

**Land at Broom Hill / Brislington
Meadows
Broomhill Road
Bristol**

**Five Year Housing Land Supply
Statement of Common Ground**

Homes England and Bristol City Council

10th January 2023

1.0 Overview

1.1 Overview

- 1.1.1 This Statement of Common ground has been prepared by the Council and Lambert Smith Hampton (LSH) on behalf of the Appellant, on 5 Year Housing Land Supply (5YHLS) matters, for the above appeal.
- 1.1.2 A Case Management Conference (CMC) was held between all parties on 14 December. Within the Inspectors CMC Note, paragraph 5, bullet point 6, the request to have a 5YHLS SoCG was noted as follows:

There is no dispute that the Council cannot achieve a 5-year housing land supply. It is the extent of the shortfall which is between the parties. However, they will work together to produce a Statement of Common Ground solely on housing which sets out their relative positions and the intention is to establish an agreed range for the 5YHLS and the relative weight which should be attributed to that range. A short housing position statement produced by the Council to explain its declared housing land supply will be required. Were this to be the case the Inspector was satisfied that there may not be any need to examine this topic further other than any questions she might have. The Inspector would still like to see a comparative table of the parties' positions on any disputed site delivery which is often where the difference lies. This should be submitted alongside the proofs.

- 1.1.3 The request from the Inspector requires that:

1. A SoCG on Housing will be prepared and submitted by the 10 January 2023, alongside proofs of evidence
2. The relative positions of the Council and the Appellant will be set out
3. A range of what the 5YHLS position of Bristol City Council may be, will be set out
4. The weight which both sides attribute to their positions will be set out
5. The Council are required to produce a short position statement on their declared housing land supply (included at Appendix 1)
6. A table which compares both parties' positions on the sites in dispute is required

- 1.1.4 Therefore, this SoCG seeks to address these 6 points made by the Inspector. The SoCG has been split into two further main sections; areas of agreement and areas of disagreement, with a final section summarising the positions of each side. In addition to this another section sets out the calculations should the proposed changes by Government, relevant to 5YHLS, come into force.

1.2 Preparation of this SoCG

- 1.2.1 The Council shared a draft of their Housing Position Statement (titled *note on five year supply*), with the Appellant before the Christmas break. This report prepared by the Council is now appended to the SoCG.
- 1.2.2 An initial draft (V1) of the SoCG was sent to the Council, by LSH on Friday 30 December.
- 1.2.3 The Council responded to this draft (V1) by e-mail on Friday 6 January, and a follow up call was held between Mr Wilberforce (BCC) and Mr Roberts (LSH) to discuss the Council's issues with preparing and agreeing to a SoCG. Mr Roberts agreed to update the SoCG and provide more information within the document to help the Council complete it.

- 1.2.4 A second draft of the SoCG (V2) was sent to Council on Monday 9 January. Comments were sent back to LSH by the Council later on the 9 January. LSH sent V3 of the SoCG to the Council on Tuesday 10 January for comment. Final comments were sent back by the council later on the 10 January, with a final version completed that day.

2.0 Matters in Agreement

- 2.1.1 Both sides agree that the Local Housing Need for Bristol should be calculated using the Standard Method and that it should be calculated, using the current year (2023) as the starting point, as set out within the PPG.
- 2.1.2 Both sides agree that a 20% buffer is applicable to Bristol's 5YHLS as a result of the most recently published Housing Delivery Test (2022), in which Bristol achieved a delivery of 74%.
- 2.1.3 The calculation is therefore as follows:

Housing Requirement Calculation – Bristol City Council 2023

Step 1 - Setting the baseline	
2023 Households	206,213
2033 Households	224,723
Average Annual increase 2023-2033	1,851
Step2 – Affordability Adjustment	
2021 affordability ratio	9.7
Affordability adjustment	1.35625
Adjusted figure	2,510
Step 3 – capping the increase	
40% cap	2,591
Annual LHN requirement	2,510
Step 4 – Cities and Urban Centres Uplift	
Annual LHN requirement with 35% Urban Lift	3,389
Addition of buffer	
HDT Result	74%
5YHLS buffer applied	20%
Annual LHN requirement with 20% buffer	4,067
5-year Housing requirement as of 1st January 2023	20,335

Note: figures may not sum due to rounding.

- 2.1.4 The annual housing requirement to be used under current national planning policy is therefore 4,067 dwellings per annum.

