
Bristol City Council Local Plan Examination

**Matter 1 – Legal Compliance & Procedural Matters
on 25 February 2025**

Hearing Statement by Savills on behalf of Taylor Wimpey
(Participant ID 486)

February 2025

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

1. The Inspectors have posed a number of very pertinent questions under Issue 1.1. Rather than address each of these individually, our response below is relevant to all of the questions under this issue.
2. Before explaining our objections to the current draft Bristol Local Plan (dBLP) and our proposed remedy, it is important to set the context and the background to our objections which are rooted in over a decade of plan-making not delivering housing at a rate which matches needs. In summary:
 - The Bristol Core Strategy was adopted in June 2011. The minimum housing requirement of the Core Strategy (in Policy BCS5) was explicitly based on the capacity of the administrative area and not an assessment of the need for housing. As a consequence there was no defined ‘unmet’ needs to be accommodated in the neighbouring authority areas.
 - The two other authorities in the Bristol Housing Market Area (HMA) produced and examined their Core Strategies after Bristol:
 - North Somerset Core Strategy Examination was from 2011 through to 2016, and adopted in January 2017; and
 - South Gloucestershire Core Strategy Examination was from 2011 through to 2013, and adopted in December 2013.

At each Examination the case was made that there was an unmet need from the wider HMA, a proportion of which should be accommodated in the Core Strategy. Whilst recognising that the Core Strategies were deficient in this regard, the examining Inspectors were however in an invidious position. The legal Duty to Cooperate had not come into force and there was no evidence produced by the authorities which the Inspectors could use to arrive at a distribution of the unmet need and recommend changes to these Core Strategies.

In the circumstances the Inspectors came to the conclusion that there ought to be a modest increase to the housing requirement of the submitted Core Strategies but that any uplift to

reflect the needs of the wider Bristol HMA should be addressed through an early review. In both cases these reviews were to be completed by the end of 2018. Appended to this Statement are relevant extracts from the respective Inspector's Reports.

- The West of England Authorities signed a Memorandum of Understanding in March 2014, commissioned a joint SHMA (subsequently published in July 2015) and embarked upon the journey of preparing the West of England Joint Spatial Plan (JSP). The JSP was submitted for Examination in April 2018 but subsequently withdrawn from Examination in April 2020 on the advice of the Inspectors that it was fundamentally unsound. A number of parties objected to the proposed housing requirement of the JSP, however, this matter was never examined fully.
- The three authorities within the West of England Combined Authority subsequently moved on to the preparation of a Mayoral Spatial Development Strategy. An initial consultation exercise was undertaken in November 2020 supported by a Local Housing Needs Assessment which concluded that the housing needs of the three authorities were as follows:
 - Bristol City 63,920 homes
 - South Gloucestershire 28,240 homes
 - Bath & North East Somerset 12,960 homes

However, after this initial consultation, work on the SDS was abandoned as an agreement could not be reached between the unitary authorities as to how the housing needs of Bristol could be accommodated.

3. It is over ten years since the previous Core Strategy Examinations however we find ourselves in a very familiar situation. Once again Bristol City is proposing a housing requirement which is predicated upon the capacity of the urban area rather than the housing needs of its residents, and there is no suggestion from any of the neighbouring authorities in the HMA that they are proposing to work positively to accommodate some or all of the unmet needs. Indeed, in their previous Regulation 19 Local Plan, North Somerset Council made no allowance to accommodate any growth from Bristol, and in the most recent Regulation 18 consultation on the South Gloucestershire Local

Plan the Council concluded that *“the Council’s position is that it is not able to address BCC unmet needs, either wholly or in part”*.

4. Whilst these two neighbouring authorities do have areas of land which are subject to Footnote 7 constraints, there are large parts of the authorities which are not subject to such constraints. Furthermore, both areas have a considerable amount of developer interest with a large number and range of development options presented through ‘Call for Sites’ consultations. These include sites which were previously proposed for allocation by the authorities in the draft JSP and therefore evidently deemed sound by the authorities at that point in time. Should the political will exist, there is no doubt that Bristol’s unmet need could be accommodated within the HMA.
5. The consequences of not planning for the full housing needs of the HMA for over a decade are evidenced in our representations and not repeated in full here. Needless to say, housing affordability has worsened, rents have increased significantly and the number of households on the Housing Waiting List has risen consistently. If this under-delivery continues it will only serve to exacerbate the housing crisis for another decade.

