

Examination of the Bristol Local Plan 2022-2040

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IN11: Final advice and actions arising from the Council's responses to IN7 to IN10.

Dear Mr Chapman

Introduction

1. Thank you for your responses to our questions, as set out in IN7 to IN10, these documents have been published on the examination website as documents EXA048-EXA063.
2. Having considered the information contained therein, we have identified further actions and modifications that we set out below. These should be read in conjunction with our previous advice. The following includes our formal advice on matters we have not previously been able to provide, as we were awaiting the responses to IN7-IN10. However, where we have identified more significant issues with the suggested modifications set out in EXA051 and EXA059, we have also set these out below for completeness and transparency.
3. In addition to the matters raised in this letter, we have also identified several more minor alterations to suggested modifications that may be necessary to ensure soundness. We will raise these separately through the Programme Officer for your attention. As all interested parties will have the opportunity to comment on the Main Modifications (MM) there will be no prejudice in this regard.
4. Our final conclusions regarding soundness and legal compliance will be given in our report to be produced following consultation on the proposed MMs.

Matter 2: Housing need, requirement and supply

Policy H1

5. The Council has already put forward some suggested modifications to Policy H1 which appear to relate to document EXA045. This was slightly premature as we had not provided any guidance on what modifications would be necessary

regarding the housing requirement or supply. We now have all the information needed and thus can provide our considered position on this matter.

6. We acknowledge that there is insufficient capacity to meet the Council's objectively assessed housing need, as calculated by the standard method. Nevertheless, we do not consider the figure of 34,650 dwellings over the Plan period to be positively prepared or justified. Given the significant shortfall in meeting overall needs, and the current lack of agreement between Bristol and any neighbouring authorities to provide assistance, we consider it imperative that the Council seeks to maximise housing delivery. Inherent uncertainties in housing delivery in the longer period do not justify setting a housing requirement substantially below the overall housing capacity figure identified at submission. The evidence submitted since the end of the hearing sessions has not persuaded us that a lower figure is justified.
7. Therefore, the Council should draft MMs which set the housing requirement to be the 39,915 dwellings' capacity that was identified at submission. The Council's own evidence indicates that there would be a 5-year supply of deliverable housing land at adoption, particularly if the 'Liverpool' method of dealing with shortfall is adopted. We are content with this approach, and the Plan will need to be further modified to reflect this. Given this figure represents the overall capacity identified, we see no need for the Council to identify any additional allocations at this time.
8. The change to the housing requirement will also require consequential modifications to various elements of supporting text, the trajectory that is to be included in the Plan and the monitoring framework. To remove any ambiguity, Policy H1 should also ensure the overall Plan requirement, as well as the annual requirement, is set out in full.
9. The Council must also set out what the level of unmet housing need is. While the objectively assessed housing need may change over time, we consider it necessary for this Plan to be clear about the situation at the time of adoption. This may, for example, be important in continuing work being done on other Plans. MMs should be drafted to paragraph 6.8 to set out what remaining need exists.
10. Furthermore, the Council should also make it clear in supporting text that it will be seeking an immediate review of the Plan as required by the most recent National Planning Policy Framework (NPPF). Additional MMs should be drafted to paragraph 6.9 ensure this is clear.

Matter 4: Development strategy and site selection process

Policies DS11 and DS12

11. We have noted the recent Statement of Common Ground [EXA063] and we do not need any further information. We are content for the Council to include modifications similar to those put forward in document EXA063. However, we would envisage any masterplans to be approved as part of the planning application process and conditioned accordingly. On this basis, it could be acceptable in principle for the policy to refer to development being "in accordance" with any approved masterplan. This differs to examples such as

supplementary planning documents or regeneration frameworks which would not have the same status. We consider it a matter for the Council to decide what level of information or evidence of coordination it would need to ensure it was satisfied with the content of any masterplan.