- 2.1.5 Both sides agree that paragraph 74 of the NPPF requires LPAs to prepare and update a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing on an annual basis. Both sides agree that this was most recently done for Bristol in 2021 and that it covered the period April 2020 to 2025.
- 2.1.6 Both sides agree that Bristol's 5YHLS for the period April 2020 to 2025 is the Council's only published position on the supply of deliverable sites and should therefore form the basis of considering which sites contribute to the 5 year requirement.
- 2.1.7 Both sides agree that Annex 2 of the NPPF sets out the definition of a 'deliverable' site. And that the NPPF specifies that to be 'deliverable', sites should be available now and have a realistic prospect of delivery within 5 years. Sites which fall within category A are presumed deliverable, unless clear evidence shows otherwise. Sites which fall within category B should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 2.1.8 Both sides agree that student accommodation can in principle count towards an authority's housing land supply position. This can be done if the requirement set out in the PPG is satisfied. The PPG advises the following at Paragraph: 034 Reference ID: 68-034-20190722:

How can authorities count student housing in the housing land supply?

All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply based on:

- *the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or*
- *the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.*

This will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students.

Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.

The inclusion of student accommodation is therefore based upon the amount of general market accommodation that newly created student accommodation releases. On this basis the PPG advises that

student accommodation needs to be subject to calculations which establish average numbers of students in student accommodation.

- 2.1.9 Both sides agree that no separate assessment has been carried out for student accommodation in Bristol. However, the two sides do not agree that this means no allowance can be made (see Matters in Disagreement).
- 2.1.10 It is agreed that the Council have no published data on the typical local lead in times and build out rates for a range of residential development types in Bristol.

Matters in Agreement	
Housing Needs	
1.1	Standard Method for Bristol City Council
	The standard method calculation for Bristol City Council as of 1 st January 2023 is 3,389 dwellings per annum. This is the LHN output from the Standard Methodology that should be used to calculate the Council's 5YHLS.
1.2	Housing Delivery Test
	In the Housing Delivery Test 2021 Measurement published in 2022, the council delivered 74% of its housing requirement over the period 20119 to 2021 and therefore as a consequence the presumption in favour of sustainable development applies.
1.3	Buffer
	As per the outcome of the Housing Delivery Test – a 20% buffer is applied in the 5YHLS calculation.
1.4	Backlog
	The use of the standard method means the assessment of need is reset and there is no backlog included in the 5 year housing land supply calculation, including that accrued since the base date of the local plan.
Housing Supply	
	Overview
	<ol style="list-style-type: none"> 1. The Council's last 5YHLS statement was for the 5-year period starting 1st April 2020 to March 31st 2025. This was published in June 2021. 2. The Council have not published a 5YHLS report for the 5 year periods of either 1st April 2021 or 1st April 2022. 3. The Council do not have an up to date annual 5YHLS position statement. 4. Therefore the only published position the Council have on sites within the 5YHLS, is that with a base date of 1st April 2020. 5. The Council have not undertaken any separate assessment in relation to an allowance for student accommodation (see Matters in Disagreement).
1.6	Analysis of lead in times and build rates
	The Council provide no local analysis of lead in time and build out rates for sites within Bristol

3.0 Matters in Disagreement

3.1 Overview

3.1.1 There are 3 broad areas of disagreement between both sides, these are

- i. What position of possible sites, of the Council, should form the basis of the 5YHLS assessment
- ii. How student accommodation is included within the supply
- iii. The sites to be included within the supply.

3.2 Sites to form the basis when considering which sites contribute to the 5 Year Requirement

3.2.1 Whilst both sides agree that that Bristol's 5YHLS for the period April 2020 to 2025 is the Council's only published position on the supply of deliverable sites there is disagreement that it should be the sole basis for the consideration of Bristol's current housing supply.

3.2.2 The Appellant considers that this should form the sole basis of considering which sites contribute to the 5 Year Requirement.

3.2.3 The Council considers that the updated position and wider context set out in its Housing Position Statement (enclosed as Appendix 1) should also be taken into account. The statement notes that:

- Based on current planning permissions, Bristol has a housing land supply of 3.3 years as a best-case scenario (assuming all current planning permissions come forward within 5 years).
- That the supply of planning permissions in Bristol at end 2021/22 was at the second highest level since 2006/07, and housing completions at 2021/22 were at their highest level (2,563 homes) since 2008/09.

3.2.4 The council accepts that this does not represent a full 5YHLS calculation based on site-specific evidence and that the actual supply may be lower. The statement does not purport to offer a full calculation, and it is not in dispute that Bristol does not have a 5-year housing land supply under the standard method.

3.2.5 The council considers that it can be inferred, from a comparison of Bristol's supply of planning permissions with its standard method calculation, that Bristol's significant shortfall against a 5-year housing land supply is directly related to the 35% urban centres uplift added by the standard method, and that Bristol would be most unlikely to ever achieve a 5-year housing land supply under current national planning policy.