Proposed Remedy

6. We acknowledge that BCC has a constrained administrative boundary and that there are competing land uses within the city which, together with other factors, suggest that BCC cannot accommodate all of its Local Housing Needs. We therefore have no objection to a capacity-led housing target in the BLP provided that BCC does all it can to accommodate the maximum scale of growth by adopting (a) a generally permissive policy context for residential development; and (b) a set of development management policies which enable the delivery of viable development rather than restrict growth. These issues are addressed in separate representations and covered by other matters at the Examination. Our objection relevant to this matter however is that BCC is simply not doing enough to increase the supply of housing across the HMA.
7. The representations that BCC submitted to the latest Regulation 18 consultation on the South Gloucestershire Local Plan demonstrate the lack of a clear commitment to addressing this challenge¹. Whilst this representation acknowledges that there is an unmet need of 1,132 dwellings

¹ See Appendix 2 of ‘Maintaining Effective Cooperation’

per annum, we contend that BCC should do more than simply “*note the challenges associated with this level of sub-regional growth*” and “*support working together to press for the resources and new infrastructure required to support it*”. We also strongly object to the idea that the issue could be delayed until an ‘early review’ of the Local Plan; the North Somerset and South Gloucestershire Core Strategies were supposed to have been reviewed by the end of 2018 and yet over six years later, neither plan is at Regulation 19 stage.

8. At present all the submission draft BLP states on this matter (at paragraph 6.8) is that:

“Although part of the assessed need for new homes can be met within Bristol, the evidence indicates additional homes will need to be delivered elsewhere to ensure that the city’s need for new homes does not go unmet. Bristol City Council has worked with the neighbouring councils of North Somerset, South Gloucestershire and Bath & North East Somerset to consider whether and to what extent those needs could be met in those areas. The local plans for those areas will address the approach to any unmet needs which they are able to accommodate.”

9. Rather than noting the challenges and adopting the passive tone in paragraph 6.8, we urge BCC to commit in the strongest possible terms to robust ongoing engagement; and contend that the Local Plan should set out the terms of that engagement. Given its importance, we consider this issue should be elevated from supporting text to policy wording. The policy text should set out clearly the magnitude of the unmet need and the BCC response so that it is clear to the neighbouring authorities and the Inspectors appointed to examine their Local Plans that they would be unsound unless they positively respond to the unmet needs of Bristol in accordance with the Framework.

10. A very similar issue existed in the Birmingham HMA at the time of the preparation of the Birmingham Development Plan (BDP)². Whilst elements of national policy in the Framework have evolved since, the Duty to Cooperate was in force as was a Framework requirement to accommodate unmet needs arising in neighbouring authority areas. In that instance, Inspector Roger Clews endorsed a Main

² An extract from the BDP Inspectors Report relating to this matter has been appended to this Statement.

Modification³ introduced through the examination process to the principal housing policy (equivalent to Policy H1 of the dBLP) which states that:

“Birmingham’s objectively assessed housing need for the period 2011 to 2031 is 89,000 additional homes. It is not possible to deliver all of this additional housing within the City boundary. The City Council will continue to work actively with neighbouring Councils through the Duty to Co-operate to ensure that appropriate provision is made elsewhere within the Greater Birmingham Housing Market Area to meet the shortfall of 37,900 homes, including about 14,400 affordable dwellings, within the Plan period. Policy TP48 provides further details on this.”

