

SCHEDULE 2

Article 11

Spatial development strategy

PART 1

Modification of the application of Part 8 of the 1999 Act

- 1.—(1) Part 8 of the 1999 Act (planning) is modified in accordance with the following provisions.
- (2) Part 8 of the 1999 Act has effect as if—
- (a) sections 344 (amendments of the Town and Country Planning Act 1990), 345 (Town and Country Planning Act 1990: costs of appeals) and 349 (abolition of joint planning committee for Greater London) were omitted;
 - (b) for every reference to—
 - (i) “Greater London” there were a reference to “the West of England”;
 - (ii) “the Mayor” there were a reference to “the Combined Authority”;
 - (iii) “he” there were a reference to “the Combined Authority”, save for section 337(6) (publication);
 - (iv) “under section 343” there were substituted “relating to the Combined Authority under section 343”.
- (3) Section 334 of the 1999 Act (the spatial development strategy) has effect as if—
- (a) in subsection (3) for “his” there were substituted “its”;
 - (b) for subsection (4) there were substituted—

“(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the Combined Authority’s other policies or proposals as involve considerations of spatial development.”.
- (4) Section 335 of the 1999 Act (public participation) has effect as if—
- (a) in subsection (2)(a) for “his” there were substituted “its”;
 - (b) subsection (3)(aa) were omitted;
 - (c) in subsection (3)(b), for “London borough council” there were substituted “constituent council”;
 - (d) in subsection (4), for the words after “include” to the end there were substituted—

“—

 - (a) voluntary bodies some or all of whose activities benefit the whole or part of the West of England;
 - (b) bodies which represent the interests of different racial, ethnic or national groups in the West of England;
 - (c) bodies which represent the interests of different religious groups in the West of England; and
 - (d) bodies which represent the interests of different persons carrying on business in the West of England.”;
 - (e) for subsection (8) there were substituted—

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“(8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations relating to the Combined Authority made under section 343 below.”.

(5) Section 336 of the 1999 Act (withdrawal) has effect as if —

- (a) in subsection (3)—
 - (i) paragraph (a) were omitted; and
 - (ii) paragraph (b) were omitted.

(6) Section 338 of the 1999 Act (examination in public) has effect as if for “Authority” there were substituted “the Mayor of the West of England”.

(7) Section 339 (review of matters affecting the strategy) has effect as if in subsection (2) for “his” there were substituted “its”.

(8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) has effect as if—

- (a) for subsection (1) there were substituted—
 - “(1) In exercising its functions under the preceding provisions of this Part, the Combined Authority shall have regard to—
 - (a) the National Planning Policy Framework;
 - (b) the effect that the proposed spatial development strategy or revision would have on—
 - (i) the health of persons in the West of England;
 - (ii) health inequalities between persons living in the West of England;
 - (iii) the achievement of sustainable development in the United Kingdom;
 - (iv) climate change and the consequences of climate change;
 - (v) the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom; and
 - (c) such other matters as the Secretary of State may prescribe.”; and
 - (b) subsection (2) were omitted.

(9) Section 347 of the 1999 Act (functional bodies to have regard to the strategy), has effect as if there were substituted—

“Constituent councils to have regard to the strategy

347. In exercising any function, each of the constituent councils and the Combined Authority shall have regard to the spatial development strategy, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 1 to the West of England Combined Authority Order 2017 (which requires certain documents of a constituent council to be in general conformity with the strategy).”.

(10) Section 348 of the 1999 Act (Mayor’s functions as to planning around Greater London) has effect as if—

- (a) in subsections (1), (2) and (3) for “his” there were substituted “its”;
- (b) in subsection (3), for “London borough councils” there were substituted “constituent councils”; and
- (c) in subsection (4), for “the Authority” there were substituted “the Combined Authority”.

(11) Section 350 of the 1999 Act (interpretation of Part VIII) has effect as if —

- (a) the following definitions were inserted, in the appropriate places—

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““constituent councils” means the district councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire;”

““the Combined Authority” means the West of England Combined Authority established by the West of England Combined Authority Order 2017;”

““Mayor of the West of England” is the person elected to the position established by article 5 of the West of England Combined Authority Order 2017;”

““the West of England” means the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017;”;

- (b) subsection (2) were omitted.

PART 2

Modification of the application of the 2004 Act

2.—(1) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act are modified in accordance with the following provisions.

- (2) Section 19 of the 2004 Act, shall have effect as if for subsection (2)(c) there were substituted—

“(c) the spatial development strategy if the authority is a constituent council of the Combined Authority or if any of the authority’s area adjoins the West of England;”

- (3) Section 24 of the 2004 Act has effect as if—

- (a) for subsection (1)(b) there were substituted—

“(b) the spatial development strategy if the authority is a constituent council of the Combined Authority.”;

- (b) after subsection (4) there were inserted—

“(4A) A local planning authority which is a constituent council of the Combined Authority—

(a) must request the opinion in writing of the Combined Authority as to the general conformity of a development plan document with the spatial development strategy;

(b) may request the opinion in writing of the Combined Authority as to the general conformity of any other local development document with the spatial development strategy.”;

- (c) after subsection (5) there were inserted—

“(5A) The Combined Authority may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A).”; and

- (d) in subsection (7) for each “Mayor” there were substituted “Mayor of the West of England”.

- (4) Section 37 of the 2004 Act has effect as if after subsection (6A)(1), there were inserted—

“(6B) In relation to the Combined Authority, in this section—

“constituent council” means one of the district councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire;

(1) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

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“the Combined Authority” means the West of England Combined Authority established by the West of England Combined Authority Order 2017;

“Mayor of the West of England” is the person elected to the position established by article 5 of the West of England Combined Authority Order 2017;

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 10 of the West of England Combined Authority Order 2017; and

“the West of England” is the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017.”.

(5) Section 38 of the 2004 Act has effect as if—

(a) after subsection (2) there were inserted—

“(2A) For the purposes of any area in the West of England the development plan is—

(a) the spatial development strategy;

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and

(c) the neighbourhood development plans which have been made in relation to that area.”;

(b) after subsection (10) there were inserted—

“(11) In this section—

“the Combined Authority” means the West of England Combined Authority established by the West of England Combined Authority Order 2017;

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers conferred by article 10 of the West of England Combined Authority Order 2017; and

“the West of England” is the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017”.

(6) Section 113 of the 2004 Act has effect as if—

(a) in subsection (1), after “the Mayor of London’s”, there were inserted “or the Combined Authority’s”;

(b) in subsection (11)(e), after “the Mayor of London”, there were inserted “or the Combined Authority”;

(c) after subsection (12), there were inserted—

“(13) In this section “the Combined Authority” means the West of England Combined Authority established by the West of England Combined Authority Order 2017.”.