

## SCHEDULE 2

### Spatial development strategy

## 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).”;

(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;

“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

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

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“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.”.