

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

Matter 15: Health, well-being and food sustainability

This statement sets out the council's response to the Inspectors' matters, issues and questions regarding health, well-being and food sustainability 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.

Suggested main modifications arising from the Inspectors' questions are set out in grey tint boxes.

Responses to Inspectors' questions

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?

Council's response

1. Policy HW1 is intended to ensure that development does not cause, either individually or cumulatively, an unacceptable impact on human health, environmental amenity, biodiversity or water quality by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land or water pollution, where appropriate and sufficient mitigation cannot be provided. This requirement reflects paragraph 174 a, d, e of the NPPF which requires planning policies and decisions to contribute to and enhance the natural and local environment by preventing negative externalities associated with pollution (NPPF September 2023). This is also reflective of paragraph 185 which requires 'planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'

2. The policy also sets out that new development sensitive to noise or other types of pollution, should include appropriate mitigation measures to mitigate the impact of the existing pollution on future occupants and that where this is not achievable, this will not be permitted, particularly where it may threaten the ongoing viability of existing uses. This reflects the agent of change principle outlined in paragraph 187 of the NPPF (September 2023).

3. The policy also sets out that development adjacent to underground or surface water bodies covered by the Water Framework Directive and Severn River Basin Management Plan should contribute towards those water bodies maintaining or achieving Good Ecological Status. This may take the form of on-site measures or a financial contribution to off-site measures. This is consistent with paragraph 174 e of the NPPF (September 2023).

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?

Council's response

4. Whether a proposal would have the potential to generate significant numbers of additional journeys as outlined in subsection 'Air quality impact of new development' would be determined through the assessment of a given proposal. This would be dependent on the proposals characteristics, in particular its scale, density and proximity to areas where higher densities are likely to be considered appropriate, as outlined in policy UL1: Effective and efficient use of land. Areas outlined in policy UL1 are considered to be less likely to generate significant numbers of journeys due to their proximity to services and public transportation infrastructure.

5. This approach is consistent with NPPF paragraph 186 (September 2023) which notes that 'Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications' as higher density development is directed towards areas less likely to encourage private car ownership and other potentially detrimental travel patterns.

6. The approach set out in subsection 'Development with a specific local air quality impact' of policy HW2 is in part reflective of existing local plan policy DM33: Pollution control, air quality and water quality (DPD002) which requires development that has the potential for significant emissions to the detriment of air quality to include an appropriate scheme of mitigation. Determining whether a development has the potential for significant local emissions to the detriment of air quality would be dependent on the specifics of a given proposal, the type of use proposed, its scale, its site characteristics and setting and as such would be assessed as part of a given proposal. The application of the policy in this regard would be consistent with the approach currently employed to assess proposals and their potential to impact air quality. Equally, the extent to which the proposal is essential for reasons of economic or wider social need would also be considered in the assessment of a given proposal.

7. The planning practice guidance (Paragraph: 006 Reference ID: 32-006-20191101) outlines specific issues which may need to be considered when assessing air quality impacts of a given proposal which are relevant to the application of the policy. These include:

- The potential to increase vehicle related emission – a relevant consideration outlined in the first subsection of the policy.
- Introduction of new point sources of air pollution which may include furnaces, biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels, or extraction systems (including chimneys).
- Exposing people to harmful concentrations of air pollutants including dust, both during operation and construction.
- Having an adverse effect on biodiversity.

Policy HW1A: Noise

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

Council's response

8. As noted in the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs 2010), noise is an inevitable consequence of urban living that can present an unwanted intrusion that adversely impacts on quality of life, health and wellbeing. The NPPF recognises this, considering it a form of pollution and requiring local planning authorities to set out planning policies to govern its potential impacts as noted below.

9. The policy approach outlined in policy HW1A is reflective existing local plan policy DM35: Noise mitigation (DPD002). The policies are almost identical, barring the repetition of the factors to be considered when assessing schemes of mitigation.

10. Policy HW1A sets out that development which would have an unacceptable impact on amenity or biodiversity by reason of noise will be expected to provide appropriate mitigation, and where this is not practicable, it will not be acceptable in planning terms.

11. The reference to having an unacceptable impact on amenity is consistent with paragraph 185 a of the NPPF (September 2023) which notes planning policies and decisions should 'ensure that new development is appropriate for its location, taking account of the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment' and 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse effects on health and quality of life.'