11. The Inspector also endorsed the introduction of the following text into Policy TP48 (Monitoring and promoting the achievement of growth targets):

“The Council will also play an active role in promoting, and monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city. This will focus on:

- The progress of neighbouring Councils in undertaking Local Plan reviews to deliver housing growth to meet Birmingham’s needs.*
- The progress of neighbouring Councils in delivering the housing targets set out in their plans.*
- The extent to which a 5-year housing land supply is maintained in neighbouring areas.”*

12. Whilst such policy wording does not (nor indeed could it) enforce a specific level of unmet need at each of the neighbouring authorities, it sets out a far more robust stance than the current wording of paragraph 6.8. We therefore strongly encourage the introduction of similar policy wording into the

³ See Birmingham Development Plan 2031 Proposed Main Modification Examination Document 155 (https://www.birmingham.gov.uk/downloads/file/2151/exam155_schedule_proposed_main_modspdf) Reference PMM2.



Bristol Local Plan and, crucially, urge BCC to follow this up with suitably robust engagement in the emerging Local Plans of the neighbouring authorities.

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Extract from the North Somerset Core Strategy Inspectors Report into Policy CS13 (11 March 2015)

34. The Council accepts that the Edge Analytics study does not look beyond the Council's own area and does not claim to have assessed the whole of any recognised HMA. Neither Edge Analytics nor the Council claim that the study amounts to a full SHMA. Although the Council is working co-operatively with its neighbours on the production of a joint SHMA and a cross-authority strategic framework, I have seen no clear evidence that any of this co-operative working has informed the preparation of Policy CS13 up to this point. None of the neighbouring authorities is claiming at this stage that North Somerset will need to assist in meeting their own housing needs. However, until the joint SHMA review is complete, the full circumstances surrounding what is clearly a complex HMA cannot be known.
35. In these circumstances, it is difficult to come to any other conclusion than that Policy CS13 has been prepared outside of any clear strategic context which would satisfy the requirements of the NPPF. This would be a serious failing for any Plan but even more so where there is a long-recognised inter-relationship between the housing market of the Plan area and that of an adjacent major city – in this case Bristol.

And

77. Whilst there is some evidence to suggest that the housing requirement is lower than it should be, I do not consider that the other evidence which has been put forward is so persuasive that I should necessarily accept it as an alternative to that provided by the Council. Given that the Council has given a firm commitment to a review of Policy CS13 before the end of 2018, I am satisfied that, if after pragmatic and realistic consideration in the light of the forthcoming joint SHMA, the housing requirement had been set too low, there would be a ready opportunity for the Council to promptly address any real backlog in housing provision which had built up.

Extract from the South Gloucestershire Core Strategy Inspectors Report (15 November 2013)

84. Without a NPPF compliant SHMA the degree of reliance that can be placed upon this figure is uncertain because it is not clear what the housing needs of the wider HMA are and whether joint working between the relevant authorities would require revisions to housing targets before the end of the plan period. There is, however, a reasonable expectation that any deficiencies in the information base will be identified through the findings of a new SMHA which can be taken into account in the review [RD69]. In these circumstances it would not be justified to delay this plan until the new SHMA is completed.
85. Subject to the Council undertaking an early review I am satisfied that the proposals in the CS (as modified by MM15) provide a basis for taking the Plan forwards. I have previously mentioned the potential role that land in the Green Belt may have in meeting further needs and a re-appraisal of this should be seen as a key component of the review process. The latter could incorporate the work being carried out for the PSPDPD leading to the production of a replacement local plan, should the Council decide to adopt this approach.
86. I therefore consider South Gloucestershire should aim to adopt a replacement plan as soon as reasonably possible. I previously felt this should be done prior to 202118 but the timetable for the newly instigated SHMA process means this can and should be brought forward so that a review/replacement plan is in place by the end of 2018. This would allow the Council sufficient time to take into account the implications of the SHMA, to assess its housing land supply position and the success of the new neighbourhoods in meeting housing needs. In addition, it would enable the Council to re-examine strategic development options, including any adjustments which may be required to Green Belt boundaries. Reference to the review date is included in MM15.
87. The outcome of the SHMA process also provides an opportunity for the Council to work with the other West of England Unitary Authorities in identifying future needs and pursuing complementary strategies capable of delivering and supporting economic and social growth across the sub-region. While the authorities are at different stages in plan-making and plan review activities I do not consider this invalidates such an approach, particularly as each authority will have to have regard to the Duty to Cooperate.

