

# IN4 - Appendix 1: Bristol Local Plan – Draft Matters, Issues and Questions (MIQs)

## Matter 1: Legal, Procedural and Other General Matters

### Issue 1.1: Whether the Council complied with the Duty to Cooperate (DtC) in preparing the Plan

Section 33A of the Planning and Compulsory Purchase Act 2004 (the Act) sets out a duty to cooperate during the preparation of the Plan in relation to strategic matters<sup>1</sup>.

The Council's response to PQ1 to PQ3 and to SPQ1 and SPQ2 provide additional information about engagement with local planning authorities and prescribed bodies on strategic matters during the preparation of the Plan. This also includes the requested 'Maintaining effective cooperation' Topic Paper<sup>2</sup>.

In terms of meeting Bristol's unmet housing need, paragraph 32 of document ECA036a refers to a meeting of the West of England Unitary Authorities Planning Cabinet Members Meeting on 31 January 2023. Here it is noted that it was likely that a formalised request would be made by Bristol City Council for the other three UAs to contribute toward meeting any shortfall. Paragraph 36 refers to a letter dated 31 October 2023 setting out that formal request<sup>3</sup>.

#### *Housing need and requirement*

Q1.1: Has the Council's engagement with other local authorities on housing need, the housing requirement and the capacity of Bristol to accommodate housing (as set out in EXA036a), been carried out constructively, actively and on an on-going basis?

Q1.2: Was there any discussion or engagement on the issue of unmet housing need prior to January 2023? Was this the first point at which the evidence determined there would be an issue in relation to *this* Plan?

Q1.3: Between 31 January 2023 and the formal letter of 31 October 2023, what engagement took place between the local authorities on this issue? In addition, what engagement took place between October 2023 and submission of the Plan?

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<sup>1</sup> A "strategic matter" is (a) sustainable development or use of land that has or would have a significant impact in at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and (b) sustainable development or use of land in a two-tier area if the development or use is a county matter or would have a significant impact on a county matter [section 33A(4) of the 2004 Act].

<sup>2</sup> Document EXA036a

<sup>3</sup> Document PAL008

Q1.4: Did the Council raise the issue of unmet housing need with any local authorities other than North Somerset, Bath & North East Somerset and South Gloucestershire? If not, why?

Q1.5: With regard to the Planning Practice Guidance (PPG<sup>4</sup>), has the Council reasonably done all it can to deal with its unmet housing need but has not been able to secure the cooperation of other authorities?

Q1.6: What is the current situation with regard to how Bristol's unmet need would be addressed? With regard to paragraph 35c of the National Planning Policy Framework (NPPF), have cross-boundary strategic matters relating to this issue been dealt with rather than deferred?

*Other strategic matters*

Q1.7: What other strategic matters have been identified, as defined by section 33A(4) of the Act, including any site allocations that may have strategic cross-boundary implications? This includes those which relate to engagement with prescribed bodies.

Q1.8: In seeking to address these matters, has the engagement with other local authorities and prescribed bodies, as set out in the 'Managing effective cooperation' Topic Paper, met the requirements of the Duty?

Q1.9: With particular regard to prescribed bodies, where Appendix 1 to document EXA036a identifies consultation only having taken place at various stages of plan-making, is this sufficient to demonstrate that the duty has been met?

Q1.10: Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground (SoCG) as expected by NPPF paragraph 27 and the Planning Practice Guidance?

Q1.11: Do the SoCG that have been produced identify relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

Q1.12: Has any local authority or prescribed body concluded the duty to cooperate has not been met?

*Overall*

Q1.13: Does the evidence demonstrate that the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the NPPF and the PPG?

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<sup>4</sup> ID 61-022-20190315

## **Issue 1.2: Whether the Plan prepared in accordance with all other relevant legal requirements.**

### ***Sustainability Appraisal (SA)***

Local planning authorities are required to carry out a sustainability appraisal during the preparation of local plans and prepare a report of its findings<sup>5</sup>. Bristol City Council carried out a Sustainability Appraisal (CSD004), during the preparation of the Plan.

Q1.14: Is there any substantive evidence to demonstrate that the sustainability appraisal failed to meet the relevant legal requirements?

Q1.15: Did the sustainability appraisal consider and compare reasonable alternatives as the Plan evolved, including for housing and employment need and distribution, local plan policies and site allocations?

Q1.16: Is the overall spatial strategy an appropriate strategy, taking into account reasonable alternatives?

Q1.17: Have the areas of regeneration and growth been identified on a robust and consistent basis, having regard to reasonable alternatives?

Q1.18: What is the reason for having Assessed Scenarios in the Sustainability Appraisal and how did they inform the findings?

Q1.19: The SA states that appraisals of allocations and policies carried forward from earlier Plans were not subject to SA. Is this approach justified and does it meet the relevant legal requirements?

### ***Habitats Regulation Assessment (HRA)***

The Habitat Regulations Assessment Appropriate Assessment of the Plan<sup>6</sup> concludes that for Avon Gorge Woodlands Special Area of Conservation (SAC) and Severn Estuary European Marine Site (EMS) negative air quality effects, in the absence of mitigation, could lead to an Adverse Effects on Integrity (AEoI) via habitat degradation. It also concludes that with proposed mitigation in place, AEoI can be ruled out to the Avon Gorge Woodlands SAC and Severn Estuary EMS from negative air quality effects.

It goes on to state that AEoI created by the Plan alone via recreational disturbance to Avon Gorge Woodlands SAC can be ruled out, however in-combination effects cannot be ruled out when considered collectively with other adjacent authorities and the recreational disturbance generated from their areas too. Mitigation measures are

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<sup>5</sup> Sections 19(5) and 39 of the 2004 Act, and the *Environmental Assessment of Plans and Programmes Regulations 2004*

<sup>6</sup> Document PAL005

identified. For other European Designated Sites, the AA concludes that AEoI can be ruled out.

The Appropriate Assessment (AA) was concluded subsequent to the publication of the Plan for consultation. As confirmed by the responses to PQ5 and SPQ3, Natural England have not commented on the outcome of the AA. No explanation has been provided as to why a response has not been forthcoming.

Q1.20: Has the Habitat Regulations Assessment (HRA) been carried out in accordance with the Conservation of Habitats and Species Regulations 2017?

Q1.21: Is there any substantive evidence to suggest the findings of the HRA are not robust?

Q1.22: Does the Plan include the mitigation recommended by the HRA?

Q1.23: Have Natural England been consulted on the preparation and content of the HRA and any associated Appropriate Assessment, as required by the relevant regulations?

### ***Local Development Scheme (LDS)***

It is a requirement that Councils publish a Local Development Scheme (LDS). This should detail the documents that make up a Local Plan and provide a timetable for preparing the Plan.

Q1.24: Has the Plan been prepared in accordance with the provisions of the LDS?

### ***Public Consultation and Statement of Community Involvement (SCI)***

Paragraph 16 of the NPPF requires that plans are shaped; amongst other matters; by early, proportionate and effective engagement between plan-makers and communities, and other organisations and consultees. This process can be planned through a Statement of Community Involvement.

Q1.25: Has the consultation process undertaken by the Council been in accordance with its Statement of Community Involvement and the relevant Regulations?

### ***Equalities***

Public authorities are required under section 149 of the Equality Act 2010 to have due regard to the following aims when exercising their functions:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic<sup>7</sup> and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Q1.26: In what ways does the Plan demonstrate that due regard has been had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a protected characteristic?

### ***Climate Change***

Section 19(1A) of the 2004 Act, requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

Q1.27: Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in Bristol contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended)?

### ***Superseded policies in existing plans***

Regulation 8(5) of the 2012 Regulations states that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. The Council's response to PQ7 suggests a main modification would be needed to clarify which policies are to be superseded by the Plan.

Q1.28: Does the Council's suggested main modification, as set out in EXA002.1 ensure compliance with Regulation 8(5)?

### ***Monitoring framework***

The Council has suggested a modification to the Plan to include a new monitoring section and other changes to reasoned justification.

Q1.29: Is the proposed modification following paragraph 1.1.5 set out in document EXA02.1 necessary to make the Plan sound? Would the resulting monitoring framework be effective?

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<sup>7</sup> Age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

## **Matter 2: Housing Need, Requirement and Supply**

### **Issue 2.1: Whether the Plan establishes a housing requirement figure that is positively prepared, justified and consistent with national policy (Policy H1).**

#### ***Objectively Assessed Housing Need***

The Council's response to PQ64 confirms that the objectively assessed housing need for Bristol has been established using the standard methodology set out in national policy. This arrives at a figure of 2,503 dwellings per annum (45,054 dwellings between 2022 and 2040). The 35% cities and urban areas uplift required by the PPG<sup>8</sup> increases this figure to 3,380 dwellings per annum (60,840 dwellings).

Q2.1: Is the objectively assessed housing need (OAHN) for Bristol of 3,380 dwellings per annum (60,840 during the plan period) based on an approach consistent with paragraph 61 of the NPPF?

Q2.2: Given the Council's response to PQ64 and PQ65, what relevance does the 2022 ORS Local Housing Need Report appended to document TPC004<sup>9</sup> have for the issue of establishing the objectively assessed housing need?

#### ***Housing Requirement and Capacity***

The Council has identified an overall capacity of 39,798 dwellings over the plan period<sup>10</sup>. Policy H1 sets an average annual housing requirement of 1,925 dwellings. This equates to 34,650 dwellings between 2022 and 2040. This represents a shortfall against the OAHN of 26,190 dwellings.

Paragraph 11b of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing, and other uses, as well as any needs that cannot be met in neighbouring areas, unless (i) the application of policies in the NPPF that protect areas of particular importance provide a strong reason for restricting the overall scale, type or distribution of development in the plan area and/or (ii) the adverse impacts of meeting the need in full would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

Policy H1 states that the housing requirement will be exceeded where this can be supported by service and infrastructure capacity. The Council's response to PQ67 states that no specific infrastructure intervention has been identified which would enable a specified number of additional dwellings but there are circumstances where additional dwellings may be plausibly facilitated.

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<sup>8</sup> ID: 2a-004-20201216

<sup>9</sup> Document TPC004: Housing need and supply topic paper (April 2024)

<sup>10</sup> Table 2 in TPC004

Q2.3: Is the requirement for an average minimum of 1,925 new homes per annum over the plan period to 2040 positively prepared and justified having regard to identified constraints, including but not limited to land availability, viability and infrastructure? In particular:

- a) Is the overall capacity figure of 39,798 dwellings based on a robust assessment of potential supply (including windfalls and 'urban potential')? Have all available sources of land for residential development been fully considered and robustly assessed?
- b) Does the evidence demonstrate there are no other sustainable sites for residential development within the plan area during the plan period, including sites allocated or in use for other uses?
- c) Is the Plan sufficiently proactive in seeking to maximise the delivery of residential development on appropriate sites, including those which may currently be in alternative uses (such as existing employment land)?
- d) Given many allocations set out in Policy DA1 are for mixed-uses and contain only 'estimated' capacities, is there sufficient certainty about the scale of delivery envisaged from these sites?
- e) In establishing the housing requirement, is the 15% 'headroom' figure justified?
- f) Have the effects of meeting the OAHN been robustly assessed?

Q2.4: Further to the above, the response to PQ18 refers to sites suggested as part of the Regulation 19 consultation. This concludes that development is not ruled out by the local plan as they are not in any designations that would prejudice some form of development. Does this have any implications for the estimated capacity of the City, or the assumptions made relating to windfall or urban capacity?

Q2.5: Has the Council assessed the likely effects of delivering a higher level of housing within the Plan area?

Q2.6: Having regard to the above, is there substantive evidence to suggest that the requirements of paragraph 11b of the NPPF, as set out above, have been met? What are the adverse impacts of seeking to meet the OAHN?

Q2.7: Should the Plan set out the scale of unmet housing need and set out how the issue is expected to be addressed, including the role of other local authorities?

Paragraph 74 of the NPPF expects strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period and for the plans to set out the expected rate of delivery for specific sites. The response to PQ62 provides trajectory information.

Q2.8: To ensure compliance with paragraph 74 of the NPPF should the trajectory information provided be set out in the Plan?

**Issue 2.2: Whether the Plan is positively prepared, justified, consistent with national policy and effective with regard to meeting the need for Gypsies and Travellers.**

***Policy H10: Planning for traveller sites***

Paragraph 6.134 of the introduction to Policy H10 refers to the Gypsy and Traveller Accommodation Assessment (2020) (EVEH04) identifying a need for pitches for travellers and a need for plots for travelling showpeople.