12. The reference to having an unacceptable impact on biodiversity is consistent with paragraph 174 e of the NPPF (September 2023) which notes planning policies and decisions should 'contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'

13. The policy's expectation that noise-sensitive development likely to be affected by existing sources of noise should provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers of the proposed development in accordance with the agent of change principle is consistent with paragraph 187 of the NPPF (September 2023). Paragraph 187 notes that 'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

14. The first four bullet points (i-iv) provided under the section 'Noise mitigation schemes' are consistent with paragraph 010 Reference ID: 30-010-20190722 of the planning practice guidance which outlines four broad types of mitigation: engineering, layout, planning conditions/obligations and mitigating the impact on areas likely to be affected by noise through noise insulation. The fifth bullet (v) reflects PPG paragraph 006 Reference ID: 30-006-20190722 which notes that the

closure of windows may be able to mitigate the impact of noise but may have adverse impacts on living conditions if this is required most of the time. It sets out that alternative means of ventilation may be required as a result. Natural light, whilst not explicitly mentioned in the PPG is also considered a likely potential impact associated with some noise mitigation measures such as the location and layout of buildings or fenestration, or planting intended to mitigate the impact of noise.

Policy HW1B: Contaminated land

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

Council's response

15. Policy HW1B is largely the same as the current local plan's policy DM34: Contaminated land and is intended to ensure development properly accounts for any land contamination present on a site or potentially caused by the proposal.

16. As noted by the PPG, 'failing to deal adequately with contamination can cause harm to human health, property and the wider environment. It can also limit or preclude new development; and undermine compliance with the Water Environment Regulations 2017' (Paragraph: 001 Reference ID: 33-001-20190722).

17. The requirement for any existing contamination of land to be addressed through appropriate mitigation measures is consistent with the NPPF, which notes that planning policies and decisions should ensure that 'a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)' (NPPF September 2023, paragraph 183, a).

18. The requirement that proposed development will not cause the land to become contaminated, to the detriment of future use or restoration of the site or so that it would cause pollution in the surrounding area is consistent with the NPPF, which notes 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.' Given the NPPF's focus on the substantial weight to be given to reusing suitable brownfield and supporting appropriate opportunities to remediate contaminated land for use (NPPF September 2023, 120 c), preventing development from contaminating land to the detriment of future use or restoration is also an ambition supporting the continued effective and efficient use of land.

19. The requirement that remediation measures will be expected to be appropriate for the lifetime for the development and factor in the potential impacts of climate change. The NPPF notes that plans should take a proactive approach to mitigating and adapting to climate change. It further notes that new development should be planned for in ways that avoid increased vulnerability to a range of impacts arising from climate change. It is considered reasonable for these requirements to apply to measures to mitigate contaminated land, particularly given the potential for land contaminants to impact biodiversity, human health and groundwater. The Construction Industry Research and Information Association (Climate change and remediation – changes afoot? 2022) have noted that climate change, including

extreme weather events has the potential to impact remediation projects in a variety of ways, including altering the behaviour of biochemical and chemical properties of contaminants and their behaviour; increased risk of run-off and mobilisation of contaminants caused by flooding; and increased rainfall reducing land stability due to erosion, which could undermine the efficacy of land contamination mitigation measures and increase potential risks.

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?

Council's response

20. As noted in response to PQ163, policy HW2B is identical to current local plan policy DM14 'The health impacts of development' (DPD002). No specific evidence has been used to define the numerical thresholds as part of preparing the new local plan. They are a continuation of extant local plan policy that has been applied since 2014. Their continued application is considered appropriate, being consistent with national policy and wider planning practice across England.

21. Promoting healthy and safe communities is a key objective of the NPPF (NPPF September 2023, chapter 8). The NPPF sets out that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs' (NPPF September 2023, paragraph 92 c). The planning practice guidance identifies health impact assessment is a useful tool to use where there are expected to be significant impacts on health and wellbeing or particular groups within the local population (005 Reference ID:53-005-20190722). Public Health England notes that HIAs can support local authorities to discharge their legal duty to take appropriate actions to improve the health of local people under the Health and Social Care Act 2012.