3.3 How student accommodation is included in the supply

3.3.1 Both sides agree that paragraph 034 Reference ID: 68-034-20190722 of the PPG sets out how a LPA may include student accommodation within their housing supply.

3.3.2 The Appellant considers that this section of the PPG clearly sets out that including student accommodation is acceptable, in principle. But that it is not an automatic inclusion. It is necessary for a LPA to justify including student accommodation within the supply

3.3.3 The Council refers to its to published report 'Residential Development Survey 2022: Main Findings'¹, which explains that, since 2018/19, the contribution of student accommodation to housing supply in Bristol has been calculated based on the national average number of students in student-only households as set out in the Government's Housing Delivery Test Measurement Rule Book, i.e. 2.5 students per household. This has allowed

¹ <https://www.bristol.gov.uk/files/documents/5346-residential-development-survey-2022-main-findings/file>

student accommodation to contribute to wider housing supply and the 5YHLS at a factor of 0.4 dwellings per student household.

- 3.3.4 The Council considers that this clearly stated national average (which is based on census data, as required by the PPG) does in fact provide a valid indication of the amount of residential accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use), and/or the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation. For each 2.5 student bedspaces delivered, a dwelling is retained or released to the wider housing market, and student accommodation can be deemed to make a contribution to housing supply on this basis.

3.4 The Sites to be included

- 3.4.1 As set out in the agreement section, it is agreed that for a site to be included it must be deliverable and that sites which fall within category B, there must be clear evidence.
- 3.4.2 There are a total of 10 specific sites in dispute. The sites are listed in the table below. The Appellant considers that a total of 1,477 dwellings should be removed from the supply.
- 3.4.3 In relation to the first four sites, the council is not in a position to agree with the Appellant's view because the council does not currently have access to detailed site-based evidence of deliverability. This must therefore remain an area of disagreement between the two parties.
- 3.4.4 In relation to the remaining six sites, the council disagrees with the Appellant's view on the basis that an allowance should be made for student accommodation (as set out above). The allowance is already reflected in the council's figures for the sites in question.

Sites in Dispute		
	Council Position and summary	Appellant Position and summary
Housing Supply		
1	<u>Land Of Former Post Office Depot, Cattle Market Road</u>	
	382 Dwellings The council is not currently in a position to provide detailed site-based evidence of deliverability.	0 Dwellings (less 382) – permission expired on 06 December 2021. Site visit showed no evidence of commencement.
2	<u>Former School Site Hawkfield Road</u>	
	350 The council is not currently in a position to provide detailed site-based evidence of deliverability.	302 Dwellings (less 48) – as of 13 December, approximately 212 dwellings had been complete, with another 138 remaining. Within the next 27 months (by 31 March 2025) only 90 dwellings are realistically to be completed. Leaving 48.
3	<u>Romney House, Romney Avenue</u>	
	262 dwellings The council is not currently in a position to provide detailed site-based evidence of deliverability.	90 Dwellings (less 172) - as of 13 December, no dwellings had been complete, with all remaining. Within the next 27 months (by 31 March 2025) only 90 dwellings are realistically to be completed. Leaving 172
4	<u>Graphic Packaging Ltd Filwood Road</u>	
	100 dwellings The council is not currently in a position to provide detailed site-based evidence of deliverability.	0 Dwellings (less 100) – upon visiting the site on 14 December, it was evidently still in industrial use. Given the current status of the site, it would not be possible for existing tenants to be relocated, the site cleared and development to commence and complete by 31 March 2025.
	All the sites listed below are removed from the supply as they are for purpose-built student accommodation	
5	<u>21 St Thomas Street</u>	
	164 Dwellings The council considers that an allowance should be made for student accommodation.	0 Dwellings
6	<u>7-29 Wilder Street, 1-3 Backfields and Land at corner of Backfields and Upper York Street</u>	
	163 Dwellings The council considers that an allowance should be made for student accommodation.	0 Dwellings
7	<u>St Mary's Hospital, Upper Byron Place</u>	
	122 Dwellings	0 Dwellings

	The council considers that an allowance should be made for student accommodation.	
8	<u>Land on West side of 95 Jacob Street Bristol</u>	
	118 Dwellings The council considers that an allowance should be made for student accommodation.	0 Dwellings
9	<u>13-19 Dean St., St Paul's</u>	
	116 Dwellings The council considers that an allowance should be made for student accommodation.	0 Dwellings
10	<u>13-21 Baldwin Street</u>	
	92 Dwellings The council considers that an allowance should be made for student accommodation.	0 Dwellings
	TOTAL DIFFERENCE BETWEEN SIDES	
	The Appellant considers that a total of 1,477 dwellings should be removed from the supply. The council is not in a position to agree with these removals.	

