

Bristol City Council's response to Inspectors' matters, issues and questions

Matter 6: Infrastructure and Community Facilities

This statement sets out the council's response to the Inspectors' matters, issues and questions regarding infrastructure and community facilities matters.

Council's introduction

The Inspectors' questions are shown below in ***bold italics*** with a border, following any preamble to the question also in ***bold italics***. The council's responses are shown in normal typeface below the Inspector's questions.

Responses to Inspectors' questions

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?

Council's response

1. The assessment is comprehensive and addresses the range of the Plan policies for which contributions may be required. This information is contained in Chapter 4 of the viability assessment (EVEV01).

Q6.1 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?

Council's response

2. On adoption, planning obligations secured in relation to development will need to be in accordance with NPPF December 2024 paragraph 58 (or its successor). The paragraph refers to the relevant tests in regulations.

3. Local plan paragraph 4.2 indicates that development may be expected to contribute to new and improved infrastructure via planning obligations in cases where site specific infrastructure requirements arise. Any contribution secured through planning obligations would have to be consistent with the relevant paragraph in national planning policy and with the regulations.

4. The wording of Policy IDC1 repeats that used the current local plan: Core Strategy Policy BCS11 (DPD001).

Q6.1 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?

Council's response

5. Policy IDC1 refers to CIL, which is not subject to further consideration of viability once it has been set through the relevant process, and to measures secured through planning obligations which would be those relating to infrastructure contributions which are necessary to make the development acceptable in planning terms.

6. Paragraph 59 of NPPF December 2024 will be applicable to proposals on adoption of the local plan and it sets out the considerations regarding viability assessment.

7. Policy AH1 Affordable Housing Provision separately deals with the provision residential development makes towards affordable housing provision. Reference to viability assessment in connection with whether a development is able to provide affordable housing is referred to within that policy.

Q6.1 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?

Council's response

8. The existing Core Strategy policy is supported by an SPD. Explanatory text paragraph 4.4 does not refer to a specific SPD (by date of adoption) and the relevant planning obligations supplementary planning document will be updated and reissued in accordance with the necessary regulations alongside the newly adopted local plan.

Q6.1 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?

Council's response

9. Policy AH1 is also a relevant policy to consider in this case, as that specifically deals with viability in connection with the provision of affordable housing as part of residential development. The viability assessment (EVEV01) indicates tall building proposals may be subject to more restricted viability margins and may not be able to contribute affordable housing at nil cost. That policy includes provisions to address scheme viability, consistent with the NPPF.

10. There are no specific implications for the aims of Policy IDC1 which deals with the provision of new and improved infrastructure such as schools, parks, transport facilities and health facilities through the use of both Section 106 Planning Obligations and Community Infrastructure Levy (CIL) receipts.

11. The policy refers to, but does not apply, Community Infrastructure Levy. CIL would be payable by qualifying development in accordance with the charging schedule and regulations.

12. If a proposal results in site specific impacts for which mitigation would be necessary in order to make it acceptable in planning terms, appropriate provision for infrastructure would be a requirement of granting planning permission and would be secured as a proportionate planning obligation.

13. CIL payments, and an allowance for Section 106 contributions at £2,000 per dwelling are contained in the viability assessment prepared by BNP Paribas (EVEV01). The viability assumptions used in respect of CIL assume that there will be no existing floorspace to be offset, which in practice is rarely the case. In a similar vein Section 106 contributions are rarely as high as £2,000 per dwelling in practice.

14. This can be highlighted in a recent example (planning application 22/06035/F - Clarence Road, Bristol), where the Council granted a planning permission (subject to a Section 106 Agreement) including 435 dwellings in flatted blocks of over 6 storeys. In this case there was nearly 3,000m² of existing floorspace to offset, reducing the CIL Liability by nearly £300,000. The Section 106 contributions totalled circa £400,000, which is significantly lower than £2,000 per dwelling. The contributions profile of this permission was:

Contribution type	Total
Affordable Housing (10%)	£6.7m
CIL	£3.7m
Planning Obligations S106	£0.4m

15. Based on the most comparable typology within the viability assessment (EVEV01) it would have been anticipated that the scheme would not be able to provide any affordable housing at nil cost. However, the scheme is able to come forward providing 10% affordable housing following extensive site-specific viability testing.

16. Consequently, the robust testing in the viability study and the flexibility inherent in Policy AH1, mean that there should be no development scenarios where the infrastructure necessary to mitigate the impact of development cannot be secured as per the aims of Policy IDC1.

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?