Matter 6: Infrastructure and community facilities

Policy SV1

12. We have considered the suggested modifications to this policy following our actions set out in IN8. Unfortunately, these do not address our concerns about the justification for this policy or whether it would be effective. It remains unclear what purpose a 'social value strategy', or statement, would have in terms of decision making. Furthermore, the issues it purports to address appear to be more than adequately covered by other policies. We therefore see no justification for requiring such strategies or statements. The suggested changes to the policy do not alter this.
13. Additionally, the policy would still be unclear as to how any decision maker should react to a proposal. For example, the policy provides no indication of what would be considered acceptable or unacceptable in terms of 'social value'; a requirement to 'maximise positive contributions' is not clear and unambiguous. The fact other policies are referred to only serves to emphasise that it is not necessary.
14. We also remain unconvinced that the policy would be effective in terms of its reliance on conditions. Notwithstanding potential issues with the imposition of pre-commencement conditions, it has not been demonstrated that matters such as employment plans and utilisation of local supply chains can be secured through the grant of a planning permission. We are not convinced that a condition to secure the implementation of the strategy/statement would be capable of meeting the relevant tests, including whether it would be reasonable and enforceable. For these reasons, the Council should delete this policy and prepare a MM accordingly.

Matter 7: Other housing policies

Policy AH1

15. The suggested modifications thus far do not satisfy our concerns or the actions we have previously set out. We made it clear that it was not justified for the Council to refer to a 35% requirement across the city when the viability evidence does not support that position.
16. The part of the suggested policy below the "*Proportion of affordable housing without public subsidy*" heading follows our advice insofar as it indicates what developers would be expected to deliver on a geographical basis and matches the evidence. In essence, this is what we were expecting the policy to adhere to. However, this is undermined and made confusing by other elements relating to the 35% figure referred to in both the policy and supporting text. The way the policy is drafted means that it would still not be clear what level of affordable housing would be expected. This is due to the continued unjustified references

to 35% and meeting any shortfall through other measures. The flow of the policy does not help in this regard.

17. Some of the suggested modifications also appear to go beyond what we set out in our actions. For example, changes setting out the mechanisms by which affordable housing provision could be secured could still be read as if they are *requirements*. We acknowledge this section refers to “be encouraged” but along with other references in the policy and supporting text, the policy still reads as if the Council is seeking 35% in all cases. This is not what the evidence supports, not how the implementation of the policy was described and not what was set out in our actions.
18. Moreover, the additional text includes mechanisms for increasing affordable housing delivery over and above minimum requirements, which would not be justified. This includes references to such things as viability testing after permission has been granted. While this might be acceptable where a proposal has fallen short of the policy requirement, it would not be suitable in situations where the minimum requirement has already been met. The policy needs to make any distinctions clear.
19. Ultimately, we were expecting the policy to be significantly simplified by reference to the minimum level of affordable housing to be sought on a geographical basis. If the policy sets out that the Council will *encourage* higher levels of delivery using different mechanisms (not including viability testing) then we would be willing to consider that, but the starting point must be based on the viability evidence. This should not be written so as to suggest a minimum of 35% or more is a requirement across the city.
20. While the Plan is not being examined under the most recent version of national policy, the December 2024 version of the NPPF contains policies which may be relevant to land released from the Green Belt. The Council should therefore also ensure that Policy AH1 is clear that affordable housing provision within former Green Belt sites is consistent with relevant national policy at the time any application is considered.
21. Substantial changes are still therefore needed to both the policy and supporting text. The Council should therefore draft further MMs which fully reflect the actions set out in IN8.

Policy H7

22. The way Policy H7 is drafted, the intention is to seek to match the growth in student population and the delivery of Purpose Built Student Accommodation (PBSA), provided this will demonstrably meet identified needs. These aims are set out in the third bullet point of the first paragraph and the second paragraph of Policy H7.
23. However, the part of the policy which sets limits on bedspace numbers in the growth and regeneration areas conflicts with this aim. The examination note produced by the Council on delivery of PBSA (EXA054) indicates that within the growth and regeneration areas of Bristol Shopping Quarter, Bristol Temple Quarter and St. Philip’s Marsh these have already met or now exceed the limits for PBSA bedspaces set out in Policy H7. There also appears to be no robust evidence for each of the bedspace caps. The bedspace caps for each growth

and regeneration area are therefore neither justified nor effective and should be deleted.

