

# **Bristol Local Plan Examination**

## **Written Statement**

### **Matter 2: Housing Need, Requirement and Supply**

**Sovereign Network Group  
(Participant ID 461)**

1. Sovereign Network Group (SNG) submits this Statement in relation to the following Issue identified under Matter 2 of the Inspector’s Draft Matters, Issues and Questions (IN4a):

Issue 2.1: Whether the Plan establishes a housing requirement figure that is positively prepared, justified and consistent with national policy (Policy H1).

2. This Statement seeks to respond to the following Questions set out under the above Issue:
  - Q2.3a
  - Q2.3b
  - Q2.3c
  - Q2.4
3. SNG has engaged with the draft Bristol Local Plan at all stages of the emerging Plan process. A copy of the representations submitted during the most recent Regulation 19 consultation can be found at the following link as respondent number 461 and as part of a group submission under respondent number 486: <https://www.bristol.gov.uk/files/documents/7679-240508-catalogue-of-representations-received-may-24/file>

Q2.3a: Is the overall capacity figure of 39,798 dwellings based on a robust assessment of potential supply (including windfalls and ‘urban potential’)? Have all available sources of land for residential development been fully considered and robustly assessed?

4. Bristol City Council’s (BCC / the Council) own evidence demonstrates that not all available sources of land for residential development have been fully considered and robustly assessed. We explain this below via the Council’s evidence relating to two sites promoted by SNG through the emerging Plan process for residential development. Neither of these sites are proposed as allocations in the submitted Plan, despite the Plan falling short of planning to accommodate the objectively assessed need. These sites are listed below. The references cited are taken from the Strategic Housing Land Availability Assessment (SHLAA) dated April 2024 (EVEH01), which we understand to be the Council’s primary source of evidence on this matter.
  - *REP461a: Land at Castle Court, St. Philips Causeway, Arno’s Vale; and*
  - *REP461b: Land at Tramway Road, Brislington.*

5. To start, both of the above sites are listed by the Council within the SHLAA under Appendix C (Additional Promoted Sites). The introductory text to Appendix C states:

*“The sites are given an initial assessment for their constraints and development potential, with reference to standard density assumptions. A record is also made of the number of homes promoted by the representor, where available. The sites have not been progressed to allocation and consequently do not make a contribution to the housing trajectory.”*

6. The ‘initial assessment’ that the Council has undertaken for each site is provided below:

- *REP461a: Land at Castle Court, St. Philips Causeway, Arno’s Vale*
  - *Ward: Brislington West*
  - *Site Description*
    - *The site is currently in use as a car dealership.*
    - *The site has direct access from Castle Court / St Phillips Causeway.*
  - *Key Constraints*
    - *The northern end of the site falls within Flood Zone 2 and Flood Zone 3.*
    - *The site is marginally affected by areas at risk of surface water flooding.*
    - *The land is marginally affected by an emerging Flood Defence Policy Area.*
    - *The land is marginally affected by a designated Site of Nature Conservation Interest.*
  - *Site Information*
    - *Site area: 1.7 ha*
    - *Promoted for: Residential development*
    - *Density area: Inner (100 dph)*
    - *Theoretical capacity: 170 homes*
    - *Promoted capacity: 400 homes*
- *REP461b: Land at Tramway Road, Brislington*
  - *Ward: Brislington West*
  - *Site Description*
    - *The site is currently in use as a retail unit.*
    - *The site has direct access from Tramway Road.*

- *Key Constraints*
  - *The site is marginally affected by areas at risk of surface water flooding.*
  - *The adjoining land to the east has an emerging designation as Safeguarded Transport Links, Callington Road Link.*
- *Site Information*
  - *Site area: 1 ha*
  - *Promoted for: Residential development*
  - *Density area: Inner Priority (120 dph)*
  - *Theoretical capacity: 120 homes*
  - *Promoted capacity: 125 homes*