22. Applying a requirement for health impact assessments for development of a significant scale (over 100 dwellings or 10,000m² for non-residential development) or which is likely to have a significant impact on health, is considered a proportionate response to the requirements of the NPPF. Development of a significant scale is more likely to have an impact on health and well-being for a variety of reasons. In the case of residential development, the influx of new occupants may have impacts on social and healthcare infrastructure that should reasonably be accounted for by new development, or it may generate externalities such as noise or traffic impacting on existing communities. For non-residential development of a significant scale, it is more likely that impacts such as noise, light, pollution and increased traffic may impact the health of both occupants and proximate communities. Similar policies and thresholds are found in other local planning authorities in England, including:

LPA	Threshold
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Camden	For all major developments (over 10 dwellings or more or 1,000m ² non-residential or more.)
Brentwood	Development over 50 dwellings or more or 1,000m ² non-residential or more.
Wandsworth	Proposals of 50 or more residential units.
Watford	Major residential proposals of 100 units or more
South Cambridgeshire	For developments of 100 or more dwellings or 5,000m ² or more floorspace a full Health Impact Assessment. For developments between 20 to 100 dwellings or 1,000 to 5,000m ² or more floorspace a rapid Health Impact Assessment
Merton	All developments in Merton of 100+ residential units or over 10,000m ² non-residential development. Developments of 50 homes or more in areas identified by the government's Indices of Deprivation located in an Index Multiple Deprivation decile 5 or less or identified in Merton's Joint Strategic Needs Assessment (JSNA).

23. Paragraph 14.2.5 notes the need for a health impact assessment where a development falls outside the policy threshold would be dependent on various characteristics of the development such as its location, proximity to certain uses and other characteristics. Development likely to require a health impact assessment under this threshold could include sources of pollution or development located proximate to existing sources of pollution. Given the necessarily circumstantial nature of this threshold, no specific evidence can be used to define it; however, given the potential for all development to have an impact on health and wellbeing regardless of scale, the provision is considered proportionate and necessary.

Q15.5 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?

Council's response

24. As noted in the council's response to PQ163, the policy text of Policy HW2B 'Health and development' is identical to current local plan policy DM14 'The health impacts of development' Site Allocations and Development Management Policies (DPD002) which has an established process for implementation. The explanation section has been expanded to provide further information relating to the policy's goals.

25. Paragraph 14.2.5 notes the need for a health impact assessment where a development falls outside the policy threshold would be dependent on various characteristics of the development such as its location, proximity to certain uses and other characteristics. As noted in paragraph 14.2.7, the Planning a healthier Bristol practice note will be updated to include further information to assist developers in determining whether an HIA is required if the policy threshold is not already triggered.

26. A modification could be made to the policy to include some examples of development that is likely to have a significant negative impact on health and wellbeing; however, given the range of possible development and the need to assess the specific characteristics of a given proposal, both in terms of its nature and location, it would not be possible to exhaustively define the extent of the threshold. The following modification could be made:

Appended to the end of paragraph 14.2.5:

'Examples of development with the potential to impact health and wellbeing but which do not meet the policy's thresholds, but which may require a health impact assessment include:

- Development that is a source of sound, light, noise or air pollution.
- Development that is likely to generate a significant number of journeys, causing an increase in sound, light, noise, air pollution and traffic.
- Development that is not a source of pollution but located proximate to a source of pollution that is likely to expose occupants to it.'

27. The potential for a 'significant effect' to be positive on health and wellbeing is acknowledged; however, as the potential scope of an impact or its positive or negative nature cannot be determined until assessed, the reference to 'significant impact' is considered appropriate. Additionally, the final sentence of policy wording notes that 'where significant impacts are identified, measures to mitigate the adverse impact of the development will be provided and/or secured by planning obligation.' This indicates the expectation is that health impact assessment would be required for development with the potential to have such adverse impacts. This is supported by the continued operation of the policy since 2014 with the same wording.

Q15.5 c) What measures to mitigate the adverse impact of a development should be secured by planning obligations and how has the need for these been identified?

Council's response

28. Measures to mitigate the adverse impact of a development would be dependent on a wide range of factors associated with the development, principally the type of use proposed, its location, the nature of any identified impacts and the context in which said impacts occur and to whom. It is not possible to provide a comprehensive list of measures as a result. Measures such as active travel infrastructure; open space provision; or measures to mitigate air quality, noise, or light related impacts would be generally either be provided on-site and secured via planning conditions or incorporated into the fabric of the development.