24. We do agree with the Council that it is justified that the Development Strategy policy areas included within the policy should be a focus of growth for single use PBSA, and these specified areas should remain within the policy text to direct this type of development to those locations. The policy text should refer to the areas being appropriate for single use PBSA to be effective.
25. Without bedspace caps it will still be necessary to ensure that development proposals for PBSA do not inhibit the delivery of the other policy objectives of the DS area in question and Policy H7 should reflect this accordingly. The policy should retain the references to area specific guidance and the need to meet the criteria for 'other locations' where this guidance does not exist.
26. Alongside these changes, for the policy to be effective in terms of the information a decision maker would need to assess what the identified accommodation needs of higher education providers are, the second paragraph of the policy should refer to the need to provide evidence on the quantity, type and quality (as described in the first sentence of paragraph 6.75).
27. There will be consequential amendments needed to the explanation, including paragraph 6.77 which would now be unnecessary, and changes would be needed to paragraph 6.80. The Council should therefore draft further MMs which reflect the above.

Policy H10

28. Planning Policy for Travellers Sites (PPTS) indicates at paragraph 10 that 'Local planning authorities should, in producing their Local Plan: a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.
29. In response to IN7, the Council have suggested a MM which refers to the planning definition need of 32 pitches. We agree this is necessary. This was also accompanied by a table showing need in five-year periods up to 2036 against planned supply. This table indicates there would be no specific deliverable sites for the first 5 years, nor have the Council proposed any site allocations that would contribute to meeting needs in the rest of the Plan period.
30. The Council are unable to demonstrate a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the need for 32 pitches. We accept that the Council are making progress on bringing sites forward. At the hearing the Council confirmed that the site at Hengrove, which was referred to in the responses to PQ93 and SPQ8, was subject to a delay in the receipt of a planning application for 7 pitches. However, the site does have formal Council approval for the use of the land to be developed for a permanent site subject to planning permission. The Council indicate the site is likely to come forward in years 6-10, this is reasonable based on the evidence before us and we consider the site is developable. However, we have not been presented with any clear evidence as to why this site cannot be allocated. The Council should prepare a Main Modification for our consideration which sets out a site

allocation for the Hengrove site as part of Policy H10 or a separate policy. This would go some way to meeting the requirements of the PPTS in terms of identifying a supply of specific, developable sites, or broad locations for growth for years 6 to 10.

31. An additional site in the Council's ownership could potentially come forward in years 11-15 providing around 25 pitches but there is much less certainty over when this site would be delivered. Given this uncertainty, we consider it would not be justified to allocate the site at this stage. In addition, the Council will be revisiting the Gypsy and Traveller Accommodation Assessment in the next few months, which will provide a more up to date assessment of need within the area. It is important to have an up-to-date Local Plan in place and pragmatically, the allocation of further sites to meet need would be best addressed through the immediate review of the Plan consistent with Policy H1. This should be made clear in the supporting text to Policy H10 as part of the other MMs for the policy.

Matter 8: Economy and inclusive growth

Employment land requirement / Policy E2

32. We have noted the information in documents EXA060 and EXA062. We do not consider any further modifications to those set out in document EXA059 for Policy E2 are necessary at this time.

Policy E6A

33. We have noted that the suggested modifications to policy E6A would allow consideration of exceptions to any requirement for replacement employment floorspace. While the wording may need some minor changes to ensure effectiveness, the principle is in line with our actions. This also addresses our concerns about the threshold for triggering the policy, as it would be possible for applicants to demonstrate replacement workspace would not be practical on smaller schemes.
34. However, it is unclear how the newly introduced 10% floorspace figure has been derived or what it relates to. For example, is it 10% of what was previously in place, 10% of the floorspace of the proposal or something else? This should therefore be removed from the suggested change to the policy. On reflection, the approach set out in paragraph 7.40 may be sufficient. While this does not set a specific figure, this may be a situation where a planning judgement about what constitutes an "appropriate scale of replacement provision" would be acceptable. Given what would be appropriate would likely be governed by the overall scale of the site and the nature of any development and location, setting a blanket floorspace requirement is likely to be counterproductive in any event. The provisions of paragraph 7.40 should therefore be set out in policy. Additional MMs should be drafted to address these issues.

Policy E6

35. Action note IN8 asked the Council to consider various issues relating to this policy, including whether a requirement for affordable workspace, or

mechanism for calculating what would be required, could be derived. We indicated we would consider what further actions would be necessary once the Council responded. The Council has proceeded to suggest several MMs to Policy E6, though these have not been supported by any detailed explanation or additional evidence.