Q2.9: Is Policy H10 justified, consistent with national policy and effective? In particular:

a) Does the Gypsy and Traveller, Travelling Showpeople Accommodation Assessment 2020 provide a realistic assessment of the needs of these communities including having regard to the definitions within the PPTS and the Smith judgement?

b) Is the policy consistent with the requirements paragraph 60 of the NPPF and Planning Policy for Traveller Sites (PPTS, 2015), including, to set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople in Local Plans (paragraph 9 PPTS), identify a 5-year supply of deliverable sites, and a supply of developable sites for years 6-10 (and years 11-15 where possible) (paragraph 10 PPTS) and allocate new sites in the Local Plan, where necessary?

c) Having regard to the Council's response to SPQ8, and that there are two potential sites for accommodating needs of gypsy and travellers, have options for allocating sites for pitches and plots been fully explored and is this supported by robust evidence?

d) Have the needs of Houseboat Dwellers been considered appropriately, having regard to paragraph 60 of the NPPF and section 124 of the Housing Act?

e) Are all the criteria in policy H10, clear and unambiguous such that it is evident to a decision maker how they should react to development proposals for Gypsy and Traveller, Travelling Showpeople and Houseboat Dwellers accommodation or moorings?

## **Matter 3: Employment Land Provision**

### **Issue 3.1: Whether the office, industry and distribution requirements are positively prepared, justified and consistent with national policy (Policy E2).**

TPC003<sup>11</sup> summarises the Council's approach to identifying the office and industry and warehousing requirements set out in Policy E2. The responses to PQ96-98 seek to provide additional information on how the requirements were established.

The response to PQ96 sets out the anticipated sources of supply. For offices this indicates a supply of 190,682 sqm of commitments (2021-22) and an additional 164,058 sqm of space coming forward on existing sites or new sites (this would total around 355,000 sqm of floorspace). For industry and warehousing, the information indicates that there is 124,692 sqm of commitments (2021-22), 103,903 sqm already permitted at Avonmouth, development potential of 41,838 sqm at Avonmouth and unpermitted development and 18,596 sqm in uplift in provision in designated areas (this would total around 290,000 sqm of floorspace).

The response to PQ98 states that the requirements set out in Policy E3 are additional to existing commitments.

#### ***Need for additional office, industry and distribution floorspace***

Q3.1: Is the requirement of 164,000 sqm net additional office floorspace over the plan period to 2040 positively prepared, justified and consistent with national policy? Is the requirement based on a robust and up-to-date assessment of both quantitative and qualitative need?

Q3.2: Is the requirement for 164,000 sqm of net additional industry and distribution floorspace over the plan period to 2040 positively prepared, justified and consistent with national policy? Is the requirement based on a robust and up-to-date assessment of quantitative and qualitative need?

Q3.3: The allocations, including those for a mix of uses, do not include specific requirements for the delivery of employment floorspace. On this basis, would the Plan be effective in ensuring floorspace needs will be met?

Q3.4: Further to the above, how much office floorspace is anticipated to come forward on sites allocated under Policy DA1?

Q3.5: Other than the allocations under Policy E4, is any additional industry or warehousing floorspace expected to come forward on allocations set out under Policy DA1?

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<sup>11</sup> TPC003 – Employment Land Topic Paper (November 2023)

Q3.6: Further to the above, and the response to PQ96, how much office floorspace do the Council expect to be delivered *during* the plan period (including unimplemented commitments)?

Q3.7: Further to the above, and the response to PQ96, how much industry and warehousing floorspace do the Council expect to be delivered *during* the plan period (including unimplemented commitments)?

## **Matter 4: Development Strategy and Site Selection Process**

### **Issue 4.1: Whether the development strategy and strategic policies of the Plan are positively prepared, justified, effective and consistent with national policy?**

#### ***General Strategy Questions***

Q4.1: Are the specific areas of growth and regeneration justified, consistent with the development strategy and the Plan's overall Vision and Objectives?

Q4.2: Several of the policies for areas of growth and regeneration refer to development having to 'accord' with regeneration frameworks. Notwithstanding the Council's response to PQ9, is it justified or effective for proposals to have to 'accord' with documents that do not form part of the development plan?

Q4.3: Several of the policies for areas of growth and regeneration refer to comprehensive or co-ordinated forms of development. The response to PQ28 states that this would be guided by masterplans or development frameworks and established through design and access statements. Having regard to this, are the relevant policies sufficiently clear and unambiguous, such that it would be clear to either decision makers or applicants what would be expected on an individual site?

Q4.4: The reasoned justification for several policies refer to potential housing capacity figures. The response to PQ23 confirms that these are not meant to be a target or a requirement. Notwithstanding this, are the anticipated capacities justified? Without a requirement for each area, and no specific allocations within any of the areas, will the relevant policies be effective in delivering the anticipated levels of housing?

Q4.5: Several of the policies for areas of growth and regeneration set out the expectation for a range of uses to come forward over the plan period. Other than for housing (as set out above) there is no indication in any policy or reasoned justification as to the scale of development expected. Are the relevant policies sufficiently clear as to what type and scale of development is envisaged?

Q4.6: The reasoned justification for several of the policies for areas of growth and regeneration include reference to possible housing densities. Are these justified and, to be effective, should they be included in policy? How do these densities relate to other relevant policies, such as policies UL1 and UL2?

## **Issue 4.2: Are the policies relating to Central Bristol justified, effective and consistent with national policy?**

The Council's response to PQ30 indicates that the city centre, which forms the core of the largest city in the region, continues to be a focus of regional importance. Paragraphs 3.1.3-3.1.9 of the new Bristol Local Plan describe the features which contribute to this role.

### ***Policy DS1: Bristol City Centre***

Q4.7: Is Policy DS1 justified, consistent with national policy and effective? In particular:

#### *Development up to 2040*

- a) Would the policy be effective in strengthening the role of the City Centre as a focus of regional importance and is the approach justified?
- b) Having regard to paragraph 3.1.4 which indicates that the overall area has the potential to accommodate thousands of new homes, is the anticipated housing capacity of 2,500 set out in paragraph 3.1.10 justified. To be effective, should the policy identify the expected level of housing delivery in this area?
- c) Is the policy sufficiently clear in defining what uses would be acceptable within the City Centre area?
- d) Is it clear what level of student accommodation is expected to be provided in the overall area and is this justified?
- e) i) Will the policy be effective in consolidating and expanding University of Bristol and Bristol Royal Infirmary sites? ii) Paragraph 3.1.13 refers to additional 'policy' detail being provided on university and hospital development as supplementary planning guidance (masterplans or other agreed documents). Is this approach justified and consistent with national policy?

#### *Culture and diversity of uses*

- f) Is the policy consistent with Policies CF1 and CF2?

#### *Floating Harbour*

- g) The Floating Harbour is referred to in Policy DS1 'Bristol City Centre' and is referred to in the Harbour Place Shaping Strategy. Would Policy DS1 be effective in maintaining the role of the Floating Harbour as a location for maritime industries, water related activities, as well as a visitor destination and heritage asset?

Q4.8: Are the requirements set out in Policy DS1 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) What particular measures would a decision maker expect to be provided for major development in demonstrating enhancement of social inclusion and community cohesion? Are the examples referred to in paragraph 3.1.15 meant to cover this? ii) Is it clear what a decision maker would expect to see to demonstrate that opportunities have been taken to reduce severance of parts of the city from neighbouring communities?
- b) are the requirements in relation to heritage assets consistent with Policy CHE1 and national policy?
- c) Is the approach to tall buildings consistent with Policy DC2 and is it justified within this area?
- d) To be effective should the policy identify the expected level of office development to be provided within the area?
- e) Are the remaining place principles (density and mixed use, heritage assets, street design, ground floor uses and public access) clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

***Policy DS1A: Bristol City Centre – Broadmead, Castle Park and the Old City***

Q4.9: Is Policy DS1A justified, consistent with national policy and effective? In particular:

- a) Is it necessary for the policy to state what development up to 2040 will include, to be consistent with the other City Centre DS policies?
- b) Will the policy be effective in creating a mixed-use city centre neighbourhood?
- c) Is the policy sufficiently clear in defining what uses would be acceptable within the area?
- d) Is the boundary shown on the diagram at page 19 of the Plan appropriately defined?
- e) Having regard to the Council's proposed main modification for Policy DS1A proposing a change to this part of the policy in response to PQ32, is this necessary for soundness? Is it justified to expect major development to provide a minimum of 10% of ground floor space for community or cultural use? Has this requirement been subject to viability testing and if not, why not?
- f) Paragraph 3.1.20 refers to Castle Street/Queen Street as being allocated in the Bristol Central Area Plan but that it is now identified as a potential development site

in the City Centre DDP. Is this approach justified and it will it be effective in delivering the rest of the site?

Q4.10: Are the requirements set out in Policy DS1A justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Is the requirement to create new routes through urban blocks and restore historic street patterns justified and will it be effective?
- b) are the requirements in relation to built and cultural heritage consistent with Policy CHE1 and national policy?
- c) Is the approach to tall buildings consistent with Policy DC2 and is it justified within this area?
- d) Are the requirements set out under the remaining place principles clear and unambiguous, such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

#### *Castle Park*

e) Are the requirements in relation to development facilitating and contributing to enhancements to Castle Park justified and will they be effective?

#### *Old City*

f) are the requirements in relation to heritage assets consistent with Policy CHE1?

g) Are the requirements in relation to development supporting the growth of independent retail at St Nicholas' Market and St Mary-le-Port justified? How will this requirement be applied in practice?

#### ***Policy DS2: Bristol Temple Quarter***

Q4.11: Is Policy DS2 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?
- b) Is the boundary shown on the diagram at page 22 of the Plan appropriately defined?
- c) Is the anticipated housing capacity of 2,500 set out in paragraph 3.1.26 justified? To be effective, should the policy identify the expected level of housing delivery in this area?
- d) Is it clear what level of student accommodation is expected to be provided in the overall area and is approach this justified?

*Temple Meads area and Silverthorne Island*

e) Are the aspirations for the Temple Meads area and place principles for Silverthorne Lane consistent with Policy CHE1 and national policy?

Q4.12: Are the requirements set out in Policy DS2 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

a) Will the Place principles be effective in achieving the aspirations for the Temple Meads area, Silverthorne Island, Temple Island and the York Road/Mead Street area?

b) Will the requirement for new development to support freight consolidation in the area be effective?

c) Are the requirements set out under the remaining place principles (design, tall buildings, mix of housing, natural green space clear) and transport and flood risk clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

***Policy DS3: St Philip's Marsh***

Q4.13: Is Policy DS3 justified, consistent with national policy and effective? In particular:

a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?

b) Is there an anticipated housing capacity for this area and if not, why not? To be effective, should the policy identify the expected level of housing, office and employment delivery in this area?

c) Is the boundary shown on the diagram at page 25 of the Plan appropriately defined?

*North west St. Philip's Marsh*

d) Is the aspiration for this area to be a knowledge based, employment lead innovation area justified having regard to the evidence base, and will the policy be effective in this regard?

e) Are the requirements in relation to the River Avon frontage and Feeder Road justified?

Q4.14: Are the requirements set out in Policy DS3 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Will the Place principles be effective in achieving the aspirations for the sub areas?
- b) Is the requirement to enhance Sparke Evans Park justified and will it be effective?
- c) What measures would a decision maker expect to be provided for development in demonstrating enhancement of social inclusion and community cohesion?
- d) Is the requirement for new workspace and other commercial development to assist in access to employment for local residents justified and will it be effective in this area?
- e) Is the requirement for facilitating and contributing towards delivery of an eastern access to Temple Meads Station applicable to all new development and if so, is this justified?
- f) Are the requirements set out under the remaining place principles (design, mix of housing, connectivity, green infrastructure, and pedestrian and cycle links) and transport, and flood risk clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

***Policy DS4: Western Harbour***

Q4.15: Is Policy DS4 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the area and is it a suitable area for being part of the Development Strategy?
- b) Will the policy be effective in achieving a reconfigured road system for the area and is this approach justified?
- c) Is there an anticipated housing capacity for this area and if not, why not? To be effective, should the policy identify the expected level of housing delivery in this area?
- d) Is the boundary shown on the diagram at page 28 of the Plan appropriately defined?

Q4.16: Are the requirements set out in Policy DS4 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Will the Place principles be effective in achieving the aspirations for the area?
- b) Are the place principles for Western Harbour consistent with Policy CHE1 and national policy in respect of heritage assets?

c) In respect of flood risk, there are two separate parts in the policy which set out different requirements. Is this justified and will it be effective?

d) Are the requirements set out under the remaining place principles (access) and housing mix and transport clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

**Policy DS5: Frome Gateway**

Q4.17: Is Policy DS5 justified, consistent with national policy and effective? In particular:

a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?

b) Is the anticipated housing capacity of 1,000 set out in paragraph 3.1.42 justified? To be effective, should the policy identify the expected level of housing delivery in this area?

c) Are the 500 bedspaces for student accommodation justified?

d) Having regard to the Old Market Neighbourhood Development Plan, is the Policy DS5 justified, and will it be effective in delivering the aims of the Neighbourhood Plan and the aspirations of the Policy DS5?

e) Is the boundary shown on the diagram at page 31 of the Plan appropriately defined?

f) Is the aspiration to deliver logistics provision adjacent to the M32 J3 justified, and will the policy be effective in this regard? What evidence is there on its potential impact on the M32?