Birmingham City Council – Birmingham Development Plan, Inspector’s Report March 2016

61. Clearly, the supply of housing land in Birmingham is a long way short of meeting the objectively-assessed need for about 89,000 dwellings. Nonetheless, it will be clear from my findings elsewhere in this report that, on the available evidence, the allocation of additional sites within the city boundaries would not be justified. Accordingly, while submitted policy PG1 makes provision for the development of 51,100 additional homes²⁶, the reasoned justification makes it clear that the Council will work with neighbouring authorities to secure additional provision to meet the overall need. That is not a new situation: the evidence shows that for many years newly-arising housing need in Birmingham has outstripped the capacity of the city to meet it, and so a substantial proportion of Birmingham’s need has been met in other parts of the West Midlands.
62. The principal mechanism for achieving such provision outside the BCC area is now the duty to co-operate, introduced into the 2004 Act by the Localism Act 2011²⁷. In my IF I explained why I did not accept the argument put to me, that in order for the BDP to be found sound it would have to set out where the shortfall of housing provision in the city to meet Birmingham’s needs would be met, by reference to specific apportionments in other LPA areas. I noted that it is not within my remit, in examining the BDP, to specify how much land should be allocated for development in any other LPA area. That would require a separate Local Plan, or plan review, examination in each case.
63. Moreover, it would be inconsistent with the NPPF’s emphasis on the need to have up-to-date plans in place, to delay the adoption of the BDP until every other relevant council in the HMA had reviewed their Local Plan to provide for the Birmingham shortfall – a process that could take several years and would delay necessary housing development coming forward within the city itself. In particular, it would delay the release from the Green Belt of the strategic urban extension [SUE] site at Langley (considered under Issue E below).
64. NPPF paragraph 47 makes it clear that LPAs are to ensure that their Local Plan meets the full need for housing in the HMA, as far as is consistent with the NPPF’s policies, while paragraph 179 advises that joint working should enable LPAs to meet development needs that cannot wholly be met in their own areas. Thus there is a clear policy injunction on other LPAs to co-operate in allocating land to meet the shortfall in Birmingham. Adoption of the BDP will provide certainty as to the scale of the shortfall and the requirement for it to be met elsewhere in the Greater Birmingham HMA.

65. In my IF, I described the process that is being followed in order to arrive at an agreed distribution of the shortfall to other authorities in the HMA. Since then, the latest stage in the process has been the publication in August 2015 of the SHNS Stage 3 report, which identifies a series of options for meeting the shortfall. The bodies who commissioned the report (GBSLEP and the BCAs) together cover 13 LPAs across the West Midlands. The next stage is for the GBSLEP itself to assess the options and decide on a preferred option to take forward into the next iteration of its Spatial Plan for Recovery and Growth [SPRG].
66. Alongside this, so far seven LPAs in the HMA have committed themselves to a review of their adopted or emerging Local Plans, should this be necessary to address Birmingham's shortfall²⁸. All this is clear evidence of effective co-operation between LPAs with the aim of meeting the housing needs of Birmingham and the HMA as a whole. While the SPRG is a non-statutory document, both its preferred option and the evidence underpinning it are likely to be material considerations of significant weight when Local Plans are reviewed.
67. Nonetheless, I consider that the duty to co-operate places a particular responsibility on the Council to ensure, as far as they are able to, that appropriate contributions towards Birmingham's housing needs are made when other LPAs draw up or review their Local Plans. Thus MM2 is necessary to spell out in policy PG1 itself the full scale of objectively-assessed need, including the need for affordable housing, and that provision needs to be made elsewhere in the Greater Birmingham HMA, through the duty to co-operate, to meet the shortfall within the Plan period. Alongside that, MM3 is required in order to explain in the policy's reasoned justification the mechanism for achieving that objective. These modifications are necessary to ensure that the BDP is effective.
68. For the same reasons, new policy TP47 is inserted by MM84. It puts the onus on the Council, both to monitor housing land supply and delivery in the city and in other LPA areas, and to take an active role in promoting appropriate provision in Local Plans across the HMA to meet the shortfall in Birmingham. Those requirements are consistent with the duty to co-operate on cross-boundary strategic matters. In my view, they provide an adequate mechanism to secure provision to meet Birmingham's full housing needs over the Plan period. Should they nonetheless fail to bring forward sufficient housing, either within Birmingham or in the wider HMA, there is a fall-back provision in the policy requiring a full or partial review of the BDP to be undertaken as necessary.