7. It is noted that Castle Court has been identified within the above text as being within the 'Inner (100 dph)' area. This is incorrect; the site falls within the 'Inner Urban Area (More Intensive)' as identified by draft Policy UL1 and where draft Policy UL2 suggests that a 'minimum net density' of 120 dwellings per hectare will be sought.
8. As is evident from the above, these are simply 'descriptions' of each site. There is no evidence of any assessment having been undertaken for these sites, and no conclusion is provided to demonstrate why either site has not progressed to an allocation or accounted for in the housing trajectory as a windfall site.
9. Furthermore, nothing from these 'descriptions' indicate constraints that would preclude the sites' allocations for residential-led development. Indeed, this is confirmed within the Council's response to Inspector's Document IN2 (EXA024) in response to Preliminary Question 18. The Inspectors asked:

*"PQ18. Appendix C of TCP001 [understood to be the SHLAA report (EVEH01)] includes sites that were promoted at Regulation 19 stage. Can the Council confirm whether or not those sites have been assessed using the same criteria as the allocations? Can the Council also confirm whether non-residential sites were proposed at the same stage and whether these have been assessed on this basis?"*

10. In response, the Council said the following:

*"Appendix C of the SHLAA assesses the 13 sites submitted at the regulation 19 stage for their constraints and development potential with reference to standard density assumptions, in a manner comparable to the development allocation process. The potential future development of these 13 sites is not ruled out by the local plan. They are not subject to designations which would preclude some form of residential development. All sites promoted at Regulation 19 proposed an element of residential development, although several of the sites were promoted for mixed use development."*

11. The Council's response confirms that their methodology for assessing sites was comparable to the development allocation process, with reference to standard density assumptions; the Council did not confirm that it applied the same methodology for assessing these sites.
12. This is concerning, as the Regulation 19 representations submitted by SNG included a substantial amount of architectural and technical evidence (DA1 Representations: Appendix A and Appendix G respectively, as available at the following link: <https://files.smartsurvey.io/a/VV7Q1CGX/DA1%20-%20SNG.pdf>) to demonstrate that Castle Court would be both deliverable and developable. This evidence included:
  - a design Vision Document which demonstrated how the site could be developed;
  - a Flood Risk Assessment;
  - a Drainage Scoping Assessment;
  - a Historic Environment Desk-Based Assessment;
  - a Preliminary Ecological Survey;
  - a Tree Survey and Tree Constraints Report; and
  - a Preliminary Interpretive Ground Investigation Report.
13. Despite this information being provided to the Council in January 2024, three months before the SHLAA was published in April 2024, there is no evidence to demonstrate that the Council considered this evidence when it chose not to allocate land at Castle Court for development in the emerging Plan. The Council has been aware of SNG's aspirations for the site since 2019, and this has been communicated to the Council throughout the plan-making process through Call for Sites submissions in 2020 and 2023, and representations at Regulation 18 and 19 stages.

14. Demonstration of SNG’s aspirations for the residential-led redevelopment of the site have also been provided outside of the plan-making process. Public consultation took place in August 2022, the proposal was presented to the Design West Design Review Panel in May and September 2022 (both of which sessions were attended by Council officers), and the Council provided pre-application feedback on the proposals in a letter dated 1 August 2022. In this feedback, the Planning Officer concluded “*Based upon the information that you have submitted, and the consultation responses received from the Council’s internal departments to date, I am of the opinion that the principle of mixed-use redevelopment on the site can be supported in land use terms.*” It is therefore clear that they do not consider there to be any overriding impediment to residential led redevelopment of the site.
15. While SNG’s promotion of Land off Tramway Road was limited to a Call for Sites Form submitted at Regulation 19 stage, again there is no evidence provided within the SHLAA to demonstrate that a robust assessment of the site was undertaken.
16. Although these examples are limited to two sites, these, along with the Council’s response to Preliminary Question 18, serve to confirm that the evidence underpinning the selection of sites within the emerging Plan has not explored all options and is not robust and justified.
17. There is no clear rationale why a site such as Castle Court which has been known to the Council for a number of years, has in-principle support from Council Officers, has been supported by a wealth of evidence, and has been recognised by the Council as not having “*designations which would preclude some form of residential development*” has not been fully assessed nor, in turn, allocated for development within the draft Local Plan.
- Q2.3b: Does the evidence demonstrate there are no other sustainable sites for residential development within the plan area during the plan period, including sites allocated or in use for other uses?
18. The Council’s evidence fails to demonstrate that there are no other sustainable sites for residential development within the plan area during the plan period.
19. Notwithstanding the representations made above in response to Q2.3a, the primary source of evidence provided by the Council relating to this question is considered to be the Council’s Sustainability Appraisal (‘SA’) (CSD004).