Q4.18: Are the requirements set out in Policy DS5 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

a) Are the requirements relating to Newfoundland Way and the underpass (bullets 3,4,5 and 6) justified and will they be effective?

b) In respect of housing provision i) is the mix of homes set out in paragraph 3.1.43 justified and ii) is the need for accessible and adaptable homes justified and is it consistent with Policy H9? Is there a need for the policy to reflect both these requirements.

c) Are the requirements set out under the remaining place principles (design, pedestrian and cycle links, mixed uses, green infrastructure) and transport and flood risk, clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

### **Issue 4.3: Are the policies relating to East Bristol justified, effective and consistent with national policy?**

#### ***Policy DS6: Lawrence Hill***

Q4.19: Is Policy DS6 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?
- b) Is the boundary shown on the diagram at page 35 of the Plan appropriately defined?
- c) Is the anticipated housing capacity of 1,500 set out in paragraph 3.2.8 justified? To be effective, should the policy identify the expected level of housing delivery in this area?
- d) Is it clear how a decision maker should react to any proposals which suggest that the bus depot at Easton Road is no longer required?

Q4.20: Are the requirements set out in Policy DS6 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Is the approach to tall buildings consistent with Policy DC2 and is it justified within this area?
- b) Are the requirements set out in bullets 1, relating to Croydon Street and Lawrence Hill Station and bullet 2 relating to improved pedestrian cycle links justified?
- c) Are the requirements set out under the remaining place principles (design, density, active ground floor uses, reconfiguration of Lawrence Hill roundabout) and transport, workspace and flood risk, clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

#### ***Policy DS7: Central Fishponds***

Q4.21: Is Policy DS7 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?
- b) Is the boundary shown on the diagram at page 38 of the Plan appropriately defined?

c) Is the anticipated housing capacity of 1,500 set out in paragraph 3.2.16 justified? To be effective, should the policy identify the expected level of housing delivery in this area?

d) Is it clear how a decision maker should react to any proposals which suggest that the bus depot at Eastern Road is no longer required?

Q4.22: Are the requirements set out in Policy DS7 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

a) Is the approach to tall buildings consistent with Policy DC2 and is it justified within this area?

b) Are the place principles for the area consistent with Policy CHE1 and national policy in respect of heritage assets?

c) Are the requirements set out in bullet 1, relating to Goodneston Road justified?

d) Paragraph 3.2.18 refers to densities of 100 dph and that higher densities may be acceptable in some circumstances, is this approach justified and will it be effective?

e) Are the requirements set out under the remaining place principles (design, active uses, and transport, workspace and housing mix, clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

#### **Issue 4.4: Whether the policies relating to South Bristol are justified, effective and consistent with national policy.**

The following questions relate to policies DS8 and DS9. Issues relating to policies DS10 to DS12 are addressed under Matter 6: Green Belt.

##### ***Policy DS8 – Central Bedminster***

Q4.23: Are the requirements set out in Policy DS8 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?

b) Is the policy sufficiently clear in defining what uses would be acceptable within the Central Bedminster area?

c) Is the boundary shown on the diagram at page 43 of the Plan appropriately defined?

d) Is the anticipated housing capacity justified. To be effective, should the policy identify the expected level of delivery in this area?

- e) Further to the above, what extent of the policy area is subject to flood risk and how has this been considered in terms of the suitability of the area for growth and the capacity to accommodate additional development?
- f) Are the proposed housing densities justified and, to be effective, should they be set out in policy?
- g) Is the figure of 1,600 student bedspaces a requirement? If so, on what basis is this justified?
- h) Is it clear how a decision maker should react to individual development sites being expected to 'contribute appropriately to the delivery of mixed uses and supporting infrastructure, services and facilities as set out in this policy and the regeneration frameworks'?
- i) Under Flood Risk, would the scope of the sequential test only be expected to be within the defined policy area? If so, would this be consistent with national policy and with Policy FR1?
- j) Are the requirements set out under the remaining place principles, transport, workspace and housing mix headings clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

### ***Policy DS9 – Brislington***

Q4.24: Are the requirements set out in Policy DS8 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the area?
- b) Is the boundary shown on the diagram at page 45 of the Plan appropriately defined?
- c) Is the anticipated housing capacity justified? How would the additional 450 dwellings referred to in paragraph 3.3.14 be achieved and how has this been factored into overall delivery assumptions?
- d) To be effective, should the policy identify the expected level of delivery in this area?
- e) Are the proposed housing densities justified and, to be effective, should they be set out in policy?
- f) Are the requirements set out under the remaining place principles, transport, workspace and housing mix headings clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

## **Issue 4.5: Whether the policies relating to North Bristol justified, effective and consistent with national policy.**

### ***Policy DS13 - Lockleaze***

Q4.25: Are the requirements set out in Policy DS13 justified, consistent with national policy and would they be effective in securing sustainable development? In particular:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the Lockleaze area?
- b) Is the boundary shown on the diagram at page 56 of the Plan appropriately defined?
- c) Is the anticipated housing capacity justified? To be effective, should the policy identify the expected level of delivery in this area?
- d) Are the proposed housing densities justified and, to be effective, should they be set out in policy?
- e) Are the requirements set out under the remaining place principles, transport, workspace and housing mix headings clear and unambiguous such that it would be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

### ***Policy DS14 – Central Southmead***

Q4.26: Are the requirements set out in Policy DS14 justified, consistent with national policy and would they be effective in securing sustainable development? In particular with regard to:

- a) Is the policy sufficiently clear in defining what uses would be acceptable within the Central Southmead area?
- b) Is the boundary shown on the diagram at page 58 of the Plan appropriately defined?
- c) Is the anticipated housing capacity justified? How would the additional 450 dwellings referred to in paragraph 3.3.14 be achieved and how has this been factored into overall delivery assumptions?
- d) To be effective, should the policy identify the expected level of delivery in this area?
- e) Are the proposed housing densities justified and, to be effective, should they be set out in policy?
- f) Are the requirements set out under the remaining place principles, transport, workspace and housing mix headings clear and unambiguous such that it would

be evident to a decision maker how to react to a proposal, and will they ensure the aspirations of the policy are met?

**Issue 4.6: Whether the proposed site allocations are justified taking into account the reasonable alternatives, effective in terms of deliverability and consistent with national policy in enabling sustainable development?**

The site selection methodology is set out in TPC001<sup>12</sup>. The responses to PQ13 to PQ18 and SPQ4 to SPQ7 provide some further information as to the Council's approach to site selection, including how specifically transport, flooding and biodiversity matters had been taken into account. It also provides further information relating to how extant allocations in existing plans have been carried forward into the Plan.

In response to PQ14 the Council provided the Bristol City Council – Local Plan Testing outputs report<sup>13</sup>. This is a report by AtkinsRealis relating to transport modelling.

Q4.27: Are the proposed allocations identified by policies DS11, DS12, E4 and DA1 justified as appropriate when considered against reasonable alternatives and would they be consistent with national policy? In particular:

- a) Does the evidence demonstrate that the sites have been selected based on a robust, consistent and objective basis? What criteria were used to identify suitable sites and are the reasons for selecting some sites and rejecting others clearly set out and justified?

*Transport Issues*

- b) In terms of highways, have the individual and cumulative effects on the transport network been robustly assessed?
- c) What transport infrastructure, or other mitigation schemes, have been identified that would address any identified transport issues? Has the likely effectiveness of proposed transport mitigation schemes been assessed?
- d) Are there any outstanding concerns on transport matters (either individually or cumulatively) from National Highways or any other relevant transport authority?

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<sup>12</sup> TPC001 – Allocations and Designations Process Topic Paper (April 2024)

<sup>13</sup> EXA024a

### *Flooding and drainage issues*

- e) Has the selection of sites, and the spatial strategy, been informed by a Strategic Flood Risk Assessment based on up-to-date flood risk data and climate change allowances, taking advice from the Environment Agency?
- f) Has a sequential risk-based approach been taken to identifying the spatial strategy and specific allocations, as required by paragraph 161 of the NPPF? Are any locations identified for growth within Flood Zones 2 and 3? If so, has the exception test been carried out and are the conclusions justified?
- g) Notwithstanding specific questions relating to Policy FR2, to what extent is the spatial strategy and delivery of housing and employment dependent on the delivery of the Bristol Avon Flood Strategy? What status does this project have and what is the delivery timescale?

### *Other matters*

- h) How were effects on air quality and the presence of air quality management areas (AQMA) taken into account in site assessment? Are any allocated sites within an AQMA and how does the Plan ensure such development would be acceptable?
- i) How were the effects on open space and green infrastructure assessed? For example, on what basis was it determined that some allocations did not need to be retained as part of the City's green infrastructure / open space provision?
- j) Were other factors such as the effect on landscape character, biodiversity and heritage appropriately taken into account as part of the site selection process?
- k) How was appropriate mitigation for the impacts of development, individually and cumulatively, identified and is this adequately reflected in relevant policies?
- l) Has the deliverability of allocations been appropriately assessed, having regard to infrastructure provision and other policy requirements?

Q4.28: Is bringing forward extant allocations into this Plan justified? In particular, is it justified for these sites to have been considered and assessed separately, and differently, to other proposed allocations?

Q4.29: Further to the above, given development has not been implemented on these sites thus far, what assessment of likely implementation and delivery on these has taken place?

## Matter 5: Green Belt

### Issue 5.1: Whether the approach to altering the Green Belt boundaries and development within it justified and consistent with national policy?

The Plan proposes to alter the Green Belt boundaries in three locations, covered by policies DS11 and DS12. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The Council's response to PQ51 concludes that the gap between housing need and capacity to deliver housing constitutes the exceptional circumstances needed to justify altering Green Belt boundaries.

Paragraph 141 of the NPPF sets out what it expects Councils to demonstrate before concluding there are exceptional circumstances to justify changes to the Green Belt. Paragraph 142 of the NPPF advises that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be considered. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is well served by public transport. The Council's response to PQ55 suggests there is little previously developed land in the Green Belt and that there is either incorporated into proposed Green Belt release or available for development under Green Belt policy. It goes on to provide information as to the public transport accessibility of the relevant allocations.

Q5.1: How much land is proposed to be removed from the Green Belt, both in overall terms and as a proportion of the existing Green Belt?

Q5.2: What would the capacity be for housing *without* altering Green Belt boundaries?

Q5.3: Were all reasonable options for meeting the need for meeting the identified need for development fully examined? In particular:

- a) Has the Council sought to make as much possible use of suitable brownfield sites and underutilised land?
- b) Has the Council sought to optimise the density of development?
- c) Has the Council discussed whether there is any potential to accommodate some of the development needs of the City in other authority areas?

Q5.4: Is there a quantitative need to remove land from the Green Belt in the Plan area to ensure provision of at least 34,650 homes in the plan period?

Q5.5: Was the Council's approach to assessing the opportunities for altering Green Belt boundaries robust and based on appropriate up-to-date evidence? How has this informed the Plan and specifically proposals to alter the Green Belt boundary to

accommodate development needs, including the assessment of opportunities not allocated for development?

Q5.6: In selecting the allocations that are removed from the Green Belt, was first consideration given to land which has been previously developed and/or is well served by public transport?

Paragraph 142 of the NPPF states that plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. The Council's response to PQ56 acknowledges that the Plan does not set out or propose compensatory improvements to the remainder of the Green Belt. This is justified based on there being little remaining Green Belt land within the City and that it is already well managed. The response concludes that policies for the release of Green Belt focus resources upon on-site enhancements.

Q5.7: What assessment, if any, of the opportunities that might exist for compensatory improvements to remaining Green Belt has been carried out?

## **Issue 5.2: Whether policies relating to development in the Green Belt justified, consistent with national policy and effective.**

Q5.8: Is Policy DS10 justified, consistent with national policy and effective? In particular:

- a) Is the policy clear and unambiguous about how planning applications for development within the Green Belt would be assessed?
- b) Is the second paragraph relating to previously developed land consistent with the first paragraph, which suggests development in Green Belt would be considered using national policy?
- c) What is the purpose of the third paragraph, particularly considering that any areas removed from the Green Belt by the Plan would no longer be designated as such and, once established, Green Belt boundaries can only be revised through a revision to the Plan? Is it the Council's position that this paragraph would prohibit any neighbourhood development plans from revising Green Belt boundaries?

**Issue 5.3: Whether the Green Belt allocations are justified, consistent with national policy and whether the policies would be effective in delivering sustainable forms of development.**

***Policy DS11 – Development allocations – south west Bristol***

**Green Belt**

Q5.9: Taking each site in turn, how would development proposed by DS11 affect each of the five Green Belt purposes set out in paragraph 138 of the NPPF?