29. The need for these measures would be identified through assessing the health impact of a given proposal in the same way as highways infrastructure works; active

travel provision or fire safety requirements like water hydrants are identified. A health impact assessment would assist in this process of identifying necessary mitigation.

30. If development generates the need for additional primary care facilities, the local Integrated Care Board (ICB) will respond to the council in respect of the relevant planning application, seeking a financial contribution so be secured via a Section 106 planning obligation.

Q15.5 d) What effect would such measures to mitigate any adverse effects have upon the viability of proposed developments?

Council's response

31. The BNP Paribas Viability Report (EVEV01) produced to support the Local Plan identifies overall Section 106 contributions of £2,000 per dwelling for large scale residential schemes. This figure is considered robust as in the vast majority of cases the level of Section 106 contributions sought falls under this figure. Requests from the ICB vary depending upon the location of the site and the level of capacity local GP surgeries are operating at.

32. Affordable Housing Policy AH1 seeks the maximum proportion of affordable housing that can be delivered viably without public subsidy, taking into account other development costs. Consequently, in cases where measures are necessary to mitigate any adverse effects which result in development costs that create viability challenges, the level of affordable housing can be adjusted to ensure that mitigation measures sought through Section 106 do not adversely impact on the viability of the relevant development.

Q15.5 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?

Council's response

33. The update to the practice note is intended to update the approach to health impact assessments and provide additional guidance and clarity, as well as update any policy references to refer to the new local plan policy HW2B as opposed to DM14. The council intends to publish an updated version of the practice note concurrent with the adoption of the new local plan. The existing version of the guidance and the long-established application of the extant policy (which is identical) mean that should this document not be updated concurrent with the new local plan; it would not impact the application of the policy.

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'?

Council's response

34. Regulating the health impact of takeaways in areas proximate to schools and other places where children and young people gather, and where their concentration as a use may be harmful to health is supported by the Planning Practice Guidance (004 Reference ID:53-004-20190722) and as of December 2024, the NPPF (NPPF December 2024, paragraph 97 a-b). Although the plan is being assessed against the NPPF September 2023, the December 2024 NPPF is a relevant consideration regarding the justification for the policy.

35. Takeaways are a part of the wider food environment, which as a whole, influences food choices. Takeaways typically provide food that contains high levels of fat, saturated fats, sugar, and lower levels of micronutrients (Public Health England, 'Using the planning system to promote healthy weight environments', 2020).

36. Increased exposure to takeaways has been linked to increased takeaway consumption, which given the generally poorer nutritional quality of the food typically served, has associated negative health outcomes. Research conducted by the Centre for Diet and Activity Research has found that those with the highest rates of exposure to takeaways are almost twice as likely to be obese than those who encounter the fewest outlets (CEDAR, 'Are takeaways adding pounds?', 2014). Public Health England also note that there is increasing evidence linking physical access to takeaways outlets and unhealthy diet and obesity (Public Health England, 'Using the planning system to promote healthy weight environments', 2020). Research has shown association between exposure to takeaway outlets, takeaway consumption and bodyweight in adults (Public Health Public Health England, 'Using the planning system to promote healthy weight environments', 2020).

37. In recognition of this growing weight of evidence, both Public Health England (Public Health England, 'Using the planning system to promote healthy weight environments', 2020) and the National Institute for Health And Care Excellence (NICE, 'Cardiovascular disease prevention: public health guideline', 2010) advocate for planning policies that regulate both the concentration of and proximity of takeaway outlets to schools and other places where young people might gather due to the potential for such uses to influence food behaviours.

Q15.6 b) What evidence explains the proposed areas where takeaways would not be permitted and is this justified, consistent with the NPPF and effective?

Council's response

38. The policy seeks to limit the potential for takeaways to negatively impact on health and wellbeing within:

- Approximately five minutes walking distance of schools, youth facilities or other locations where young people gather.
- Areas where there is or would be a harmful concentration of takeaways within a retail centre (defined as either more than 15% of total shop frontages or where there would be three takeaways in a row).

39. As noted in response to Q15.6 a, there is both evidence and impetus from bodies such as Public Health England and the NICE that takeaways can have a detrimental effect on health and planning policies should seek to regulate their proliferation

where appropriate. Policy HW3 reflects this and is justified in its approach. This approach is similarly supported by the most recent iteration of the NPPF (December 2024) as noted below.

