

Home Builders Federation (HBF) Response to Matters, Issues and Questions (MIQs) for the Bristol Local Plan- Matter 1: Legal, Procedural and Other General Matters

HBF is the principal representative body of the housebuilding industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

We have not commented on every policy on those of interest to our members.

We have not repeated our Regulation 19 concerns which remain outstanding but have referred them where we feel this is helpful. This response should therefore be read in tandem with our Regulation 19 comments.

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

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?

No. As set out in our Regulation 19 response (paras 12-26), HBF have significant concerns about the approach the Council has taken with regards the housing needs of Bristol, which in our view constitute a failure of the Duty to Cooperate.

The NPPF requires a plan to be positively prepared, setting a positive vision for the future of the area; a framework for meeting housing needs and addressing other economic, social and environmental priorities. As such HBF would expect the Plan to be an ambitious plan for the future development of Bristol, detailing where new housing will go, meeting housing needs, providing certainty for the house building industry and setting out a long-term vision for the area, in accordance with the NPPF.

Although HBF are sympathetic to the constraints facing Bristol City (see para 22 of our Reg 19 response) and the challenges faced in seeking to meet its housing needs in full within the City's boundary, this simply does not justify ignoring the 35% urban uplift required by the standard method. If the full housing needs of Bristol City cannot be met within the Bristol City area the process for addressing this is through

the Duty to Cooperate and the declaration of an unmet need, and for neighbouring authorities to help to meet that growth.

Instead of engaging in this proactive cross boundary in partnership with neighbouring authorities, we have a Plan that appears to be ignoring the need for growth, failing to plan positively for the future needs of Bristol and failing to properly declare an unmet housing need of Bristol City. The result is a failure to deliver the housing numbers that need to be planned for both within Bristol and across the wider Bristol City region.

In adopting a 'constraints-based approach' the Council is seeking to justify a 'policy-on' approach to the evidence base and then using this to justify the policy they were seeking in the first place. This is not the evidence-based policy making expected by the planning system but policy-based evidence-making that fails to address the development needs of Bristol and the wider City Region. HBF is very disappointed that in the midst of a housing affordability crisis in the City and the wider Housing Crisis facing the country, the Council is seeking to develop a long-term plan for its area that fails to grasp the challenges facing Bristol Council and its wider context.

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?

This is unclear from the current information, which in itself is a problem.

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?

This is unclear from the current information, which in itself is a problem.

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?

This is unclear from the current information, which in itself is a problem.

Q1.5: With regard to the Planning Practice Guidance (PPG4), 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?

No. As detailed more fully in our Regulation 19 response (see for example, para 23 and 25), HBF have long standing and significant concerns about the failure of Bristol and its neighbouring authorities to work together on this matter. We remain unclear if, how, and when the Council has raised the issue of unmet need with its neighbouring authorities. We are also very concerned that the level of unmet need under discussion has always been incorrect and too low as there is a need for urban uplift to be included within the figures. However, instead of planning for this figure collaboratively as they are required to do by national planning legislation, policy and

guidance the urban uplift figure has simply been removed from the calculations and discounted, despite there being no reasonable policy planning evidence and/or justification for doing so.

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?

HBF do not know, which it itself is a problem. We are, however, of the view that the current information demonstrates that the full level of Bristol's housing needs will remain unmet, and no actions are being undertaken that would adequately address this issue in anything like a timely manner. We would highlight again the example of effective cross-boundary working being undertaken in Leicester and Leicestershire (see para 17 of our Regulation 19 response), noting that the Leicester City EIP hearing sessions concluded in Nov 2024. We would wish to draw attention to Leicester City's significant evidence base supporting how the Duty to Cooperate has been met over the whole plan preparation period and how the issue of unmet need has been quantified and is now informing other Leicestershire LPAs emerging Local Plans. (see <https://www.leicester.gov.uk/content/leicester-local-plan-examination/what-is-a-local-plan-examination/>) Such evidence is missing from Bristol Plan.

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.

Although HBF do not comment on individual sites, HBF remain unclear if and how this issue has been addressed.

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?

No.

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?

No.

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?

No, see above.

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?

No.

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

HBF do not know, which in itself is a problem.

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?

No. In HBF's view the Council has not fulfilled its requirements under the Duty to cooperate.

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

Local Development Scheme (LDS)

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

No. As detailed in para 3 of our Regulation 19 response some of the documentation required was not readily available when it should have been.

Public Consultation and Statement of Community Involvement (SCI)

No. As set out in para 3 of our Regulation 19 response HBF were concerned that all the necessary documentation was not available during the Regulation 19 consultation period.

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

No. As set out in para 3 of our Regulation 19 response HBF were concerned that all the necessary documentation was not available during the Regulation 19 consultation period.

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)?

As detailed in our Reg 19 response (see para 140- 156 which cover Chapter 12 of the Local Plan) HBF have concerns about the soundness and deliverability of some of the elements and wording of the proposed climate change policies, which are not repeated here. These concerns do however demonstrate that the Council has considered the impact of climate change in their plan.

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?

No. HBF raised significant concerns about the monitoring of the Bristol Plan, as set out in para 168- 172 of our Regulation 19 response. The full Monitoring Framework should have formed part of the Regulation 19 Local Plan and be subject to public consultation. The Council needs to be clear what they will do if monitoring shows there is problem with policies delivering, this must be more than merely reporting the problem and include action(s) that the Council would take. The suggested Main Modification (on page 2 of EXA002.1 - Local Plan – Schedule of Suggested Main Modifications Version 2 – Published 25/09/2024) does not address our concerns.

The Council's proposal to introduce new wording to create a commitment to "a review of the Plan within 3 years" is unclear. These terms and timescale need further explanation. Is the commitment simply to review the Plan, where it could be concluded the Plan remain up to date and no further action is required, or is the commitment to the preparation of a new Plan, in which case any policy should include the timescales for achieving the Reg 18, Reg 19 and Reg 22 milestones, as is common in many such Local Plan Review in other adopted and emerging Local Plans.

HBF would also suggest that it is essential that Bristol City Council monitors the delivery of their housing need when it is being met elsewhere. It is important that the Council know where and when the housing to meet its needs it is being planned for outside of its boundary. Any failure of the neighbouring authorities to plan for and deliver their part of the unmet need requirement will result in Bristol's unmet housing needs remaining unmet, and remedial action of some kind will be needed.

HBF would request that the Local Plan includes a policy on Monitoring and Review which sets out a timeframe for the Review of the Local Plan and what actions would be taken if monitoring found an under-delivery of housing requirements.

Word Count 2054 (including wording of the questions)