Q5.10: Would Policy DS11 be effective in ensuring that the proposed Green Belt boundaries around the Ashton Vale and Elsbert Drive allocations are clearly defined using physical features that are readily recognisable and likely to be permanent?

Q5.11: Would Policy DS11 be effective in securing compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of removing the allocation from the Green Belt?

*Site Selection and Location*

Q5.12: Are the Ashton Vale and Elsbert Drive allocations suitably located, having regard to the Plan's spatial strategy and the national aim of promoting a sustainable pattern of development?

The Council's response to PQ45 states that development requirements are not necessary for Ashton Vale as planning permission has been granted.

*Development Requirements*

Q5.13: Notwithstanding the extant planning permission, is Policy DS11 likely to be effective in dealing with any subsequent applications should they be submitted?

Q5.14: With regard to Elsbert Drive, would the policy be effective in effective in securing sustainable development? In particular with regard to:

- a) A cross boundary masterplan or development framework. To what extent is the delivery of this allocation dependent on North Somerset's Local Plan?
- b) Scale and density of development.
- c) Potential effects of development and expected mitigation.

***Policy DS12 - New Neighbourhood – Bath Road, Brislington***

Policy DS12 allocates land for a new neighbourhood at Bath Road, Brislington. The allocation would be removed from the Green Belt.

## **Green Belt**

Q5.15: How would development proposed by Policy DS12 affect each of the five Green Belt purposes set out in paragraph 138 of the NPPF?

Q5.16: Would Policy DS12 be effective in ensuring that the proposed Green Belt boundaries around the Bath Road, Brislington allocation are clearly defined using physical features that are readily recognisable and likely to be permanent?

Q5.17: Would Policy DS12 be effective in securing compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of removing the allocation from the Green Belt?

### *Site Selection and Location*

Q5.18: Is the Bath Road, Brislington allocation suitably located, having regard to the Plan's spatial strategy and the national aim of promoting a sustainable pattern of development?

The response to PQ16 indicates that DS12 is the only allocation that is affected by a Minerals Safeguarding Area (MSA). It goes on to conclude that it appears unlikely that prior extraction would be practicable or environmentally acceptable at this location and that any issue would be examined as part of a planning application.

### *Minerals safeguarding*

Q5.19: Is there any substantive evidence to suggest that development DS12 would be prejudiced by the safeguarding of minerals? Has any assessment been carried out of the potential for extraction?

Q5.20: To be effective, should Policy DS12 refer to the MSA?

### *Development Requirements*

Q5.21: Are the detailed requirements set out in Policy DS12 justified, consistent with national policy and would they be effective in securing sustainable development? In particular with regard to:

- a) The type of development proposed. Is the policy sufficiently clear about the mix of uses expected to be delivered?
- b) The potential housing capacity identified. Is the scale of development proposed appropriate and should the policy be specific about what is expected to be delivered (see also Q5.22 in relation to the park and ride site)?
- c) Effects on the transport network and proposed mitigation.
- d) Effect on biodiversity and proposed mitigation.
- e) Reference to a detailed development framework or masterplan.

f) Affordable housing and self-build (see also Q7.3)

The reasoned justification to Policy DS12 refers to the potential for the Brislington Park & Ride to be relocated to land within Bath and North East Somerset. The response to PQ48 states that the housing delivery figures assume the relocation will happen. The response also indicates that there is currently no firm commitment in place for the relocation.

#### *Park & Ride*

Q5.22: Is the removal of the park and ride site from the Green Belt justified given the status of any relocation proposal?

Q5.23: If so, should the policy make specific reference to the relocation of the park and ride site?

Q5.24: The submitted policies map identifies an area for park and ride expansion under Policy T2A. Given the expectations of Policy DS12, is this designation still necessary and justified? If so, should the policy refer to the potential for expansion as an alternative to relocation?

## **Matter 6: Infrastructure and Community Facilities**

**Issue 6.1: Whether policies IDC1 and SV1 relating to development contributions and social value are justified, consistent with national policy and effective.**

### ***Policy IDC1: Development contributions and CIL***

Q6.1: Is Policy IDC1 justified, consistent with national policy and effective? In particular:

a) Is the viability assessment (EVEV01) suitably comprehensive, based on up-to-date evidence, and does it cover all of the Plan policies for which contributions may be required?

b) Is Policy IDC1 consistent with paragraph 57 of the NPPF which sets out the circumstances in which planning obligations may be sought and the Community Infrastructure Regulations?

c) Is Policy IDC1 consistent with paragraph 58 of the NPPF and PPG ID:10-007 and 10-008 which sets out the circumstances in which viability assessments may be considered as part of a planning application?

d) Is it justified and effective for the reasoned justification at paragraph 4.4 to refer to the Planning Obligations SPD which is dated from 2013 and refers to existing Core Strategy policy?

e) What are the implications if any for the aims of Policy IDC1, where the viability assessment identifies that provision of flats over 6-storeys are more challenging in terms of viability?

### ***Policy SV1: Social value and inclusion***

Policy SV1 requires that all major applications for planning permission are accompanied by a Social Value Strategy, which would include all proposals of 10 or more homes. The policy also states that a condition will be imposed to ensure that the relevant parts of the strategy are to be implemented prior to the commencement and occupation of the development.

Q6.2: Is it proportionate to expect all major proposals to be accompanied by a Social Value Strategy?

Q6.3: How would the Strategy be utilised in the assessment of planning applications?

Q6.4: Would a condition to secure the retention of the Social Value Strategy be in conformity with the tests for the implementation of planning conditions as prescribed in the Paragraph 57 of the NPPF?

Q6.5: The reasoned justification to Policy SV1 states that the Council 'will publish advice on the content of the social value strategies, which is based on its Social Value policy, but there are no timescales for the publication of this document, its future status, and likely contents. In consequence, is the policy clearly worded and unambiguous to provide certainty for future decision makers and developers?

## **Issue 6.2: Whether policies CF1 and CF2 relating to community facilities are justified, consistent with national policy and effective?**

### ***Policy CF1: Provision of community facilities***

The policy states that 'where possible' future community facilities listed in Paragraph 11.1 of the reasoned justification should be in existing centres.

Q6.6: Is Policy CF1 justified, consistent with national policy and effective? In particular:

- a) are the circumstances clear where the provision of community facilities outside of existing centres might be acceptable, bearing in mind that the uses listed in Paragraph 11.1 are often located in centres?
- b) does the phrase 'where major development would generate a need for new, or extended, community facilities' provide sufficient certainty for decision-makers?
- c) is the definition of community facilities consistent with Paragraph 97 of the NPPF?

The Council's answer to PQ144 is noted in addition to the suggested modification that indicates that the aim is for 10% of ground-floor space being made available for community and/or cultural uses.

- d) does the policy clearly explain how the 10% figure is to be derived?
- e) is the 10% requirement for affordable rent justified and is it sufficiently clear in what circumstances it would be required and on what basis the need for such facilities be assessed?
- f) if the Council's proposed modification is to be adopted, the figure of 10% would be expressed as an aim. Is this modification necessary to make the plan sound, for it would be included in the reasoned justification, rather than policy?
- g) is the policy clear how 'affordable rent' would be defined, calculated and what mechanism would be utilised to ensure that the rent would be in place throughout the life of the development?

### ***Policy CF2: Retention of community facilities***

Paragraph 11.9 of the Reasoned Justification outlines the extent of community facilities. This differs from the definition in Paragraph 11.1 of the reasoned justification.

Q6.7: Is the definition of community facilities sufficiently precise to provide sufficient certainty for future decision-makers and developers as to how community facilities should be defined?

Q6.8: Does this policy provide sufficient precision and certainty for future decision makers in respect of how a conclusion regarding should be reached?

Q6.9: Does the policy provide sufficient detail as to what a sensitive adaption consists of to provide certainty to future decision makers as to the requirements of this policy?

Q6.10: In order to provide certainty for future decision makers or developers, should the mechanism that will be used to ensure the retention, enhancement, or reinstatement of community facilities as required by Policy CF2 be defined?

## **Matter 7: Other Housing Policies**

### **Issue 7.1: Whether policies relating to affordable housing positively prepared, justified, consistent with national policy and effective.**

#### ***Policy AH1: Affordable housing provision***

Policy AH1 states that residential developments of 10 dwellings or more will be expected to provide at least 35% affordable housing as part of the dwelling mix. Diagram 6.1 and the table under paragraph 6.21 suggest that there are areas where the 35% would not be viable. The response to PQ70 acknowledges this. Under this policy, the City Centre would be subject to a 'threshold' approach and areas where

35% would not be viable, developers would be expected to work with the Council to deliver respective shortfalls through other mechanisms.

Paragraph 33 of the NPPF states that Plans should set out the contributions expected from development. This should include setting out the levels of affordable housing provision required. It states that such policies should not undermine the deliverability of the Plan.

Q7.1: Is policy AH1 positively prepared, justified, consistent with national policy and effective? In particular:

- a) Is the policy clearly written and unambiguous such that it is clear what proportion of affordable housing any developer would be expected to provide?
- b) Are the affordable housing requirements justified by proportionate and up-to-date evidence about need and viability?
- c) Given the evidence, and reasoned justification, suggests 35% affordable housing would not be viable in all parts of the City, is it justified or consistent with national policy to expect this to be provided on all developments of 10 dwellings or more?
- d) Is the 'threshold approach' for proposals in the City Centre, and the 20% threshold itself, referred to in the second bullet point and paragraph 6.23, justified and is the policy clear and unambiguous as to how it would be implemented? If so, should the threshold be included in the policy to be effective?
- e) Paragraph 6.23 states that where the 'threshold' approach is used, a developer should agree to commence development within 18 months of any permission being granted. Is such a requirement justified and, if so, should it be included in the policy to be effective?
- f) Where 35% affordable housing without public subsidy is proposed, would it be justified and consistent with national policy to expect applicants to identify the maximum provision of affordable housing that can be achieved viably without public subsidy (first bullet point)?
- g) Where 35% affordable housing without public subsidy is proposed, would it be justified and consistent with national policy to expect applicants to work with the Council to explore ways to increase delivery above this figure (fourth bullet point)?

Paragraph 6.24 refers to the Council seeking to operate a rolling review of percentages sought and that any revised percentages will be set out in the Council's Affordable Housing Practice Note. The Council's response to PQ73 states that although the 35% overall policy requirement would remain constant, the percentages sought without public subsidy may need to be varied across the plan period to reflect market circumstances. It concludes that this practice has already been implemented and that the Council will continue to undertake such reviews, including the

commissioning of new viability assessments to ensure percentages remain up to date.

h) Would the 'rolling review' of policy requirements through use of 'practice notes' be justified, consistent with national policy and the plan-led approach?

The policy seeks a tenure split of 75% social rent and 25% affordable home ownership which can include First Homes. Paragraph 6.30 states there may be situations where a different tenure split may be acceptable. Paragraph 6.31 indicates that the type and size of affordable housing will be guided by the Local Housing Needs Assessment and other local housing requirements.

i) Is the proposed tenure split and approach to First Homes justified and consistent with national policy?

j) To be effective, should the provisions of paragraphs 6.30 and 6.31 be included in the policy?

## **Issue 7.2: Whether the remaining policies relating to housing delivery positively prepared, justified and consistent with national policy and would they be effective in securing sustainable development?**

### ***Policy H4: Housing Type and Mix***

Q7.2: Is Policy H4 justified, consistent with national policy and effective? In particular:

- a) Is the policy clearly written and unambiguous about what type and mix of housing would be expected, or what information would be used to inform a decision?
- b) Is the policy, or reasoned justification, clear about what "harmful imbalances" it is seeking to redress?

### ***Policy H5: Self-build and community-led housing***

Policy H5 deals with the issue of self-build and custom housebuilding and/or community-led housebuilding. It identifies specific sites where provision is to be made, the approach to areas of growth and regeneration, exception sites and affordable housing. The Council's response to PQ74-77 provides further detail as to the Council's justification for approach proposed and how it will be implemented, including how and why the specific sites have been identified, how decision makers would be expected to decide appropriate proportions of such housing in areas of growth and regeneration and the reasons for the exception site locations and approach.

Q7.3: Is Policy H5 positively prepared, justified, consistent with national policy and effective? In particular:

- a) What need for self-build and custom housebuilding and/or community-led housebuilding has been identified and would the policy be effective in ensuring this is met?
- b) Are the allocations where self-build and custom housebuilding and/or community-led housebuilding justified? Have these sites been identified on an appropriate and consistent basis? What reasonable alternatives were considered?
- c) Is the requirement to deliver 5% self-build and custom housebuilding and/or community-led housebuilding at Bath Road, Brislington (DS12) and Land to the West of Elsbert Drive, Highridge (DS11) justified?
- d) Is the proposed main modification to Policy H5, as set out in EXA002.1, necessary to make the Plan sound? Would altering 'will' to 'should' make the policy more, or less, clear about what is expected?
- e) Is the policy clear and unambiguous as to the proportion of self-build and custom housebuilding and/or community-led housebuilding would be required in growth and regeneration areas? If, as suggested in the response to PQ76, the proportion would not exceed 5% then, to be effective, should this be made clear in policy?
- f) What would be expected to be part of the 'further guidance' referred to in paragraph 6.48? Are there any aspects of this that should be in the policy?
- g) Is the approach to community-led exception sites justified, clear as to the circumstances in which such housing would be considered acceptable and, specifically in the case of development affecting community uses and reserved open space, consistent with national policy which seeks to protect such assets?
- h) Are the provisions relating to affordable housing justified and consistent with national policy? On what basis are sites that are not allocated for self-build or custom build exempt from Policy AH1?