69. As published for consultation, the requirements of MM84 were set out as part of the reasoned justification, but respondents made the valid point that they ought to have policy status in view of their importance to the achievement of the Plan's strategy. The Council will need to insert appropriate introductory text to the policy as an additional modification. In the light of consultation, the policy requirements themselves, and the monitoring indicators that would trigger them, have been refined in order to ensure that they are sufficiently precise and effective.
70. However, I see no need to change the period of three years (following adoption of the BDP) within which the new policy expects relevant Councils to have submitted a replacement or revised Local Plan for examination. That is a realistic period to allow for the SPRG to be finalised and for Plan reviews to be brought forward. Modified policy PG1 makes it clear that provision should be made within the HMA to meet the Birmingham shortfall in full by the end of the Plan period.
71. While the evidence at this examination demonstrates that around 51,000 dwellings is the maximum that can be provided in the city over the Plan period, it cannot be assumed that the same circumstances will necessarily prevail when any such review takes place. Thus any Plan review that may be required under the terms of the new policy will provide a genuine opportunity to reassess the capacity for housing provision in the city in the light of contemporary evidence. Having said that, setting a fixed date to review the BDP, independent of any evidence of a failure in provision, is unnecessary in the light of national guidance that most Local Plans are likely to require updating in whole or in part at least every five years²⁹.
72. Nor is it necessary for the strategic options set out in SHNS Stage 3 to be subject to SA, in order to meet the legal requirements for SA of the BDP. Clearly it would be sensible for SA of the strategic options to be carried out, as envisaged in my IF, as part of the process of arriving at a preferred option for distributing the housing shortfall across the HMA. But the effects of implementing the BDP itself arise from the policies and development proposals it contains, not from any development proposals that may be put forward in other Local Plans.
73. A number of responses to the MM consultation drew attention to the alternative method being adopted in the Coventry and Warwickshire HMA for meeting the shortfall in housing land supply in Coventry. A Memorandum of Understanding [MoU] has been drawn up, setting out the distribution of the shortfall to the other LPAs in the HMA, and I understand that all but one have signed it. It is

suggested that I should not find the BDP sound until a similar process has been carried out for the Greater Birmingham HMA.

74. Evidently I was not party to the discussions that led to the production of the Coventry and Warwickshire MoU, nor am I aware of all the evidence that has been presented to Local Plan examinations in that HMA. The MoU appears to be a useful means of securing agreement from LPAs to a proposed distribution of the housing shortfall, but the necessary first step must be to define the proposed distribution to each LPA. However that was done in Coventry and Warwickshire, the method being followed in the different and more complex circumstances of the Greater Birmingham HMA is the GBSLEP- and BCA-led process described above. No robust alternative method of arriving at an evidence-based distribution of the shortfall has been put before me.
75. It is understandable that there should be a desire to see more rapid progress, particularly as publication of the SHNS Stage 3 Report occurred some six months later than anticipated in my IF. However, I do not see how the NPPF objective of boosting housing supply would be assisted by delaying adoption of the BDP until the SPRG is finalised, and a MoU has been drawn up and signed by all (or most) of the 14 Greater Birmingham LPAs. There is no convincing evidence to show how taking that stance would speed up progress on the SPRG, or help bring forward Local Plan reviews across the HMA. In the meantime, land for over 5,000 dwellings in the Birmingham Green Belt would remain unreleased.
76. In short, delaying adoption of the BDP at this point would hinder rather than help achieve the goal of meeting housing need.