4.0 Summary of Positions for the Calculation of 5YHLS as of 10 January 2023

- 4.1.1 The positions of both sides are set out below. The 5YHLS position for Bristol City, is calculated using Local Housing Need calculation for the current year: 2023 and the most recently published schedule, of what the Council consider to be deliverable sites.

The Council's 5YHLS Assessment		
Calculation		Number
Five Year Local Housing Need (including 20% buffer)		20,331
Five Year Supply 2020-2025 (most recent published 5YHLS)		10,579
	Number of Years Supply (including 20% buffer)	2.60 years
Current Planning Permissions (as per Housing Position Statement, not a full 5YHLS calculation)		13,405
	Number of Years Supply (including 20% buffer)	Up to 3.30 years

- 4.1.2 The Council's position is that they can demonstrate a land supply in a range of 10,579 to 13,405 dwellings resulting in a housing land supply of 2.60-3.30 years.

The Appellant's 5YHLS Assessment 2020-2025		
Calculation		Number
Five Year Local Housing Need (including 20% buffer)		20,335
Five Year Supply 2020-2025		9,102
Number of Years Supply (including 20% buffer)		2.24 years

- 4.1.3 The Appellant's position is that the Council can demonstrate a land supply of 9,102 dwellings. Against a requirement of 20,335, this is a shortfall of 11,233 dwellings resulting in a housing land supply of 2.24 years.

5.0 The Government's Consultation on changes to the NPPF.

- 5.1.1 On December 23rd 2022, the Department for Levelling Up, Housing and Communities (DLUHC) published the open consultation titled; Levelling-up and Regeneration Bill: reforms to National Planning Policy.
- 5.1.2 The purpose of the consultation, ending 2nd March 2023, is to seek opinion on how the Government might develop revised National Planning Policy to support wider objectives. The consultation includes specific draft changes to the NPPF and states an intention, subject to the consultation, to bring them into force by spring 2023.
- 5.1.3 It is not known for certain when any changes to the NPPF would come into place. It is not known if the changes proposed as part of the consultation will remain in a revised NPPF.
- 5.1.4 One of the proposed changes, which the Council draws attention to, in the NPPF is to remove the use of a buffer (5%, 10% or 20%) in the calculation of an LPAs 5YHLS.
- 5.1.5 If that proposal is implemented it would have the effect of reducing Bristol's annualised 5YHLS requirement from 4,066 homes to the 3,389 homes required under the standard method, resulting in a total 5YHLS requirement of 16,945 homes. This would affect the calculation of Bristol's land supply as follows:

The Council's 5YHLS Assessment (without 20% buffer)		
Calculation		Number
Five Year Local Housing Need (without 20% buffer as per Government consultation)		16,945
Five Year Supply 2020-2025 (most recent published 5YHLS)		10,579
	Number of Years Supply (without 20% buffer)	3.12 years
Current Planning Permissions (as per Housing Position Statement, not a full 5YHLS calculation)		13,405
	Number of Years Supply (without 20% buffer)	Up to 3.96 years

- 5.1.6 Until any proposed changes, regarding how 5YHLS assessment may be carried out, come into place, then they do not change how the assessment should be carried out now. However, the council considers that the proposals may be relevant to the appeal, at whatever level of weight deemed appropriate by the Inspector.

This Statement of Common Ground has been agreed by:

Lambert Smith Hampton on behalf of Homes England

Signed

A handwritten signature in black ink, appearing to read 'Alex Roberts', with a stylized, cursive script.

Name

Alex Roberts – Director – Planning, Regeneration + Infrastructure

Dated

10 January 2023

Bristol City Council

Signed

M. Wilberforce

Name

Michael Wilberforce BSc MA MRTPI – Senior Planning Policy Officer

Dated

10 January 2023

APPENDIX 1 – Housing Position Statement supplied by Bristol City Council as per Inspector’s request.

NOTES:

- The contents of this statement represent the council’s view and are not common ground.
- The statement was prepared in December 2022 and the standard method calculation herein is therefore 2022-based.

Position statement on five-year housing land supply and local plan preparation

Five-year housing need

1. Under paragraph 74 of the NPPF, Bristol’s five-year housing land supply would currently be assessed against the Government’s standard method for calculating housing need because strategic policies are more than five years old.
2. The Government’s standard method gives an annual local housing need for Bristol of 3,376 dwellings/year, as set out in the recent local plan housing needs paper².
3. Paragraph 74 of the NPPF also requires a 20% buffer to be added to the five-year housing need in local authorities where there have been significant levels of under-delivery against the housing delivery test. This buffer currently applies in Bristol³.

