoE authorities will be required to implement the UKAQP by meeting its 2030 targets before the expiry of the JSP period. Amongst organisations and departments with an interest in health there is general agreement that air pollution damages health. There is also evidence from the World Health Organisation (WHO) and others that current air pollution targets are not adequate for the safeguarding of health.

The primary cause of air pollution in urban areas is road traffic. Although pollution has been associated with vehicle exhausts, evidence is emerging that nearly half of particulate matter (PM10 and PM2.5) arises from tyre and brake wear, which limits the improvements that can be achieved by reduced fossil fuel use.

Within the greater Bristol conurbation, homes are physically closer to friends, facilities and jobs than is the case for homes outside the conurbation. Also within the conurbation, there is more likely to be a public transport service these journeys than is the case for homes outside the conurbation. Consequently,

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households that live within the conurbation are more likely to walk, cycle or use public transport than households that live elsewhere and, as a result, will contribute less on average to Bristol's air pollution than households that live elsewhere. Because of this the risk of failure to implement the UKAQP targets by 2030 would be reduced by allocating an increased proportion of the total 105,000 homes to the Bristol conurbation. The substantial net car in-commuting to the Bristol conurbation from elsewhere is at least partly due to previous Local Plans, which initially promoted dormitory towns and have subsequently failed to provide sufficient employment to make satellite communities self-sufficient.

*Please continue on a separate sheet/expand box if necessary*

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**Q4. Please set out what modification(s) you consider necessary to make the Joint Spatial Plan legally compliant or sound, having regard to the matter you have identified at Q3 above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at Examination.) You will need to say why this change will make the Joint Spatial Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:**

**Recommendation 3:** The JSP should be revised to be more realistic about the changes to transport and infrastructure that can be achieved, the constraints on improvements to rail networks and the implications of failing to achieve these improvements on the road network of the sub-region. If the JSP were to take a more integrated approach to the location of housing and economic growth in the sub-region then the need to travel would be reduced.

**Recommendation 4:** The JSP should seek to reduce air pollution and improve air quality in the sub region.

*Please continue on a separate sheet/expand box if necessary*

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

**Q5. If your representation is seeking modification, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the examination hearings

Yes, I wish to participate at the examination hearings

**Q6. If you wish to participate, please outline why you consider this to be necessary.**

Our comments demonstrate significant failures of the JSP to meet the tests of soundness which should be explored further in any examination hearing. CPRE Avonside is the local branch of a respected national charity. We anticipate that the Planning Inspectorate will know CPRE by reputation and value the input of our knowledge and understanding of the issues and local area to be explored in this important process.

*Please continue on a separate sheet/expand box if necessary*

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Name

Sophie Spencer

Date

08/01/18

**All representations must be received no later than Wednesday 10<sup>th</sup> January 2018**

**Please keep a copy of this form for future reference.**