Council's response

17. The council's response to preliminary question PQ106 discusses Policy SV1.

18. The policy uses the standard major development definition as the threshold. This is also the threshold at which national and local affordable housing policies apply for residential development and is considered an appropriate point from which to expect

social value matters to be documented through the strategy. The scope and content of any strategy would be proportionate to the scale of development proposed.

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

Council's response

19. The evidence supporting the social value strategy would refer to the social value arising from a development and would be material in the consideration of proposals.

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?

Council's response

20. The condition would relate to the policy and would be necessary and relevant in accordance with the test for conditions.

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?

Council's response

21. It is intended to have advice available upon adoption of the local plan which will support this policy.

22. Social value has been considered in a recent planning application. A proposal at 38 Albert Road Bristol (24/02498/F) was accompanied by a social value assessment submitted with the application. The assessment described the proposed development as resulting in an equivalent cash amount of social value. Through the assessment the proposal was described by the applicants as meeting the planning system's social role of supporting strong, vibrant and healthy, communities, by creating a high-quality built environment, with accessible local services that reflect the community's needs. The application included specific measures for employment and skills which was then included as a condition in the decision.

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?

Council's response

23. The policy acknowledges that, where possible, community facilities should be located within existing centres to ensure accessibility and encourage sustainable travel choices. This wording is the same as currently adopted Bristol Core Strategy (DPD001) Policy BCS12, which also states:

"Where possible community facilities should be located within existing centres."

24. The first sentence of the policy indicates that community facilities should be located where there is a choice of travel options. The appropriate location of specific facilities will depend on their characteristics and the role they serve, with the policy appropriately steering them towards accessible locations

Q6.6 b) does the phrase 'where major development would generate a need for new, or extended, community facilities' provide sufficient certainty for decision-makers?

Council's response

25. The term 'major development' is used in the National Planning Policy Framework (NPPF), Annex 2, page 69 and is the threshold applicable to CF1 for the purposes of that policy.

26. Assessing whether a development would generate a need for new or extended community facilities will depend on the specific characteristics of the proposal and the existing provision of such facilities in the surrounding area. Factors such as the scale and type of development, population growth, and the adequacy of current facilities will be considered on a case-by-case basis. This approach allows for informed and evidence-based decision-making, ensuring that the policy is applied effectively while remaining responsive to local needs.

Q6.6 c) is the definition of community facilities consistent with Paragraph 97 of the NPPF?

Council's response

27. The NPPF September 2023 does not specifically define community facilities in paragraph 93 or elsewhere. The wording in paragraph 11.1 is consistent with terminology used in the current local plans, including the Site Allocations and Development Management Policies Local Plan in paragraph 2.5.1 (DPD002) and the Core Strategy (DPD001). It provides an appropriate description of what community facilities can include for the purposes of the policy.

28. National Planning Policy Framework September 2023 refers to community facilities but does not specifically define them. In paragraph 20 it says that strategic policies should make sufficient provision for community facilities. The NPPF uses various examples of community facilities in different paragraphs:

- Paragraph 20 – 'such as health, education and cultural infrastructure' (about strategic policies)

- Paragraph 84 – ‘such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’ (this is in the context of supporting a prosperous rural economy)
- Paragraph 93 – ‘such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’ (Promoting healthy and safe communities section)
- Paragraph 187 – ‘such as places of worship, pubs, music venues and sports clubs’ (this is in the context of ‘agents of change’)

Paragraph 11.9 under Policy CF2 is also used in the existing local plan at paragraph 2.5.3. The first sentence paraphrases the considerations set out in 11.1 (and 2.5.1). The paragraph goes on to discuss community land and buildings, stressing the importance of those.

29. The explanatory text provides sufficient certainty for the effective operation of the policy, having regard to national policy.

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.

Q6.6 d) does the policy clearly explain how the 10% figure is to be derived?

Council's response

30. The City Centre Development and Delivery Plan (DDP) Part A, November 2023 (EXA008) refers to the 10% approach. Page 42 of the DDP outlines the Council's strategy to secure 10% of new ground-floor community and cultural uses with affordable rents in new developments, stating: "Identifying and negotiating provision for new, purpose-built community and cultural spaces delivered through new development, with a strategy to secure 10% of new ground floor development for community and cultural use, with affordable rents, protected in perpetuity."

31. The 10% figure was informed by soft market testing conducted on live planning applications, ensuring it reflects practical and market-informed considerations. Furthermore, the DDP has undergone the Council's consultation process, reinforcing its appropriateness and proportionality within the context of Policy CF1.

32. Recent modifications to the policy clarify that the 10% figure is an amount to be sought. It will be determined through negotiations with applicants, taking into account site-specific factors and local needs.