Annual local housing need	Need over five years	20% buffer	Five-year housing need
3,376 dwellings	× 5	× 1.2	20,256

Table 1: Five-year housing need calculation

Bristol’s housing supply

4. As of April 2022, Bristol had 13,405 homes with planning permission, as set out in the latest Residential Development Survey (RDS) report⁴.
5. In a best-case scenario, all these homes would be delivered within the next five years.

Five-year housing land supply calculation

6. Assuming a best-case scenario, Bristol’s five-year housing supply position would be as follows:

Row	Calculation	Numbers
A	Five-year local housing need including 20% buffer	20,256
B	Homes with planning permission	13,405
C	Number of years’ supply (Row B ÷ Row A × 5 years)	3.3 years

Table 2: Indicative five-year housing supply position

² [Reviewing the demographic evidence for the City of Bristol to establish local housing need](#) (ORS, 2022)

³ [Housing Delivery Test Action Plan \(bristol.gov.uk\)](#) (BCC, 2022)

⁴ [Residential Development Survey 2022: Main Findings \(bristol.gov.uk\)](#) (BCC, 2022)

7. The figures above do not represent a definitive five-year housing supply position, as they are not supported by an up-to-date developer survey concerning the deliverability of sites with permission. The outcome of such a survey could undoubtedly reveal that the supply position from permissions is less than the indicative information set out above. A definitive position would also require consideration of other extant sites allocated for development in the existing local plan, some of which could potentially be considered deliverable within five years, which could offer a contribution towards Bristol's overall housing land supply.

Conclusion on five-year supply

8. The Government's standard method is used to calculate housing needs and, in the absence of a local plan adopted within 5 years, it forms the starting point for calculating the five year supply. As applied to Bristol, the current version of the standard method includes an urban centres uplift of 35% and results in Bristol having a very high level of calculated need. In the current absence of a strategic plan framework to distribute housing delivery across the region, the entirety of the standard method figure of 3,376 dwellings is directed to Bristol for the purpose of calculating land supply.

9. The indicative position is that Bristol has, at best, a 3.3-year housing land supply (Table 2 above). At only 66% of the required supply over five years, this is a substantial shortfall.

10. Bristol has no prospect of achieving a five-year housing land supply under current national planning policy requirements. This is despite the supply of planning permissions in Bristol at end 2021/22 being at the second highest level since 2006/07, and housing completions at 2021/22 being at their highest level (2,563 homes) since 2008/09. The availability of housing sites within Bristol is clearly not drying up in any practical sense as these figures indicate. However, Bristol is unable currently to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the assessed local housing need when calculated using the standard method.

Local Plan review

11. Bristol City Council is in the process of preparing a new local plan to replace the existing collection of three local plan documents: Core Strategy 2011; Site Allocations and Development Management Policies Local Plan 2014; and Bristol Central Area Local Plan 2015. It is intended that the single new local plan is adopted by Autumn 2024.

12. The local plan review process began in 2018 with the publication of an issues consultation. At that time it was intended that Bristol's local plan would be in conformity with a then emerging joint strategic planning document for the wider West of England area. However, the West of England Joint Spatial Plan was withdrawn after it had been submitted for examination. The West of England Combined Authority (WECA) Spatial Development Strategy (SDS) was the next intended strategic plan for the area and again the local plan for Bristol was to have been in general conformity with this. The SDS was in preparation between 2020 and mid-2022. No draft of the SDS was published and WECA permanently halted work on it in 2022. The strategic planning policies for the area will now be set out in the local plans of each unitary authority (Bristol; Bath and North East Somerset; North Somerset; and South Gloucestershire) with strategic cross boundary planning matters to be addressed through the duty to cooperate.

13. Bristol City Council has recently published a [further consultation](#) as part of the on-going local plan review process. This includes proposals for a number of policies including the proposed housing requirement for the city (draft Policy H1). It is relevant for housing supply considerations to note that the consultation proposes a housing requirement of 1,925 homes a year, amounting to 34,700 new homes by

the end of the plan period up to 2040. If this figure is confirmed through the local plan process it will become the basis for the calculation of housing land supply, should such calculations continue to be a requirement of national planning policy.

14. The next timetabled stages for the review of the local plan are:

- Publication (Regulation 19 stage) – Summer 2023
- Submission for examination – late 2023
- Examination process – early 2024
- Adoption – Autumn 2024

Bristol City Council