***Policy H6: Houses in multiple occupation and other shared housing***

Q7.4: Is Policy H6 justified, consistent with national policy and effective? In particular:

- a) Is the policy clear and unambiguous in respect of proposals needing to avoid a local imbalance? Paragraphs 6.63 and 6.64 sets out the circumstances in which a local imbalance is likely to arise. To be effective, should these circumstances be set out in the policy?

- b) Will it be clear to the decision maker how to react to proposals when assessing the individual criteria in parts (i) and (ii) of the citywide criteria? Is there any justification to include any additional criteria?
- c) Is the policy approach towards 'sandwiching' of residential properties justified?
- d) Is the 10% threshold of the total dwelling stock of a defined area as set out in the policy justified and will it be effective in achieving the aims of the policy?

***Policy H7: Managing the development of purpose-built student accommodation***

Q7.5: Is Policy H7 justified, consistent with national policy and effective? In particular:

- a) What overall need for purpose built-student accommodation has been identified and would the policy be effective in ensuring this is met?
- b) How does the provision of student accommodation contribute to the overall housing numbers and is this justified?
- c) Is the principle of the numbers and defined locations/distribution as set out in the policy (for the University of Bristol sites, Bristol city centre, Bristol Temple Quarter and St Philip's Marsh, Broadmead, Frome Gateway and Central Bedminster) justified?
- d) Will it be clear to the decision maker how to react to proposals when assessing them against the three bullet points in the first paragraph of the policy? How does this relate to the final paragraph of the policy relating to general provisions? Are the general provisions also capable of being assessed appropriately?
- e) Are the suggested main modifications to Policy H7 in response to PQ86 regarding the support needed of the relevant higher education provider necessary for soundness? Is this part of the policy justified and will it be effective?
- f) Are the suggested main modifications to Policy H7 in response to PQ88 regarding the support of local communities necessary for soundness? Is this part of the policy justified and will it be effective?
- g) The part of the policy referring to 'Other locations' indicates that proposals for purpose-built accommodation should form part of mixed-use locations. When considered with the other bullet points in this part of the policy, will it be effective?
- h) Paragraph 6.87 sets out the circumstances in which a local imbalance is likely to occur. To be effective, should these circumstances be set out in the policy and is the approach justified?

- i) The policy states that development in all locations will be expected to include an appropriate proportion of affordable student housing to meet identified need. Is this approach justified, based on viability evidence and will it be effective?

***Policy H8: Older People's housing and other specialised housing needs***

Q7.6: Is Policy H8 positively prepared, justified, consistent with national policy and effective? In particular:

- a) What is the need for older people's housing and will policy H7 be effective in ensuring this is met?
- b) Is the approach to affordable housing for older people justified and consistent with national policy? Have the affordable housing requirements, including the threshold and requirements set out in the 2<sup>nd</sup> paragraph, been subject to robust assessment of need and viability?
- c) Is the requirement in criterion v. that all dwellings to be built to the accessible and adaptable standard in part M4(2) of the building regulations (except those dwellings that are designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users) justified taking account of need and viability?
- d) Is the requirement in criterion iii. that 10% of older people's and other specialised needs housing should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with M4(3) of the building regulations) justified taking account of need and viability?
- e) Is the requirement in criterion iii. that 50% of extra care or housing with care dwellings should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with M4(3) of the building regulations) justified taking account of need and viability?
- f) Is the approach set out in criteria iv. and v. to the M4(3) standard consistent with PPG ID: 56-009-20150327 which states that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling?
- g) Paragraph 6.104 states that all older people's affordable housing secured must be designed to be wheelchair accessible. Is this justified and consistent with the guidance referred to above and, if so, to be effective should this requirement be set out in policy?
- h) Is the approach set out in criteria iii., iv. and v. consistent with PPG ID: 56-008-20160519 which states that local plan policies should also take into account site specific factors such as vulnerability to flooding, site topography and other mechanisms which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is

not viable? In this respect, how does Policy H8 relate to Policy H9, the reasoned justification of which refers to circumstances where optional requirements would not be sought?

### ***Policy BTR1: Build to Rent Housing***

Q7.7: Is Policy BTR1 positively prepared, justified, consistent with national policy and effective? In particular:

- a) Are the thresholds and requirements, including tenure split, based on a robust assessment of viability and consistent with national policy and guidance?
- b) Paragraph 6.121a refers to a rolling programme of review of the percentage of affordable housing to be sought, which will be set out in the Affordable Housing Action Note. Is such an approach justified, consistent with statutory function of the development plan and national policy, including those relating to plan viability and planning obligations?
- c) Are the suggested main modifications to Policy BTR1, as set out in EXA002.1, necessary to make the Plan sound?

### ***Policy H9: Accessible Homes***

Q7.8: Is Policy H9 positively prepared, justified, consistent with national policy and effective? In particular:

- a) Is the requirement that 10% of dwellings should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with M4(3) of the building regulations) justified taking account of need and viability?
- b) Is the approach to M4(3) consistent with PPG ID: 56-009-20150327 which states that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
- c) Is the requirement in criterion v. that all dwellings to be built to the accessible and adaptable standard in part M4(2) of the building regulations (except those dwellings that are designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users) justified taking account of need and viability?
- d) Paragraph 6.132 sets out the circumstances in which the optional requirements may not be sought. To be effective, should the potential for exemptions be set out in policy?

## **Matter 8: Economy and Inclusive Growth**

### **Issue 8.1: Whether policies E1 – E8 are justified, effective and consistent with national policy.**

#### ***Policy E1: Inclusive economic development***

Q8.1: Is Policy E1 justified, consistent with national policy and effective? In particular:

- a) Is the requirement to submit an employment and skills plan, including the thresholds identified, justified, what purpose would they serve and how would they be managed?
- b) Would the policy be effective in ensuring development enables access to employment and removing barriers to employment for local residents?

#### ***Policy E2: Economic development land strategy***

The floorspace requirements set out in Policy E2 are addressed under Matter 3. The following considers the other elements of the policy.

Q8.2: Other than the floorspace requirements, are the remaining parts of Policy E2 justified, consistent with national policy and effective? In particular:

- a) The phrase “workspace” appears to be synonymous with office, industry and warehousing. If this is the case, what is the purpose of the ‘Industry and Warehousing’ section of the policy and how does this differ to the ‘Development and renewal of workspace’ section?
- b) Given the policy appears to relate to offices as well as industry and distribution, how does this policy relate to Policy E3?

#### ***Policy E3: Location of office development***

Q8.3: Is Policy E3 justified, consistent with national policy and effective? In particular:

- a) Is the list of locations and approach to office development consistent with NPPF, with regard to main town centre uses, and other relevant Plan policies (for example, Policy SS4)?
- b) The third bullet refers to offices as part of mixed-use schemes. Why would such development be restricted to mixed-use development only?
- c) What other areas have been identified as suitable for offices in other policies in the Plan, as set out in the fourth bullet point?
- d) Is the policy sufficiently clear as to what constitutes smaller-scale development?

#### ***Policy E4: Avonmouth industrial area and Bristol Port***

Q8.4: Is Policy E4 justified, consistent with national policy and effective? In particular:

- a) Is the area identified under E4 on the policies map justified?
- b) Are the specific allocations justified? Have they been selected based on a robust methodology, having regard to all relevant constraints including transport, flooding and biodiversity?
- c) Does the policy provide an effective basis for the consideration of any development proposals within the four allocations? Is it clear what scale or form of development would be expected?
- d) Does the policy provide an effective basis for the consideration of proposals for the redevelopment or intensification of existing floorspace?
- e) Is identification of the E4 area for large scale renewable energy projects justified? Have all potential impacts been fully assessed and does the Plan provide an adequate framework for assessing and/or mitigating the impact of any development, especially in relation to biodiversity?
- f) Given the stated role and function of the Avonmouth and Bristol Port Area for industry and distribution, would there be any limits to the scale or location of energy related development that would be considered acceptable?
- g) Are the policy's references to flood risk consistent with policies FR1 and FR2 and the NPPF? Other than the allocations, would development proposals within this area be subject to the flooding sequential test?
- h) The Council's response to PQ101 states that the role of Hallen Marsh the area is to mitigate the ecological effects of existing and committed development. Does this include mitigation for sites allocated under Policy E4? Is the policy clear as to the role and function of Hallen Marsh?
- i) The policy provides no indication as to what forms of development other than industry, distribution, energy or port-related may be considered acceptable within the designated area. Would it be justified and consistent with national policy, in particular paragraph 122, to exclude all other land uses?

#### ***Policy E5: Industry and distribution areas***

Q8.5: Is Policy E5 justified, consistent with national policy and effective? In particular:

- a) Are the locations referred to in paragraph 7.36 justified?
- b) Is the policy consistent with paragraph 122 of the NPPF with regard to the assessment of changes in demand for land?

- c) The uses listed in the four bullet points are “likely to be acceptable”. The policy also states that development must comply with criterion ii. Is the policy sufficiently clear about the circumstances in which alternative development would be acceptable?
- d) Are there any circumstances where uses other than those listed in the four bullet points would be considered acceptable?

***Policy E6A: New workspace within mixed use development***

Policy E6A states that proposals for redevelopment of vacant or underused sites and premises currently or recently used for business, industry or distribution should include provision for new workspace as part of mixed-use developments.

Q8.6: Is Policy E6A justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear as to the circumstances in which new workspace provision should be delivered? For example, if a proposal is for residential only rather than mixed-use, would the policy seek new workspace provision?
- b) Is the policy sufficiently clear as to how much new workspace would be expected in any development?
- c) Are there any circumstances in which it would not be considered suitable or viable for new workspace to be delivered?
- d) Is the policy consistent with paragraph 123 of the NPPF, which states that local planning authorities should take a positive approach to applications for alternative uses on land which is currently developed but not allocated for development for a specific purpose in plans where this would help to meet identified needs?

***Policy E6: Affordable workspace***

Policy E6 seeks to secure the provision of affordable workspace. In response to PQ103, the Council have suggested main modifications to Policy E6 and associated reasoned justification. Appendix 4 of EXA024 sets out the Council’s evidence of need for affordable workspace.

The response to PQ103 also sets out a number of suggested main modifications (these are also included in document EXA002.1).

Q8.7: Is Policy E6 justified, consistent with national policy and effective? In particular:

- a) Is the principle of securing the provision of affordable workspace justified in principle and consistent with national policy, including those relating to planning obligations?

- b) Is the policy sufficiently clear about the circumstances in which affordable workspace would be required? In this respect, would the proposed modifications suggested set out in EXA002.1 be justified and effective in their own right and necessary to make the Plan sound?
- c) In relation to the suggested main modifications, on what basis have the types of development where affordable workspace would be required, and the associated thresholds, been identified?
- d) Is the policy, either as submitted or in terms of the Council's suggested modifications, sufficiently clear as to the scale of affordable workspace that should be delivered as part of any development and/or how this would be managed?
- e) Would it be justified, or effective, to require an annual monitoring report to be submitted as set out in paragraph 7.51?
- f) Has the policy as submitted, or the proposed modifications, been subject to robust assessment of viability?

***Policy E8: Digital connectivity and inclusion***

The answer to PQ105 states that the intention of the policy is to add value to the legal requirements and statutory guidance through promoting competition among broadband providers and consumer choice.

Q8.8: Given the scope of the current Building Regulations, is it justified to 'add value' by exceeding the requirements of the Building Regulations?

**Matter 9: Retail and Town Centres**

**Issue 9.1: Whether policies SSE1 – SSE8 are justified, effective and consistent with national policy.**

***Policy SSE1: Supporting Bristol's Centres – network and hierarchy***

Q9.1: Is Policy SSE1 justified, consistent with national policy and effective? In particular:

- a) In the first paragraph of Policy SSE1 reference is made to where uses covered in this policy may also be applicable to areas adjoining the centres. The Council's response to PQ114 provided an explanation as to how to areas adjoining the centres may be assessed. Is the policy justified in this respect and is it clear to the decision maker how to react to such proposals?
- b) Is the Centre Network and Hierarchy contained within the policy justified, in accordance with national policy and is it sufficiently comprehensive? Having regard to the Council's proposed main modification for Policy SSE1 proposing a change to this part of the policy in response to PQ118, is this necessary for soundness?