40. Regarding areas that would be defined under the first test of the policy; the NPPF December 2024 (paragraph 97 a-b) states that local planning authorities should 'refuse planning applications for hot food takeaways and fast-food outlets within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre.'

41. Although the local plan is being assessed against the September 2023 NPPF, the December 2024 NPPF and its provisions are relevant and material as the plan, if adopted, would be subject to its provisions. Additionally, the Planning Practice Guidance which states that proximity to locations where children and young people gather should be a factor in determining the acceptability of some uses (004 Reference ID:53-004-20190722))

42. Regarding the second test of the policy, the NPPF December 2024 again notes that local planning authorities should refuse applications for takeaways and fast-food outlets in areas where there is evidence that a concentration of such uses is having an adverse impact on local health. The Planning Practice Guidance also states that overconcentration of some uses should be a factor in determining the acceptability of some uses (004 Reference ID:53-004-20190722).

43. The policy defines an overconcentration as where 15% or more of the shopfronts in each retail centre area occupied by takeaway uses. In 2021, the council conducted a desk-based survey of 14 centres defined in the local plan across the city and found the average proportion of takeaways in these centres was around 18%. The threshold of 15% set by the policy seeks to prevent areas with lower rate of takeaway occupancy from developing an overconcentration, and areas with higher rates to not worsen. Where three takeaways or more are adjacent to one another, it is considered that this would limit alternative options to an individual such that the concentration of takeaways could promote unhealthy food choices. Additionally, this concentration of takeaways would have the potential to produce amenity impacts that cumulatively are detrimental to their surroundings as outlined in the 'amenity impacts' section of the policy.

44. The PPG also notes that evidence of higher levels of obesity, deprivation, health inequalities and general poor health in specific locations should be a factor in considering the appropriateness of uses such as hot food takeaways. The most recent JSNA (Healthy Eating 2023/2024) notes that the number of takeaway outlets in Bristol is higher than in surrounding authorities and is increasing, and that these are more likely to be found in areas of higher deprivation. Additionally, whilst lower than the national average in terms of its child and adult overweight and obesity levels, levels across the city are generally considered too high. Including a threshold to limit the proliferation of takeaways that would apply to such areas is considered an appropriate measure to seek to redress this and its associated health impacts.

Q15.6 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?

Council's response

45. Paragraph 97 of the NPPF (December 2024) does not define walking distance in relation to regulating hot food takeaways. The 400 metres is an approximately five-minute walking distance and is used in the application of extant local policy DM10: Food and Drink Uses and the Evening Economy (DPD002) which addresses the proliferation of takeaways. The continued use of 400 metres is considered appropriate as its use is already established in the application of policy DM10.

46. A roughly five-minute walking distance is considered reasonable for the application of the policy. The Chartered Institution of Highways and Transportation (Planning for walking 2015) and Sustrans (Walkable neighbourhoods Building in the right places to reduce car dependency 2022) both consider 400 metres to be a typical cut off point for accessing services such as bus stops.

Q15.6 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?

Council's response

47. As noted in response to PQ167, an unhealthy concentration of takeaways is clearly defined in the policy's explanatory text under subheading 'concentration of takeaways' as where they 'constitute 15% or more of the total number of units within Town, District, or Local Centre or parade (Policy SSE1 'Supporting Bristol's Centres - network and hierarchy'). An unacceptable concentration will also be considered to arise where three or more takeaways would be adjacent to each other.' The term is therefore considered to be clear for the application of the policy by either developers or decision makers.

48. As noted in the council's response to PQ164, the term 'young people' is considered clearly defined for the purposes of the policy. The term is used in the same manner as in the planning practice guidance (004 Reference ID:53-004-20190722) and the NPPF (December 2024) paragraph 97. Additionally, the policy's explanation text subsection 'Young People' provides sufficient information relating to the intent of the policy, specifically to help mitigate the impact of hot food takeaways on the health and wellbeing of children and young people. It also outlines the type of facilities the policy is intended to apply to, namely secondary and primary schools, youth and community centres, leisure centres and parks (paragraph 14.2.14-12.4.18) and is considered appropriately defined for the application of the policy.

Q15.6 e) The answer to PQ167 states that a harmful concentration is 15% of total units in a centre. Is this a justified level?

