

## Examination of the Bristol Local Plan 2022-2040

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

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

##### Introduction

1. This Hearing Statement is submitted by Marrons on behalf of Bellway Strategic Land, part of Bellway Homes Ltd (Bellway). The Statement reflects Bellway's key role on the Policy DS12 allocation, New Neighbourhood at Bath Road, Brislington.

##### 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?**

##### Response:

2. Yes. Bristol City Council (BCC) has undertaken a constructive and proactive approach to addressing the housing requirement and the capacity of Bristol to accommodate new housing alongside engagement with adjoining authorities. The process of dialogue and discussions is evident throughout the plan-making process, aligned with BCC's published local plan consultations in 2018, 2019, 2022 and 2023 (**PCD001**, **PCD002**, **PCD003** and **CSD001** respectively), including:
  - Through the weekly meetings with the adjoining WECA authorities of Bath and North East Somerset (BANES) and South Gloucestershire and monthly meetings with North Somerset, as explained on page 2 of **EXA024**.
  - Through Statements of Common Ground (SOCG), including SOCGs Versions 1, 2 and 3, published in 2020, 2021 and 2022 (Version 3 at **Appendix 3** of **EXA036a**), and **PAL007** (SOCG with North Somerset, April 2024) and **PAL006** (SOCG with BANES and South Gloucestershire, April 2024).
  - Through its request to adjoining authorities to address unmet needs in a letter from Chief Planning Officer, Simone Wilding, in October 2023 (**PAL008**).

- Through representations to the local plans being pursued by adjoining authorities (see, for example, **Appendix 2 to EXA036a** where in July 2024 BCC identified an unmet need of 1,132 dwellings per annum [dpa] in response to South Gloucestershire's local plan consultation).
3. Whilst no formal agreement has been reached on the apportionment of unmet needs to date, case law establishes that the Duty to Cooperate is not a duty to agree<sup>1</sup>. In fact, part of the reason that the Spatial Development Strategy (SDS) process was abandoned was because adjoining authorities could not agree on the extent of unmet needs that they would be able to accommodate, leaving BCC with little choice but to proactively progress its plan to address the housing crisis facing the City.

**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 an issue in relation to *this* Plan?**

Response

4. Yes. The issue of unmet housing need has been a longstanding one going all the way back to 2016 when the plan-making process commenced, linked to the Joint Strategic Plan (JSP) (which sought to deliver unmet needs from Bristol of around 3,300 homes). The entire genesis of the plan being examined is a process which followed throughout the JSP's preparation and withdrawal in 2019, to the abandonment of the SDS in 2022, to the plan's submission. Bristol's unmet needs have been an issue throughout the process.
5. In the absence of a strategic planning framework BCC sought to expedite preparation of their own local plan in response to the housing crisis facing Bristol, culminating in publication of the Further Consultation in November 2022 (**PCD003**).

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

Response:

6. Yes. The Council has clearly done all it reasonably could, as explained through the ongoing engagement listed in paragraph 2 of this Hearing Statement, from 2016

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<sup>1</sup> As reiterated through *St Albans City and District Council, R (On the Application Of) v Secretary of State for Communities and Local Government [2017] EWHC 1751 (Admin) (12 July 2017)*

through to the plan's submission. The outcome of this process is that South Gloucestershire has declared itself unable to meet Bristol's unmet needs, and that North Somerset's Regulation 19 plan makes no provision to do so. BANES has stated that it will consider the extent to which it can do so as part of the preparation of its own plan.

7. BCC cannot force these adjoining authorities to address the City's unmet needs, and the Duty to Cooperate is not a duty to agree. The extent to which these adjoining authorities have discharged the duty and addressed unmet needs from Bristol will be a matter for their respective local plan examinations.

**Q1.6: What is the current situation with regard to how Bristol's unmet housing 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?**

Response:

8. The issue of unmet needs has clearly been addressed by BCC, who have undertaken all reasonable endeavours to seek the assistance of adjoining authorities, with only BANES seeking to test this issue further through their own plan-making process. The positions stated by South Gloucestershire and North Somerset will need to be tested via their plan examinations.

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

Response:

9. The relevant strategic matters are clearly set out in the respective SOCGs.

**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.**

Response:

10. Yes – the Council has complied with the Duty to Cooperate, for the reasons explained above.

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

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

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

Response:

11. No. Pages 12-14 of the SA (**CSD004**) clearly set out how the requirements of the *Environmental Assessment of Plans and Programmes Regulations 2004* have been addressed, as part of a thorough and comprehensive SA process.

**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?**

Response:

12. Yes. This is set out in detail in section 5, page 38 onwards of the SA (**CSD004**). This section of the SA explains how matters evolved during the different stages of plan preparation. Different housing and employment growth scenarios were tested, as well as the distribution, test against the SA Framework.

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

Response:

13. Yes. Fundamentally, BCC is seeking to maximise development within the urban area, then release land from the Green Belt to address its housing requirement, where the exceptional circumstances to do so clearly exist, all fully in accordance with national planning policy. BCC has then identified an unmet need which adjoining local authorities will need to seek to address as part of their respective plan making processes.

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

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

Response:

14. Yes. The Council's latest LDS was first published in November 2022, with the timetable updated in July 2023. The Plan was consulted on in November 2023 and subsequently submitted in Spring 2024, as set out in the LDS.

**WORD COUNT (excluding MIQ questions and headings): 869**

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**Planning Director**

**Marrons**

**February 2025**