- c) Having regard to Policies SSE2, SSE3 and SSE4 will it be sufficiently clear to the decision maker how to assess that proposals are of a scale and intensity appropriate to the position in the hierarchy and to the character of the centre?
- d) Will the policy be effective in achieving vitality, viability and diversity of uses through active ground floor uses?
- e) Is the reference to underused and vacant space in the part relating to residential uses sufficiently clear?
- f) Is the part of the policy relating to the creation of new centres justified and will it be effective if proposals come forward?

***Policy SSE2: Development in Bristol's centres***

Q9.2: Is Policy SSE2 justified, consistent with national policy and effective? In particular:

- a) Having regard to the Council's proposed main modification for Policy SSE2 proposing a change to the second and third paragraphs in response to PQ118 relating to St Nicholas Market, is this necessary for soundness?
- b) Having regard to the Council's proposed main modification for Policy SSE2 proposing an additional paragraph relating to environmental enhancement and public realm improvements in response to PQ119, is this necessary for soundness?

*City Centre*

- c) The city centre sets out differing approaches to development within the different areas within the City Centre. Will these be effective and are they consistent with Policies DS1 and DS1A? Are the areas covered sufficiently comprehensive?
- d) Is the policy sufficiently clear as to how development proposals would be assessed in the Town Centres and District and Local Centres?

*Residential Development*

- e) Is the approach to residential development consistent with Policy SSE1 where it relates to active ground floor uses?
- f) i) Will it be clear to the decision maker how to react to proposals for changes to ground floor uses to residential in respect of what would be a suitable period of appropriate marketing? ii) How will fragmentation of the commercial function be assessed?

***Policy SSE3: Supporting Bristol's evening, night-time and culture economy***

Q9.3: Is Policy SSE3 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear as to what uses would be acceptable, does the policy need to be specific about this? Is the policy consistent with paragraph 193 of the NPPF?
- b) With reference to the third paragraph of Policy SSE3, will it be sufficiently clear to the decision maker how to react to proposals in respect of whether they would be neighbourly?
- c) Is the policy sufficiently clear as to any loss of cultural venues and nighttime economy uses would be assessed in respect of viability and being able to demonstrate it cannot accommodate similar uses?

***Policy SSE4: Town centre first approach to development***

Q9.4: Is Policy SSE4 justified, consistent with national policy and effective? In particular:

- a) Is the policy consistent with the NPPF where it relates to ensuring the vitality of town centres? Is it consistent with Policy E6A of the Plan?
- b) The designation of “primary and secondary frontages” is no longer national planning policy. However, the PPG on Town centres and retail states that planning policies are expected to define the extent of primary shopping areas and that authorities may, where appropriate, also wish to define primary and secondary retail frontages where their use can be justified in supporting the vitality and viability of particular centres. Is the approach to primary shopping areas in the sixth paragraph of Policy SSE4 consistent with this?
- c) Paragraph 8.20 of the reasoned justification sets out the requirements for an impact assessment in cases where an unspecified Use Class E development is sought. To be effective, should the policy include this requirement?

***Policy SSE5: Temporary uses in centres***

Policy SSE5 also states that ‘proposals for the temporary use of vacant sites for car parking will not be acceptable’. Although Paragraph 8.32.1 of the reasoned justification states that centres are the most well-served locations by public transport, this may not be the case for all locations.

Q9.5: Is the policy justified, consistent with the NPPF, positively prepared and effective? Including:

- a) Would the policy be effective in defining a temporary period?
- b) Is the policy fully justified given that car parking will not be acceptable, irrespective of circumstance?
- c) Does the assessment of future proposals include those in the wider area, or limited to those on site?

### ***Policy SSE6: Retaining and enhancing markets***

Policy SSE6 states that markets can significantly contribute to the range of shopping facilities and that new proposals will be 'encouraged'. The policy lists four bullet point that developments should 'have regard to'.

Q9.6: Are these bullet points requirements and, if so, is the wording of the policy sufficiently precise to avoid ambiguity?

### ***Policy SSE7: Provision of public toilets***

The Council's answer to PQ125 is noted and the list of examples where public toilets are to be provided, include the phrase 'similar forms of development' and the change of use of a building and that the number of toilets will be decided on a case-by-case basis. Although the Council has referred to policies in the London Plan and the Lambeth Plan, it is unclear as to the evidence which justified these policies.

Q9.7: Is policy SSE7 justified, consistent with national policy and effective? In particular:

- a) Has there been an assessment of the scale of need and geographical areas where they may be a deficiency?
- d) Are the circumstances clearly defined where a development should provide public toilets so to provide certainty to future developers and decision-makers?
- e) Does the policy provide sufficient guidance and clarity for decision-makers and developers as to how many toilets should be provided, including instances where the use of an existing building is to be changed?

### ***Policy SSE8: Public houses***

Policy SSE8 requires there to be an 'adequate and diverse range of alternative public house provision' in the locality. This wording does not appear to explain how 'adequate' is to be calculated, nor is there any information as to what constitutes a 'diverse range'.

Q9.8: Is policy SSE8 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear and unambiguous with regard to what would constitute an adequate and diverse range of alternative public house provision within a locality?
- b) What evidence underpins the specified period of marketing?
- c) What is the status and requirements of the Public Houses practice note?

## **Matter 10: Biodiversity and Green Infrastructure**

### **Issue 10.1: Whether the Plan's policies on biodiversity are positively prepared, justified, effective and consistent with national policy.**

#### ***General matters***

Q10.1: Is the Plan's overall approach to biodiversity justified, consistent with national policy? In particular:

- a) As required by paragraph 179a of the NPPF, does the plan identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation?
- b) As required by paragraph 179b of the NPPF, does the plan promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity?

#### ***Policy BG1: Green infrastructure and biodiversity in new development***

Q10.2: Is Policy BG1 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear as to what developers would be expected to deliver?
- b) Are requirements to meet Natural England Green Infrastructure Standards and Urban Greening Factor target scores justified? In allowing the potential use of other standards, is the policy clear and unambiguous for decision makers on what would be acceptable?
- c) How do the Green Infrastructure Standards requirements relate to the issue of Biodiversity Net Gain?
- d) Would it always be the case the artificial grass within proposals would be resisted, even where other biodiversity net gain requirements are met? Is this justified?

#### ***Policy BG2: Nature conservation and recovery***

Q10.3: Is Policy BG2 justified, consistent with national policy and effective? In particular:

- a) Is the policy effective in protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality, as required by paragraph 174 of the NPPF?
- b) Is the assessment of harm and approach to mitigation consistent with paragraph 180a of the NPPF? Is reference to Biodiversity Net Gain clear in this regard?
- c) Is the specific approach to irreplaceable habitats consistent with paragraph 180c of the NPPF? With regard to the Council's response to PQ129, would it be misleading to omit reference to the "wholly exceptional reasons" which are referred to in paragraph 180c of the NPPF?
- d) In terms of impacts on local designations, is it consistent with national policy to only resist development which has a 'significantly harmful impact' on local wildlife and geological sites, comprising Sites of Nature Conservation Interest (SCNI) and Regionally Important Geological Sites (RIGS)?

Q10.4: Are areas or sites identified as SCNI justified and based on robust and up-to-date evidence?

***Policy BG3: Achieving biodiversity gains***

The PPG<sup>14</sup> states that there is no need for policies which duplicate the detailed provisions of the statutory framework in relation to Biodiversity Net Gain. The Council's response to PQ130 on this matter concludes that the Council consider a policy is still beneficial.

Q10.5: Is Policy BG3 justified, consistent with national policy and effective? In particular:

- a) Does the policy unnecessarily duplicate the detailed provisions of the statutory framework in relation to Biodiversity Net Gain? If so, are those provisions consistent with the statutory framework?
- b) How does the section on the biodiversity gain mitigation hierarchy relate to Policy BG2 and is this section consistent with national policy, in particular paragraph 180 of the NPPF?
- c) Is the policy justified and effective in seeking to "encourage" development to secure more than the minimum 10% requirement? How would this be expected to be achieved and how would it affect the decision-making process?
- d) In paragraph 6, is reference to avoiding harm "where possible" to existing designated and non-designated habitat and species features of conservation value consistent with national policy on the protection of biodiversity assets?

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<sup>14</sup> Paragraph 74-006-20240214

- e) Is the main modification suggested to the third paragraph of the policy, as set out in EXA002.1 necessary to make the Plan sound?

**Policy BG4: Trees**

Q10.6: Is Policy BG4 justified, effective and consistent with national policy, including:

- a) Is reference to the loss of ancient woodland or ancient and veteran trees consistent with paragraph 180c of the NPPF and/or Policy BG2? (See also Council response to PQ130).
- b) How have the tree compensation requirements been derived and are they justified?
- c) Is the relationship between this policy and those relating to biodiversity net gain clear and unambiguous?
- d) The final paragraph states that replacement trees should be provided as close as possible to the development site. Is this clear in terms of on-site provision?
- e) Are references in paragraph 9.1.38 to tree cover being deliberately reduced prior to an application justified and how would the Council expect to assess this (for example, what evidence would be assessed)? If justified, to be effective, should this reference be in the policy?
- f) Is the suggested main modification to the table, as set out in EXA002.1, necessary to make the Plan sound?

**Policy BG5: Biodiversity and access to Bristol's waterways**

Q10.7: Is Policy BG5 justified, effective and consistent with national policy?

**Policy BG6: Private gardens**

Q10.8: Is Policy BG6 justified, effective and consistent with national policy, including:

- a) How does this policy relate to Policy DC1's objective for development to incorporate high quality safe and usable private amenity space?
- b) The requirement to retain an 'adequate' area of garden space only applies to the extension of a single house. Why is the provision of an 'adequate' amount of garden space not relevant to any other form of development?
- c) On what basis would the Council determine the adequacy of retained garden space? Is the policy clear and unambiguous in this regard?

**Policy BG7: The St. Paul's green link**

Q10.9: Is Policy BG7 justified, effective and consistent with national policy?

## **Issue 10.2: Whether the Plan’s policies on open space and green infrastructure are justified, consistent with national policy and effective.**

Q10.10: Is the Plan positively prepared and consistent with national policy in terms of open space provision?

In this regard have the policies been based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision, as set out in paragraph 98 of the NPPF?

### ***Policy GI A: Open space for recreation***

The Council’s response to PQ132 states that the Parks and Green Space Strategy (2024)<sup>15</sup> sets out provision standards for open space in terms of quality, quantity and distance.

Q10.11: Is Policy GIA justified, consistent with national policy and effective? In particular:

- a) Is the policy clear and unambiguous about how the scale, type and quality of open space that would be required to support new development?
- b) Is it justified or effective to defer this to guidelines set out in other the Council’s strategies, including the Parks and Green Space Strategy (March 2024)?
- c) To be effective, should the open space standards set out in the Parks and Green Space Strategy be included in the Plan?
- d) Is the suggested main modification to paragraph 9.2.6 set out in EXA002.1 necessary make the Plan sound?

### ***Policy GI1: Local Green Space***

Paragraph 101 of the NPPF states that designating land as Local Green Space (LGS) should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Paragraph 102 states that LGS should only be designated where the space is in reasonably close proximity to the community it serves, demonstrably special to a local community and holds a particular local significance and is local in character and is not an extensive tract of land. Paragraph 103 states that policies for managing development within a LGS should be consistent with those for Green Belts.

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<sup>15</sup> Documents REL008 and REL008a

Q10.12: Are the LGS identified under Policy GI1 justified and consistent with paragraphs 101 and 102 of the NPPF? Have they been identified using a robust and proportionate evidence base?

Q10.13: Is there any evidence to suggest any individual LGS would not be consistent with national policy<sup>16</sup>?

Q10.14: Is Policy GI1 consistent with paragraph 103 of the NPPF? In particular, would the provisions of the policy allow for the forms of development set out in paragraphs 149 and 150 of the NPPF in principle, or other forms of development where 'very special circumstances' exist? Would Policy GI1 be more restrictive than national policy in this respect?

Q10.15: Notwithstanding paragraph 103 of the NPPF, where LGS is also open space (as defined by the NPPF) would Policy GI1 be consistent with paragraph 99 of the NPPF?

Q10.16: EXA002.1 suggested a modification to the Policies Map to include the park known as Filwood Park as a Local Green Space. Is this modification justified and necessary to make the Plan sound?

### ***Policy GI2: Reserved Open Green Space***

Q10.17: Is Policy GI2 justified, consistent with national policy and effective, including:

- a) Are areas of Reserved Open Green Space identified on the policies map justified?
- b) Is the policy consistent with paragraph 99 of the NPPF in relation to the assessment of the loss of open space?
- c) Paragraph 9.2.16 refers to the policy approach allowing local communities to consider and review the approach to open spaces in their areas. Does this refer to anything other than review through future Local Plans or Neighbourhood Plans?