36. Along with modifications suggested in response to our earlier questions, the amended policy would require 20% of the existing amount of employment floorspace to be re-provided as affordable workspace. However, the modified policy also acknowledges potential viability issues and indicates the level of affordable workspace sought would be subject to each site's viability. Not only do these two requirements appear to contradict each other, we made it clear during the hearing sessions that it would not be justified to base the floorspace requirement on each site's individual viability, particularly if it were the intention to require the maximum viable in all cases (if the maximum would be 20% then the modified policy is not clear in this respect).
37. Our understanding is that Policy E6 was not tested as part of the original Whole Plan Viability Assessment. There is also no indication as to where the Council's suggestion of 20% has come from or whether the viability of this has been tested. While the suggested modifications would allow viability to be tested on a case-by-case basis, this would be contrary to the thrust of national policy. As set out in paragraph 58 of the September 2023 NPPF, it should be assumed development complying with the development plan is viable and it is up to the developer to justify the need to submit a viability assessment. The approach of Policy E6 would be to expect such an assessment for each and every qualifying application. This would not be a soundly based approach.
38. Overall, the suggested modifications have not addressed our concerns about this policy. We do not consider that it has been properly justified, nor would it be effective or consistent with national policy. The Council should therefore prepare MMs deleting this policy and associated supporting text.

Matter 9: Retail and Town Centres

Policy SSE8

39. The planning system cannot deliver and maintain a diverse range of public houses in the manner intended by the Council. In consequence, the policy would not be effective in achieving its stated aims. Accordingly, an MM should be prepared to delete the requirement to maintain a diverse range of public houses.

Matter 10: Biodiversity and green infrastructure

Policy BG3

40. In response to our questions and actions, the most recent schedule of suggested modifications includes three different potential approaches for dealing with Biodiversity Net Gain (BNG). A hybrid approach of these is likely to provide the basis for a soundly based and effective policy. The modified policy should therefore indicate that, in line with the biodiversity gain hierarchy, the preference should be for net gain to be delivered on site. It should also set out

the approach to off-site BNG, including reference to the local nature recovery strategy and unit/credits, and the location of any off-site gain, with reference to the relationship with the application site. There is no reason why the policy should not express encouragement for applicants to exceed the statutory requirements, provided this would not be a necessity. However, there is no need to refer to the Environment Act 2021 in the policy. Any such references should be moved to the supporting text. The Council should draft further MMs as necessary.

41. At the hearing sessions, the Council indicated that one purpose of Policy BG3 was to capture how development which falls outside the scope of the Environment Act 2021 would be expected to deliver net gains in biodiversity. We do not consider the policy as submitted or modified would be effective in this regard and the Council should draft additional modifications to address how BNG would be assessed, if at all, for schemes outside the scope of the Act.

Policy BG6

42. The suggested MMs address our actions to an extent. It seems logical that the policy should focus on retaining adequate garden space and protecting the living conditions of existing occupants. However, if development achieves those aims, and does not cause unacceptable impact on the character of the area, then we would question whether it is also necessary for development to demonstrate being a more efficient use or result in significant improvement to the urban design. These criteria seem like unnecessary and unjustified constraints to development.
43. The modified policy refers to 'adequate' garden space. There are no standards for this and thus there could be a degree of ambiguity in this term. However, we acknowledge that this would be a matter of judgement based on the context of any scheme. As such, some examples in the supporting text of what the Council will have regard to in qualitative terms would provide clarity (for example, space for outdoor storage, hanging washing, sitting outside or any other factor the Council would consider in its judgement). Further MMs should be drafted to provide clarity in this regard.

Policy GI2

44. Although the majority of our concerns with this policy have been addressed in principle, the suggested modification does not fully reflect paragraph 99c of the NPPF. The policy should be further modified to address that omission. The Council should note that the final sentence of the suggested MM to paragraph 9.2.18 is incorrect as Policy GIA does not deal with the loss of open spaces.

Matter 11: Transport and accessibility

Policy T6

45. The use of the word 'appropriate' in the first bullet point potentially creates uncertainty for future decision-makers and developers as to when such improvements should be made to active travel routes. It is understood that the purpose of the policy is to ensure that any adverse effects arising from a

proposed development are mitigated or to ensure that the needs of a future development are addressed. To ensure the policy is effective, an MM should be drafted to clarify this.

Matter 14: Net Zero and Climate Change

Policy NZC1

46. We note that the Council has suggested bringing elements of Policy NZC4 into this policy to help rationalise the Plan. This is consistent in principle with the actions set out in IN10. However, it appears that in doing so, the Council is seeking to introduce new requirements that were not, as far as we can see, set out in the submitted Plan. This includes references to water efficiency and the imposition of standards for non-residential development. While this may have been an attempt to provide some additional clarity, in our view these elements go too far and should not be included in the MMs to the policy. The suggested modifications should therefore be amended to remove any 'new' elements.