20. Table 15 (*Predicting and evaluating the effects of Publication Version November 2023 Draft Local Plan Site Allocations against Appendix 2 Framework to inform the prediction and evaluation of the effects*) of the SA assesses each of the draft development allocations against the draft Policies of the plan. This table does not include any assessment of the sites which were submitted to the Council but not put forward to allocation by the Council. It has not, therefore, assessed all reasonable alternatives as is required within an SA.
21. In the absence of site-specific Sustainability Appraisals by the Council, SNG undertook SAs of the site at *Castle Court* and *Land off Tramway Road* using the same methodology applied by the Council in their SAs of allocated sites. These were included within SNG's representations submitted at Regulation 19 stage (Appendix C and F of those representations respectively, available at the following link: <https://files.smartsurvey.io/a/VV7Q1CGX/DA1%20-%20SNG.pdf> ).
22. Both *Castle Court* and *Land off Tramway Road* scored positively across almost all metrics assessed within these SAs. No certain negatives were identified for either site. In comparison, a number of sites which attracted negative scores within the Council's SA were progressed to allocation. This is not to suggest that those sites should not be allocated, but to note that there are sustainable sites available (such as *Castle Court* and *Land off Tramway Road*) that have not been considered within the SA nor identified for allocation.
23. The evidence provided by SNG at Regulation 19 stage demonstrates that there are sustainable sites which could be allocated for residential development, and that there are reasonable alternatives for development that the Council has not considered within its SA.

Q2.3c: Is the Plan sufficiently proactive in seeking to maximise the delivery of residential development on appropriate sites, including those which may currently be in alternative uses (such as existing employment land)?

24. The Plan is not sufficiently proactive in maximising the delivery of residential development on appropriate sites. Particular concern is raised regarding the potential issues created by the policies of the draft Local Plan on sites that were most recently in employment-providing uses and would be redeveloped for residential uses.

25. It is recognised that policies of the draft Local Plan encourage the application of minimum residential densities at sites where planning applications are submitted.
26. Of greatest relevance to this question, SNG submitted representations on draft Policies E5 and E6a at Regulation 19 stage. These representations are available at the following links respectively: <https://files.smartsurvey.io/a/JFKTLS44/E5%20-%20SNG.pdf> and <https://files.smartsurvey.io/a/3TXMMIY8/E6a%20-%20SNG.pdf>
27. For context, Policies BCS8 and DM13 of the adopted Local Plan designate a number of areas as 'Principle Industrial and Warehousing Areas' (PIWAs). The Policy text states that applications that involve the loss of industrial or warehousing floorspace in PIWAs "*will not be permitted*" unless they are for a use stated within the policy text or the application demonstrates there is no demand for the site for industry or warehousing (as existing or redeveloped for new premises) and that it would not prejudice the function or viability of the rest of the PIWA. Castle Court is located within an area identified as a PIWA.
28. The draft Local Plan removes all PIWAs and instead identifies a number of Industry and Distribution Areas (IDAs) under draft Policy E5 where the loss of industrial and distribution floorspace/land "*will not be permitted*" unless it is for a use specified within the policy and is compatible with the industrial character of the area and would not adversely impact on the viability and continued operation of existing uses. Castle Court is not located within an IDA. The deallocation of Castle Court as PIWA land and it not being re-designated as within an IDA is supported as set out in SNG's representations.
29. However, the wording of draft Policy E5 was considered unsound. Within the representations, it was noted that the policy as drafted would not provide allow for flexibility for land within IDAs to be redeveloped for alternative uses (such as housing) if there is an unmet need or demand for those uses, contrary to Paragraph 126 of the NPPF (December 2023). Residential-led applications within IDAs would be opposed by this policy even if there was a clear and evidenced need for residential development at sites within IDAs. This would act to limit housing delivery over the plan period.