### ***Policy GI3: Incidental Open Space***

Q10.18: Is Policy GI3 justified, consistent with national policy and effective? In particular, is the policy consistent with paragraph 99 of the NPPF in relation to the assessment of the loss of open space?

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<sup>16</sup> We do not expect the Council to respond to this question for every identified LGS. A general response would be adequate regarding any representations made for any specific locations that should be drawn to our attention.

**Policy GI4: Stapleton allotments and holdings – food growing Local Green Space**

Q10.19: Stapleton allotments are identified as Local Green Space. On what basis is a separate policy for this area justified? Is the policy consistent with paragraphs 101, 102 and 103 of the NPPF?

Q10.20: How does Policy GI4 relate to Policy FS3, which seeks to protect allotments? What additional value or purpose does Policy GI4 provide?

**Matter 11: Transport and Accessibility**

**Issue 11.1: Whether policies relating to transport and accessibility are justified, effective and consistent with national policy.**

**Policy T1: Development and transport principles**

Q11.1: Is policy T1 justified, consistent with national policy and effective? In particular:

- a) Policy T1 states that developments should assist in reducing carbon emissions. Does the wording of the policy clearly outline the requirements that should be delivered to provide certainty for future decision makers?
- b) Under the section 'safer streets', it is stated that developments should 'reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes, and noise'. Is this requirement consistent with the aims of the NPPF, which seeks to ensure that developments do not cause unacceptable harm?
- c) Policy T1 also states that the 'movement needs of disabled people should be considered'. Does this wording provide sufficient clarity for future decision-makers in respect of such matters given that 'should' might not be seen as definitive and 'consideration' does not necessarily mean that it will be a determining factor?

**Policy T2: Transport infrastructure improvements**

Q11.2: The answer to PQ139 lists several items of infrastructure that are at stages such as 'outline business case' or 'in development'. Do these statuses provide certainty that the objectives of the policy would be delivered over the plan period?

Q11.3: To what extent would the delivery of the infrastructure identified in the answer to PQ139 are all necessary to deliver the objective of the policy?

**Policy T2A: Protected transport and movement routes**

Q11.4: What evidence justifies the identification of all the safeguarded areas and would the potential safeguarding of land over the plan period create a policy that would be clear, justified and consistent with Paragraph 35 of the NPPF?

Q11.5: How would an assessment of whether a facility is no longer required be carried out?

***Policy T3A: Transport development management***

Q11.6: The NPPF, at Paragraph 111, requires that developments do not unacceptably erode highway safety and Policy T3A states that new developments should secure low vehicle speeds. Would it always be necessary for development to secure low vehicle speeds to be acceptable in safety terms?

Q11.7: Proposals should include a Transport Assessment (TA) in instances where the 'development is likely to have a significant traffic impact'. Is this requirement clearly articulated to explain to provide certainty to future decision-makers and developers the instances in which a TA would be needed?

Q11.8: What is the status of the Council's Transport Development Management Guidance, how has it been derived and what does it seek to achieve?

***Policy T4A: Parking, servicing and the provision of infrastructure for electric vehicles***

Policy T4A covers, amongst other points, the provision of electric vehicle charging points. It is understood from the answer to PQ143 that the intention is for the policy to have a greater effect than the relevant Building Regulations, such as providing charging facilities in on-street parking spaces. Policy T4A covers car parking provision in accordance with the Transport SPD.

Q11.9: As locations, such as on-street spaces, may be outside of the control of the developer is this policy justified?

## **Matter 12: Urban Living**

### **Issue 12.1: Whether policies UL1 and UL2 are justified, effective and consistent with national policy.**

***Policy UL1: Effective and efficient use of land***

Q12.1: Is Policy UL1 justified, effective and consistent with national policy? In particular:

- a) Is the policy sufficiently clear as to what is meant by efficient use of land and the development under-used land?
- b) References are made to the Urban Living: Making Successful Plans Supplementary Planning Document. Has this document been produced and, if so, what does it require? If not, are the requirements of this document sufficiently defined and precise?

- c) Given that Policy UL2 prescribes minimum densities for various areas in the city, does Policy UL1 provide additional requirements that would aid the assessment of a proposed development?

### ***Policy UL2: Residential densities***

Q12.2: Is Policy UL2 justified, effective and consistent with national policy? In particular:

- a) Policy UL2 refers to 'suitable sites', but this phrase has not been defined. Does wording provide sufficient certainty to future developers and decision-makers as to where developments with higher densities should be directed?
- b) What evidence underpins the minimum densities listed in the policy?
- c) The table in Policy UL2 refers to suggested minimum densities, whilst the text of the policy outlines the circumstances where a lower density might be acceptable. Therefore, are the text and the table in Policy UL2 compatible?
- d) The policy refers to the need to consider 'market signals'. Are the requirements as to what information should be provided in respect of these points sufficiently defined to be clear and unambiguous; and how will it be assessed?
- e) How would the policy be applied in conjunction with other policies of the plan, such as DC2 and H4?

## **Matter 13: Built Environment**

### **Issue 13.1: Whether policies DPM1, DC1-DC4, CHE1 and AD1 are justified, effective and consistent with national policy.**

#### **Design**

#### ***Policy DPM1: Delivering well-designed, inclusive places***

Q13.1: Is Policy DPM1 justified, consistent with national policy and effective? In particular:

- a) Having regard to the Council's proposed main modification in their response to PQ 145 on the definition of major development, would the policy be effective? Are the proposed modifications necessary for soundness?
- b) Are the 10 characteristics of well-designed places consistent with each other and also other policies in the Plan?
- c) Is the policy consistent with the NPPF where it relates to conserving and enhancing the historic environment?
- d) Policy DPM1 sets out requirements in relation to co-ordinated development. Is the policy sufficiently clear and unambiguous, such that it would be clear to

either decision makers or applicants what would be expected on an individual site?

- e) In response to PQ147 the Council have suggested a main modification to clarify the thresholds that would apply to the requirements for provision of public art and cultural activity. Are the proposed modifications necessary for soundness? Subject to this, is the part of the policy relating to the threshold for public art and cultural activity justified and will it be effective?
- f) In response to PQ145 the Council have also suggested a modification to Policy DPM1 where it refers to 'beautiful'. Is this proposed change necessary for soundness?

***Policy DC1: Liveability in residential development including space standards, aspect and private outdoor space***

National policy (footnote 49 of the NPPF) states that planning policies for housing may make use of the nationally described space standard where the need for an internal space standard can be justified.

Q13.2: Is Policy DC1 justified, consistent with national policy and effective? In particular:

- a) Is the requirement in policy DC1 for residential development intended for permanent or long-term occupation to comply with nationally described space standards justified, taking account of need, viability and timing?
- b) Will the requirements relating to dual aspect homes and private outdoor space be effective and are they justified?
- c) Will it be clear to the decision maker how they should react to proposals for specialist forms of accommodation as set out in paragraph 13.1.20? To be effective should this paragraph be included within Policy DC1?
- d) Are the Council's proposed modifications relating to outdoor space as set out in their response to PQ.151 necessary for soundness?

***Policy DC2: Tall Buildings***

Q13.3: Is Policy DC2 justified, consistent with national policy and effective? In particular:

- a) Is the policy consistent with the NPPF at paragraph 126 in relation to achieving high quality beautiful and sustainable buildings, and paragraph 130 (a-e) in relation to planning policies and decisions?
- b) Is the policy justified having regard to any evidence produced in support of the policy, and is this evidence up to date? Is the definition of tall buildings set out in paragraph 3.1.26 justified and will it be effective?

- c) The policy allows for tall buildings in the Inner Urban Area, Bristol City Centre, Temple Quarter and St Philip's Marsh or as identified in policies for specific regeneration areas, and not elsewhere within the City area? Is this approach justified?
- d) Will it be clear to the decision maker how they should react to proposals for tall buildings brought forward under Policy DC2 particularly with regard to bullets (i) to (iv) in the second paragraph of the policy, and the fourth paragraph relating to being accompanied by sufficient information?
- e) In response to PQ155 the Council have suggested a modification to Policy DPM1 where it refers to Landscape and Visual Impact Assessments. Is this proposed change necessary for soundness. Is the requirement to produce a Landscape and Visual Impact Assessment as part of a planning application for a tall building justified?
- f) Is the policy consistent with other policies in the plan, including relevant DS policies and Policy CHE1?

### ***Policy DC3: Alterations to existing buildings***

The policy, amongst other matters, seeks to ensure developments, amongst other matters, respect the original building, its curtilage, and the street; retain and/or reinstate traditional or distinctive architectural features; and safeguard amenity.

Q13.4: Is policy DC3 justified, consistent with national policy and effective? In particular:

- a) Are these requirements, which may be wide ranging in some instances proportionate to the effects of all relevant development and does it represent a justified strategy?
- b) The also states that extensions and alterations to existing buildings should leave 'sufficient usable external private space' for future occupiers. On what basis would the Council determine the adequacy of such space and is the policy clear and unambiguous in this regard?
- c) The Reasoned Justification refers to the Supplementary Planning Document No.2 'A Guide for Designing House Alterations and Extensions' and Policy Advice Note 8 'Shopfront Guidelines'. What status do these documents have, and is it appropriate to refer to documents not included in the Plan?
- d) Paragraph 13.1.39 of the Reasoned Justification refers to proposals for signage. As advertisements fall outside of the requirement for planning permission (given that they are controlled under the Advertisement Regulations<sup>17</sup>), is it appropriate for this to be referenced?

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<sup>17</sup> Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

### ***Policy DC4: Recycling and refuse provision in new development***

Policy DC4 states that developments should be in accordance with the 'Waste and Recycling Storage and Collection Facilities Guidance for Developers', which will be updated.

Q13.5: Given that there is the potential for the standards for the delivery of such facilities to change over time, is this policy consistent with a plan lead approach?

### ***Policy CHE1: Conservation and the historic environment***

Paragraph 189 of the NPPF indicates that there are a range of heritage assets and refers to that these should be conserved in a manner appropriate to their significance. Paragraph 190 of the NPPF sets out that plans should set out a positive strategy for the conservation and enjoyment of the historic environment and sets out several factors to be taken into account in the strategy.

Q13.6: Is Policy CHE1 justified, effective and consistent with national policy? In particular:

- a) Is the policy consistent with the NPPF and legal requirements relating to the historic environment where necessary, in respect of each part of the policy? Is the policy consistent with paragraph 202 of the NPPF in relation to the assessment of where less than substantial harm should be weighed against public benefits?
- b) Is the policy clear and unambiguous about how the decision maker should react to development involving i) archaeology, ii) listed buildings; iii) conservation areas, iv) Registered historic parks and gardens and v) locally important heritage assets as well as vi) Buildings at Risk?
- d) Are the Council's proposed modifications set out in their response to PQ157 in respect of heritage statements necessary for soundness?
- e) Is the Council's proposed modification set out in their response to PQ159 in respect of PPS5 necessary for soundness?

### ***Policy AD1: Advertisements***

The NPPF requires that applications for advertisement consent be determined based on public safety and amenity.

Q13.7: Are all elements of the policy, in respect of amenity, consistent with Paragraph 136 of the NPPF?

## **Matter 14: Climate Change and Flood Risk**

### **Issue 14.1: Whether policies relating to climate change and energy efficiency are justified, effective and consistent with national policy.**

The Government published a Written Ministerial Statement (WMS) in December 2023 relating to energy efficiency standards. EXA002.1 sets out some proposed main modifications to Policy NZC2 which the Council consider reflect these changes.

#### ***General matters***

Q14.1: Do any other elements of policies NZC1, NZC3, NCZ4 or NCZ5 fall within the scope of the WMS? If so, do any of the requirements exceed current or future building regulations? If so, are these elements justified and consistent with the requirements of the WMS?

Q14.2: Have the requirements of policies NZC1 to NZC5 been subject to robust assessment of viability?

#### ***Policy NZC1: Climate change, sustainable design and construction***

Q14.3: Is Policy NZC1 justified, consistent with national policy and effective? In particular:

- a) Is the requirement for all development proposals to submit Sustainability Statements justified?
- b) Is the requirement for all residential or mixed-use developments of 200 dwellings or more to meet BREEAM Communities Excellent ratings justified and consistent with national policy?
- c) Is the reference to other sustainable design standards clear and unambiguous?
- d) Is requiring the optional technical standards for water efficiency standards justified by a clear local need, as set out in the PPG<sup>18</sup>?

#### ***Policy NZC2: Net zero carbon development – operational carbon***

Q14.4: Is Policy NZC2 justified, consistent with national policy and effective? In particular

- a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals?

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<sup>18</sup> ID: 56-014-20150327, 56-015-20150327, 56-016-20150327

- b) Is it justified, or effective, to expect proposals for all development to submit an energy strategy, including any 'modelling' referred to in paragraph 12.1.20?
- c) Are the suggested main modifications set out in EXA002.1 to Policy NCZ2 necessary to make the policy sound? Would any additional modifications be necessary to ensure consistency with the WMS?
- d) Is the approach to Energy or Carbon offsetting justified and effective? Is it necessary, or effective, for the policy to include 'current' charges?
- e) Is it justified and consistent with national policy to allow compliance with PassivHaus Classic or higher standards?
- f) Under the 'delivering modelled performance' section, is it clear what would be expected with any development, or how it would be controlled?