Council's response

49. As noted in response to question 15.6 b, the level of 15% is considered justified as it reflects some of the local authority's highest concentrations of takeaways in centres. It is lower than this level (18%) as this level is considered too high and the policy's overall ambition is to prevent other centres from achieving such a level.

Q15.6 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?

Council's response

50. As noted in response to Q15.6, there is growing evidence that exposure to takeaways, including exposure to greater concentrations of takeaways, increases the likelihood of consuming food that is unhealthy. Whilst not all takeaways serve unhealthy food, there is clear evidence that food sold by takeaways generally contains high levels of fat, saturated fats, sugar and sugar, and lower levels of micronutrients ((1) in Public Health England, 'Using the planning system to promote healthy weight environments', 2020).

51. The planning practice guidance outlines that planning authorities may restrict the proliferation of some uses that are prejudicial to good health in certain areas in line with the provisions of the policy. The NPPF (December 2024) also acknowledges this by stating that local planning authorities should refuse applications for hot food takeaways in certain locations in line with the provisions of policy HW3. The policy is therefore considered to be fully justified.

Q15.6 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?

Council's response

52. The policy's intention to support national and local promotion of healthy lifestyles and healthy weight is consistent with its provisions relating to unhealthy concentrations of takeaways. The policy intends to prevent unhealthy concentrations of takeaways from occurring, both through preventing the number of takeaways in a given centre from reaching an unacceptable level, and by preventing the worsening of concentrations already at an unacceptable level by preventing further takeaway uses in such areas.

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?

Council's response

53. The provision of allotments on site is achievable in some areas of the city. In areas where it may not be, the policy includes provision for offsetting this requirement to help support the maintenance of the council's longstanding targeted provision rate of 7 plots per 1,000 residents. Any new development is inherently likely to contribute to a deficiency in allotment provision arising from the demand for allotments from new residents. The option to offset this requirement will enable enhanced provision at existing sites through measures such as the remediation of allotment sites that are not fully in use and are not allocated for housing or likely to be subject to other development due to their use as allotments. As the council has a statutory requirement to provide allotments and land in the city is limited, this is considered an appropriate means of mitigating the deficit in provision new development will cause.

Q15.7 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?

Council's response

54. As noted in the council's response to PQ168, the threshold for the provision of allotments is a continuation of current local plan policy DM15: Green infrastructure provision. The target of 7 allotment plots per 1,000 residents has been the council's targeted minimum level of provision since 1999. The threshold in policy for providing 1 allotment has been adjusted to increase the efficacy of the policy approach. As noted in response to PQ168, the current threshold is set extremely high, equivalent to more than 400 dwellings, and is very rarely triggered. Reducing the threshold will trigger the policy for more developments which are, by the nature of their scale, likely to contribute to a deficit in overall provision across the city. Given the council's statutory obligation to ensure provision of allotments, reducing this threshold is considered justified to enable to enable more effective delivery of allotments from the policy.

Q15.7 c) Would the delivery of allotments contribute to overall provision of public open space and how would this be calculated?

Council's response

55. The delivery of allotments would not contribute to the overall provision of public open space as they are not considered to be equivalent in nature. Allotments, whilst public in the sense that they are accessible by members of the public, their access is typically restricted to tenants.

Q15.7 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?

Council's response

56. The practicability of on-site allotment provision would be dependent on a range of factors, mainly the availability of sufficient space. Applicants would be expected to demonstrate in their design documentation and viability reports that consideration has been given to providing on-site allotments and where they conclude this is not possible, an explanation.

57. A modification to clarify this could be made to the policy for clarity:

In explanatory text 14.3.12 insert a new additional wording:

Where on-site provision is not practicable, off-site provision will be acceptable.
Applicants seeking to utilise offsite provision should demonstrate in their design documentation and viability reporting that on-site provision is not practicable.

Q15.7 e) Is the policy sufficiently flexible to respond to the circumstances where it might not be possible or appropriate to deliver additional allotments?

Council's response

58. The policy includes a mechanism for off-site provision to enable it to be applied flexibly and not prejudice the development of sites where circumstances meaning it might not be possible or appropriate to deliver allotments onsite.

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?

Council's response

59. The requirement for development to include space for food growing is an extant local plan requirement in policy DM15: Green Infrastructure Provision and DM27: Layout and form' (DPD002).