Policy NZC2

47. The suggested modification relating to heat networks does not fully respond to the action set out in document IN10. This required a modification to allow flexibility where connection to a heat network is demonstrated to be neither feasible nor viable and/or allows assessment of the effectiveness of an applicant's approach to heating and cooling to be assessed. While the suggested modification deals with the first part of the action, it does not cover the second. Further modifications are therefore needed to provide applicants with the opportunity to demonstrate that their approach can provide at least the same degree of benefit as connecting to a heat network. This also means that the complete prohibition on fossil fuels should be amended to allow assessment on a case-by-case basis.

Matter 15: Health, well-being and food sustainability

Policy HW2B

48. The policy seeks to ensure that proposed developments reduce the causes of ill health and do not create an adverse effect on health. Health Impact Assessment (HIA) is a document that assesses the effects of a proposed development and identifies where mitigation may be required. Accordingly, an HIA is a document that will aid the assessment of the effects of a development.
49. As such to ensure the policy is effective and justified, the reference to HIAs should be relocated to the supporting text this provides guidance regarding the application of the policy. Furthermore, the application of a threshold may not be justified or effective in identifying the proposed developments that would give rise to the need for an HIA. This is particularly the case as the policy also suggests there may be other circumstances in which an HIA could be required, which does not aid clarity. Instead, the supporting text should outline the circumstances where such a document would be required, including examples of what types of development might give rise to concerns about health impacts. A MM should be prepared to address these matters.

Allocations

50. We have noted the proposed changes to the Policies Map which relate to allocations. As a reminder, where such a change also affects an inset map within the appendix, this will need to be included in the schedule of MMs. We have only one specific issue with allocations we wish to raise, as set out below.

Site SA301

51. The Statement of Common Ground with the University of Bristol [EXA055] refers to the University's aspirations to develop this site for PBSA, housing or educational use, and this is accepted. However, the policy should be amended to refer to retention or re-provision of the trees in accordance with Policy BG4. Accordingly, the Council should prepare a MM to reflect this.

Next Steps

52. The Council are now invited to finalise the schedule of MMs based on the above and other agreed actions for our consideration. Once the schedule is agreed it will be subject to consultation. The nature and duration of the consultation should reflect that of the consultation held under Regulation 19.
53. At the relevant time, representations about the consultation documents should be sent to the Council, not the Programme Officer. At the end of the consultation period, the Council should forward the representations to the Programme Officer along with a report listing all the representations, a summary of the main issues raised and the Council's brief response to those main issues. We will then consider the representations, and the Council's responses to them, before deciding whether any further actions are needed and/or finalising our report.
54. Unless we consider it essential to deal with substantial issues raised in representations, or to ensure fairness, no further hearing sessions will be held after the consultation period.
55. In places the interim MM schedules contain multiple rows for each policy which can make following the modifications more difficult. For the avoidance of doubt, the final schedule of MMs should include one row for changes to the policy itself and one row for changes to the supporting text. The interim schedules also include modifications from previous versions. While this has been helpful to us in considering the modifications thus far, the consultation schedule should only include the final version. There should also be one schedule covering both policies and allocations. Changes proposed to the Policies Map should be set out in a separate schedule that will be consulted on alongside the MMs.
56. As you will be aware, the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) need to be updated to take account of any recommended MM. These will also need to be consulted on alongside the MMs. Should the MMs and/or updating of the documents result in any significant changes regarding the effects of development then the Council should let us know without delay. This is particularly the case for the HRA and the effect of development on protected habitats.
57. As well as the SA and HRA, we also consider it will be necessary for the Council to consult on the following documents alongside the MMs. These are at least documents EXA045, EXA046, EXA047, EXA052, EXA053, EXA054, EXA060, EXA061 and EXA062. Should we decide any additional documents need to be consulted on, we shall let the Council know in due course.

58. Should you have any queries about any of the above, please contact us through the Programme Officer. We are not inviting, nor will we accept, any comments from interested parties on the content of this letter.

Yours sincerely

Louise Gibbons Steven Lee Benjamin Clarke

21 November 2025