***Policy NZC3: Embodied carbon, materials and the circular economy***

Q14.5: Is Policy NZC3 justified, consistent with national policy and effective? In particular:

- a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals, particularly in relation to refrigerants, materials and the circular economy?
- b) Are the standards and thresholds set out for major applications justified, achievable and consistent with national policy? Where proposed targets cannot be met, would it be justified to require financial contributions to the Council's carbon offset fund? Is it necessary, or effective, for the policy to include the 'current' scale of any financial contribution?

***Policy NZC4: Adaptation to a changing climate***

Q14.6: Is Policy NCZ4 justified, consistent with national policy and effective? In particular:

- a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals, particularly in terms of what would constitute acceptable or unacceptable forms of development?
- b) Further to the above, does the policy unnecessarily repeat other policies relating to energy efficiency, design, living conditions and such things as provision of blue and green infrastructure?
- c) Is it justified to expect an 'adaptation strategy' for all proposals? In addition, is it justified or effective to expect all adaptation strategies to include technical

modelling and assessment of the risk of overheating in current and future climate change scenarios?

***Policy NZC5: Renewable energy and energy efficiency***

Q14.7: Is Policy NCZ5 justified, consistent with national policy and effective? In particular:

- a) Is the identification of Avonmouth Industrial and Bristol Port area for renewable energy capacity and storage justified? Have all potential impacts of potential renewable energy development in this area been fully and robustly assessed? (see also questions relating to policy E4).
- b) Are the matters listed in the second paragraph of the policy meant to be exhaustive? Is there any specific reason for setting out the normal 'planning balance' exercise in this policy when not identified in all others? Further to this, would the benefits of measures set out in the fourth paragraph of the policy be balanced against any other factors?

**Issue 14.2: Whether policies relating to flood risk and flood mitigation are justified, consistent with national policy and effective.**

***Policy FR1: Flood risk and water management***

Q14.8: Is policy FR1 justified, consistent with national policy and effective? In particular, is the approach to the sequential approach and exception test set out in the first paragraph consistent with paragraphs 161 – 164?

Q14.9: Are the suggested main modifications to paragraph 12.2.6 set out in EXA002.1 necessary to make the Plan sound?

***Policy FR2: Bristol Avon Flood Strategy***

Q14.10: Is policy FR2 justified, consistent with national policy and effective? In particular:

- a) How is the Bristol Avon Flood Strategy expected to be considered in terms of Policy FR1 and the sequential test? For example, how would development in areas where mitigation is expected but not yet delivered be treated?
- b) Are the requirements relating to mitigation and/or the facilitation of future flood defences justified and consistent with national policy, including those relating to planning obligations?

## **Matter 15: Health, well-being and food sustainability**

**Issue 15.1: Whether policies relating to health, well-being and food sustainability are justified, effective and consistent with national policy.**

### ***Policy HW1: Pollution control and water quality***

Q15.1: Is Policy HW1 justified, effective and consistent with national policy?

### ***Policy HW2: Air quality***

Q15.2: Is Policy HW2 sufficiently clear about what the scope of the policy is and what scale and nature of development would be relevant to it?

### ***Policy HW1A: Noise***

Q15.3: Is Policy HW1A justified, effective and consistent with national policy?

### ***Policy HW1B: Contaminated land***

Q15.4: Is Policy HW1B justified, effective and consistent with national policy?

### ***Policy HWB2: Health and development***

Policy HW2B refers to the need for a Health Impact Assessment (HIA), which should be submitted in several different instances.

Q15.5: Is policy HWB2 justified, consistent with national policy and effective? In particular:

- a) What evidence underpins the identification of the thresholds for the submission of an HIA and does this represent a justified strategy?
- b) One of the instances where an HIA is identified as being needed is where a proposal 'is likely to have a significant effect on health and wellbeing' though neither the policy or the reasoned justification provides an insight as to how the likelihood of a significant adverse effect is to be identified, or quantified. Furthermore, a 'significant effect' could be either positive or negative. In consequence, is this policy clearly written and unambiguous, so it is evident how a decision maker should react?
- c) What measures to mitigate the adverse impact of a development should be secured by planning obligations and how has the need for these be identified?
- d) What effect would such measures to mitigate any adverse effects have upon the viability of proposed developments?
- e) The answer to PQ163 states that 'the Planning a healthier Bristol practice note will be updated to include further information to assist developers in

determining whether an HIA is required'. What are the timescales for the publication of this document and its status. Furthermore, as this document as this update has not taken place would it result in a policy that is effective?

### ***Policy HW3: Takeaways***

Q15.6: Is policy HW3 justified, consistent with national policy and effective? In particular:

- a) What evidence indicates that takeaway might 'influence behaviour harmful or the promotion of healthy lifestyles'?
- b) What evidence explains the proposed areas where takeaways would not be permitted and is this justified, consistent with the NPPF and effective?
- c) What evidence underpins the five-minute walking distance and whilst the answer to PQ165, which states that this is approximately a 500m walk, is this a proportionate threshold?
- d) Policy HW3 references unhealthy concentrations of takeaways. Whilst the answer to the PQ164 is acknowledged, is this wording sufficiently precise so that future developers and decision makers can identify how an unhealthy concentration is to be defined. In addition, whilst the answer to the PQ164 is noted, is the usage of the term 'young people' clearly defined?
- e) The answer to PQ167 states that a harmful concentration is 15% of total units in a centre. Is this a justified level?
- f) Does the provision of a greater number of takeaway businesses mean that customers consume more takeaways, or simply have a greater amount of choice in terms of the food that they may consume. Furthermore, as the content of menus fall outside of the planning system, it is possible that a proposed takeaway may offer a menu of healthy foods or include some healthy options. In result, is the policy fully justified?
- g) The answer to PQ167 indicates that the purpose of the policy is to promote healthier lifestyles, yet the policy refers to 'unhealthy concentrations of takeaway'. Is the purpose of the policy clearly explained?

### ***Policy FS1: The provision of allotments***

Policy FS1 covers the provision of allotment plots. It is understood that, in the first instance, these should be delivered on-site, but the policy does include the possibility for off-site provision where it is not 'practicable' to locate these on-site. The answer to PQ168 states that the approach to this policy is a continuation of a previous policy.

Q15.7: Is policy FS1 justified, consistent with national policy and effective? In particular:

- a) Given that an objective of the plan is to deliver higher density urban development, would the provision of allotments be achievable?

- b) What evidence underpins the thresholds for the provision, the revisions from the previous policy and does this provide a justified strategy for the delivery of allotments?
- c) Would the delivery of allotments contribute to overall provision of public open space and how would this be calculated?
- d) Neither the policy nor the reasoned justification explains the information that would need to be submitted and assessed to reach a sound conclusion regarding practicability. Accordingly, is the policy sufficiently precise to provide certainty for future decision makers?
- e) Is the policy sufficiently flexible to respond to the circumstances where it might not be possible or appropriate to deliver additional allotments?

***Policy FS2: Provision of food growing spaces in new developments***

Policy FS2 requires that all residential development intended for long-term or permanent occupation should provide space for on-site food growing, with Paragraph 14.3.20 of the Reasoned Justification providing some examples of the types of facility that may be provided.

Q15.8: What evidence underpins the requirement that all residential development should provide space for the growing of food, the amount of space that should be provided, and is this fully justified?

Q15.9: How would some of the examples cited in Paragraph 14.3.20 be secured throughout the life of a development and would the policy be justified and effective in this regard?

Q15.10: Some residential schemes may come forward on previously developed land, there may be occasions where the ground conditions may not be suitable for the growing of food. In these instances, would the necessary remediation work be proportionate towards the type and scale of development, and would it be fully justified?

***Policy FS3: The protection of existing food growing enterprises and allotments***

Q15.11 Is policy FS3 justified, consistent with national policy and effective? In particular:

- a) How will an 'unacceptable impact' be identified?
- b) It is possible that, on a site containing several allotment plots, there may be some sections of the site that may not be in use, even though the entire site may be accurately described as active. Policy FS3 seeks to maintain all active allotments. How will 'active' be assessed and does this requirement prevent the policy from being positively worded?

## **Matter 16: Utilities and Minerals**

### **Issue 16.1: Whether policies relating to utilities and minerals are justified, effective and consistent with national policy.**

#### ***Policy UM1: Telecommunications***

Policy UM1 requires that developments be of an acceptable design; that developers investigate opportunities to share sites; and that there are no more suitable alternative sites for such proposals.

Q16.1: If a development were to be appropriately designed, should there be a need to consider alternative locations, particularly as this is not a requirement of Chapter 10 of the NPPF. Accordingly, is the policy in accordance with the NPPF?

Q16.2: Policy UM1 states that 'opportunities have been sought to share masts or sites with other providers and Paragraph 115 of the NPPF indicates that the siting of installation in existing masts, buildings and other structures is 'encouraged'. Consequently, is this policy in accordance with the NPPF?

#### ***Policy UM2: Unstable Land***

Q16.3: Is the policy justified, consistent with the national policy and effective?

#### ***Policy UM3: Minerals safeguarding areas***

Q16.4: Is Policy UM3 justified, consistent with national policy and effective? In particular:

- a) Is the Plan and/or Policies Map clear as to the extent of the Coal Resource Areas outside the Minerals Safeguarding area?
- b) Is the approach to coal extraction in both MSA and Coal Resource Areas consistent with paragraph 217 of the NPPF?

#### ***Policy UM4: Sewerage Treatment Works***

Q16.5: Is the policy justified, consistent with the NPPF and effective?

Q16.6: Is the safeguarding of land adjacent to the Avonmouth Sewerage Treatment Works throughout the plan period justified and does it contribute to an effective policy?

## **Matter 17: Individual Site Allocation Policies**

### **Issue 17.1: Whether the individual allocations are justified, consistent with national policy and the development requirements be effective in securing a sustainable form of development?**

The Council's response to PQ169 sets out the Council's position on the status of the Development Allocations Annex. This suggests a continuation of the approach adopted under the current development plan.

Q17.1: Are Policy DA1, and the development requirements set out in the Annex clear and unambiguous about the scale and nature of development that is expected to be delivered?

Q17.2: To be effective, should the development requirements set out in the Development Allocations Annex be set out clearly in policy?

The following questions may be relevant to all sites. However, given the number of allocations, there is no need for the Council to address each 'general' question for each individual site. Rather, it would be acceptable for these matters to be considered more generally and for any specific examples to be brought to our attention. The questions below will however provide an indication of the types of issues likely to be discussed in any site-specific hearings.

Representors who wish to submit written hearing statements on specific sites should refer to the questions below and should indicate which site they are referring to in their response.

Q17.3: Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?

Q17.4: Does the Plan provide sufficient detail on form, scale, access and quantity of development for each site?

Q17.5: Is there any substantive evidence to suggest the site should not be allocated based on one or more of the following factors?:

- biodiversity, in particular but not restricted to protected habitats and species;
- green infrastructure or agricultural land;
- landscape quality and character;
- heritage assets;
- strategic and local infrastructure including transport;
- the efficient operation of the transport network and highway safety.
- contamination, air and water quality, noise pollution, odours, land stability, groundwater and flood risk;
- open space, recreational facilities and public rights of way;

- viability and delivery.

Q17.6: In relation to the above, do the site-specific policies contain effective safeguards or mitigation measures necessary to achieve an acceptable form of development? Are the site-specific development requirements effective?

Q17.7: What infrastructure is critical to the delivery of each site? Where contributions are specified, are they necessary and justified by the evidence base? Is the Plan sufficiently clear on how and when infrastructure provision will be required?

## **Matter 18: Housing Trajectory and Housing Land Supply**

**Issue 18.1: Whether the plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the plan period and whether a deliverable five-year supply of housing will be available on adoption.**

Paragraph 68a of the NPPF states that planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period. Paragraph 68b requires the identification of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan.

Q18.1: What is the most up to date 5-year housing land requirement and supply position?

Q18.2: Would the Council be able to demonstrate a 5-year supply of deliverable housing land on adoption of the Plan? Are assumptions on deliverability appropriate, justified and consistent with national policy?

In responding, could the Council ensure the most up-to-date trajectory of the supply is provided.

Q18.3: Does the Plan identify a supply of development sites, or broad locations for growth, for years 6-10 and, where possible, years 11-16 of the Plan, from the point of adoption?

**Issue 18.2: Whether the Plan identifies specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan.**

Q18.4: Is the Plan consistent with paragraph 68b in terms of the identification of a supply of development sites, or broad locations for growth, for years 6-10 and, where possible, years 11-16 of the Plan, from the point of adoption?