33. In a recent planning permission (24/01850/P The Galleries Shopping Centre in Broadmead, Bristol) provision has been made within the S106 agreement that the proposed development would provide 10% of ground floor space for community/cultural uses at affordable rent.

Q6.6 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?

Council's response

34. This approach is reflected in the City Centre Development and Delivery Plan (DDP) Part A, November 2023 (EXA008). The document outlines the strategy to secure 10% of ground-floor community and cultural uses with affordable rents in new developments, as stated on page 42. The suggested modifications to the policy have adjusted this requirement setting out that it would be sought.

35. The circumstances under which this requirement would apply are clearly defined. The policy modification provides clarity by emphasising considerations such as location and current needs. Each development proposal will be assessed on a case-by-case basis, recognising that different areas within the city have varying demands for community facilities. These variations depend on factors such as demographics, existing provision of community facilities, and the specific characteristics of the proposed development.

36. To assess the need for such facilities, a variety of data sources can be utilised, including the Council's online mapping service Pinpoint and the Council's Assets of Community Value lists. These resources help determine the extent and distribution of community facility provision within a given locality. The definition of the locality should align with the nature and catchment area of the proposed community use.

Q6.6 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?

Council's response

37. The modification is needed for the soundness of the plan. The wording change makes the policy appropriately flexible and therefore more effective and better able to respond to individual development proposals.

Q6.6 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?

Council's response

38. The policy does not specify the approach to affordable rent or to the mechanisms for delivery. This is likely to be dependent of the nature of the proposal, its location and the space provided. The considerations used in Policy E6 for affordable workspace are likely to be relevant.

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?

Council's response

39. The wording in paragraph 11.1 is consistent with terminology used in the current local plans, including the Site Allocations and Development Management Policies Local Plan in paragraph 2.5.1 (DPD002) and the Core Strategy (DPD001). It provides an appropriate description of what community facilities can include.

40. National Planning Policy Framework September 2023 refers to community facilities but does not specifically define them. In paragraph 20 it says that strategic policies should make sufficient provision for community facilities. The NPPFD uses various examples of community facilities in different paragraphs:

- Paragraph 20 – ‘such as health, education and cultural infrastructure’ (about strategic policies)
- Paragraph 84 – ‘such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’ (this is in the context of supporting a prosperous rural economy)
- Paragraph 93 – ‘such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’ (Promoting healthy and safe communities section)
- Paragraph 187 – ‘such as places of worship, pubs, music venues and sports clubs’ (this is in the context of ‘agents of change’)

41. Paragraph 11.9 is also used in the existing local plan at paragraph 2.5.3. The first sentence paraphrases the considerations set out in 11.1 (and 2.5.1). The paragraph goes on to discuss community land and buildings, stressing the importance of those.

42. The explanatory text provides sufficient certainty for the effective operation of the policy, having regard to national policy.

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

Council's response

43. Policy CF2 takes a similar approach to existing local plan policy DM5 (DPD002).

44. The policy sets the overarching principle that loss of community facilities is not permissible. It then goes on to address the more exceptional situations where such a loss may be acceptable whilst still being consistent with national and local policy objectives. To be acceptable development should be:

- Where the development would not lead to a shortfall in the provision or quality of community facilities or there is no longer need for them
- The building is no longer suitable for the current use and cannot be retained.
- The community facility can be retained or enhanced as part of the development.
- Replacement facilities are provided in a suitable location.

45. These criteria are used to understand if a development proposal should be permitted. A range of data sources, including the council's online mapping service

Pinpoint and the council's Assets of Community Value Lists, can be used to understand the extent and distribution of community facility provision within a locality. The extent of the locality should relate to the nature and catchment of the community use. 11.11 also states how decision makers can assess the importance of community facilities.

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?

Council's response

46. The policy provides sufficient detail to ensure certainty for future decision-makers regarding the requirements of sensitive adaptation. The term 'sensitive adaptation' refers to developments or modifications that carefully consider and respect the existing characteristics, constraints, and values of a site. This includes factors such as heritage significance, environmental context, and community needs. The policy ensures that any adaptations are appropriate, proportionate, and in harmony with their surroundings, thereby providing a clear framework for decision-making.

This wording is used in the currently adopted local plan, as outlined in Policy DM5 of the Site Allocations and Development Management Policies Local Plan (DPD003).

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?

Council's response

47. Given the robustness of the current approach reflected in Policy CF2, further definition of the mechanism is unnecessary and could introduce inflexibility, potentially hindering effective policy application across varied development scenarios.