60. Providing opportunities for occupants of new residential development to engage with food growing and gardening is considered to have numerous potential benefits for health, particularly mental wellbeing. A review of evidence published in the British Medical Journal (Howarth M, et al. BMJ Open, 2020) concludes that there is evidence linking gardening and use of gardens to potential mental and physical health benefits. Reviews from other countries such as the USA which have included analysis of studies published in the UK have concluded similarly that there is a growing body of evidence that gardening and food growing more specifically can have a positive impact on health and wellbeing (Soga, Gaston and Yamura, Gardening is beneficial for health: a meta-analysis, Preventive Medicine Reports, 2017) (Leake, Adam-Bradford and Rigby, Health benefits of 'grow your own' food in urban areas, Environmental Health, 2009).

61. The policy is not intended to require development to incorporate a specific quantum of food growing space in new development, but rather to consider factors that would enable private outdoor space (either communal or for individual dwellings) to be used for food growing should residents wish as noted in paragraph 14.3.18. Applicants would be expected to demonstrate how considerations such as those outlined in the 'practical considerations' section of the policy's explanation text have been incorporated into the design of private outdoor spaces. The policy provides examples of various types of food growing space that developers may wish to include in proposals to support residents wishing to grow food, but does not set specific standards in order to be flexible, acknowledging that the suitability of food growing in a given development will be dependent on the site and nature of the proposed development.

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?

Council's response

62. The examples provided in paragraph 14.3.20 are intended to be illustrative. Some would require more involved long-term management, such as therapeutic gardens or edible landscaping; however, the policy is not prescriptive as to the type of provision expected. The long-term management of any food growing space would be expected in the same way as any other green infrastructure provision provided by a development, the exact nature of which would be dependent on the type of space provided. A development of individual dwellings with private gardens for example could reasonably be expected to involve relatively little active long-term management as the responsibility for such spaces would be passed onto those purchasing the dwellings compared to a rooftop garden, which would likely continue to be managed by the operator of the building upon completion. Again, this is expected to be managed in the same way as any green infrastructure provision provided as an integral part of a development and should not present any additional requirements as a result.

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?

Council's response

63. The policy's explanation text acknowledges various considerations that should be considered when providing food growing space in new development, including the presence and status of any land, water or soil contamination and measures to mitigate/remediate them. Developers would not be expected to remediate land beyond the level necessary for its use for residential purposes.

64. Any provision of food growing space would be incorporated into its associated green infrastructure and would be expected to be provided in a form that is safe for occupants in the same way, taking account ground conditions upon the completion

of remediation measures. The provision of food growing space would be proportionate to the safety of the land at this stage.

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?

Council's response

65. The NPPF notes that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles, including through access to healthier food and allotments. It also notes that planning policies should plan positively for the provision and use of shared spaces and community facilities and guard against the unnecessary loss of valued facilities and services (NPPF September 2023, paras 92-93). The NPPF also notes that planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation and food production (NPPF September 2023, para 120 b). The council considers food growing enterprises to be assets that support these ambitions, and as such, their protection from undue impacts caused by neighbouring development is considered appropriate.

66. Paragraph 14.3.28 of the policy's explanation text details potential impacts that may undermine the continued viability of a food growing enterprise. The extent to which these, or other potential impacts impact on viability would necessarily require assessment in respect to a specific proposal, as the characteristics of both the proposal and the affected use would need to be considered holistically.

Q15.11 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?

Council's response

67. The vast majority of allotment plots in Bristol are defined as statutory plots and therefore afforded protections under the Allotments Act 1925, even those which may not be in active use. The council's allotment strategy and ambition to improve allotment provision in the city through remediation and improvement of existing plots, including those not in active use would mean their protection is considered of key importance. As such, disposal of these sites would not likely under any circumstances and protecting them from undue impacts that may prevent their future use is considered justified, particularly given the council's statutory obligation to provide adequate numbers of allotments and Bristol's extensive waiting list at present. The council is also the landowner of all allotment sites in the city and so is unlikely to seek to release them for other uses. The use of 'active' in this context is recognised as unnecessary and a modification is proposed to remove it:

Development which would have an unacceptable impact on the viability of an existing local food growing enterprise will not be permitted.

Development which would result in the loss of ~~active~~ allotments or which would have a harmful impact on their community food growing role will not be permitted.