30. Further, draft Policy E6a was also considered unsound. In the context of Bristol's chronic housing undersupply, requiring new residential-led mixed use development to provide workspace on-site is not the most effective use of land. The policy effectively acts to reduce the density and, potentially, viability of residential development on brownfield sites in favour of providing workspace.

31. Further, requiring proposals seeking the redevelopment of formal employment land (presumably because there is less demand for employment floorspace in that location) to then re-provide some form of employment use encourages the speculative development of employment floorspace in areas where such uses are clearly not desired by the occupier market.

Q2.4: Further to the above, the response to PQ18 refers to sites suggested as part of the Regulation 19 consultation. This concludes that development is not ruled out by the local plan as they are not in any designations that would prejudice some form of development. Does this have any implications for the estimated capacity of the City, or the assumptions made relating to windfall or urban capacity?

32. The estimated capacity of the City has not taken account of all of the sites that have been submitted for consideration as allocations, and places an over-reliance on 'windfall sites' (as defined within the Glossary of the NPPF as a site "not specifically identified in the development plan.")

33. Local Plans must be proactive and provide certainty as to what is and is not acceptable. The approach adopted by the Council to not assess and allocate sites at Plan-making stage, simply allowing them to be submitted as windfall sites, is not considered a proactive or plan-led approach.

34. Despite this, the Council's strategy places a minimal priority on allocating sites for residential development. The Housing Need and Supply Topic Paper (April 2024) (TPC004) includes the following table of what the Council views as 'sources of deliverable housing supply to 2040'.

Source	Capacity
Areas of growth and regeneration	20,386
Planning permissions	9,087
Existing development allocations	1,381
Proposed development allocations	1,125
Green Belt locations	1,400
Small sites windfall	3,600
Urban potential	2,219
Student accommodation	600
<b>TOTAL</b>	<b>39,798</b>

35. As can be seen in table above, only 2.8% (1,125 of 39,798) of the total number of homes over the plan period would come from proposed development allocations.
36. Areas of Growth and Regeneration (AGRs) are broad areas where the Council has indicated that certain forms of development could be supported by an associated policy, but they do not in themselves allocate individual sites for development. Individual sites within these areas must come forward through the planning process before the principle of their redevelopment is established. In that regard, homes that are suggested to come forward within such areas should also be considered 'windfalls'. Whether such windfalls would also be considered 'deliverable' or 'developable' without any supporting evidence demonstrating this is also queried.
37. The definition of 'urban potential' is not provided within the Topic Paper. The Bristol Urban Potential Assessment 2020-2040 (November 2023) (EVEH02) provides the following definition:

*A site is considered to have 'urban potential' until such a time as it is formally allocated for development in an adopted local plan, or it is actually redeveloped for new homes or other uses. Consequently, the Urban Potential Assessment includes sites that already have planning permission or emerging allocations for development but where actual redevelopment has not yet taken place. When wider calculations are carried out on Bristol's potential housing land supply, account is taken of this overlap to avoid duplication and double counting.*

38. The number of 2,219 homes stated within the Topic Paper is not stated within the Urban Potential Assessment so it is unclear how this number has been derived. However, the definition of an Urban Potential site provided above effectively aligns with the NPPF's definition of a 'windfall site'.
39. When Areas of Growth and Regeneration, Small Side Windfalls, and Urban Potential Sites are considered as 'windfall' sites, this represents 65.8% (26,205 of 39,798) of the capacity identified by the Council. This is an extremely high level of the plan's housing capacity which has not been effectively planned for or demonstrated to be developable, deliverable or available.
40. Allocating land through the Local Plan process can provide certainty to the development industry that the principle of a development is established. Further, allocations within a Local Plan establish a principle of development for a site for the entire plan period, unlike planning permissions, which are typically subject to time limits on their implementation.
41. The approach adopted by the Council does not provide certainty to the development industry as it relies on speculative planning applications being submitted by developers. In addition, the current strategy chooses not to allocate sites with extant planning permissions. If such a permission is not implemented, the principle of development at that site for that use may be considered expired. This approach misrepresents the level of development that could come forward in the plan period as the 9,087 homes listed in the table could expire within the first years of the Plan.

WORD COUNT (excluding cover page and extracts within text boxes): 2,886