
Bristol Local Plan Examination –
Hearing Statement
**Matter 1: Legal, Procedural and
Other General Matters**

On behalf of Crest Nicolson

February 2025

The logo for ORIGIN3 features a stylized orange circle on the left, followed by the word "ORIGIN" in a grey, sans-serif font, and a large "3" in the same grey font.

Planning . Design . Development

DOCUMENT	BCC Local Plan Examination – Hearing Statement Matter 1
ISSUE DATE	
DOCUMENT STATUS	FINAL
REVISION	
AUTHOR	RG
CHECKED BY	

© The contents of this document must not be copied or reproduced in whole or in part without the written consent of Origin3. All plans are reproduced from the Ordnance Survey Map with the permission of the Controller of HMSO. Crown Copyright Reserved. Licence No. 100020449.
Origin3 is a limited company registered in England and Wales. Company Registration No. 6370231
Registered Offices: 23 Westfield Park, Redland, Bristol, BS6 6LT
T: 0117 980 4900 E: info@origin3.co.uk W: www.origin3.co.uk

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

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?

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?

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?

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?

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?

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?

1.1 Section 33A of the Planning and Compulsory Purchase Act 2004 requires that Councils who are engaged in the production of Development Plan Documents must “engage constructively, actively and on an ongoing basis” with neighbouring authorities and other Duty to Cooperate bodies on cross boundary issues, during the course of preparing the plan.

1.2 Bristol City Council have set out in PAL006 Joint SoCG BCC BNES SGC 25.04.2024 and in PAL007 Bristol City Council and North Somerset Statement of Common Ground at April 2024 how they believe that they have complied with the Duty to Cooperate with their neighbouring authorities. Particularly in the case of establishing an agreed position relating to accommodating unmet housing need arising in the Bristol City Council area, PAL008 Letter from BCC to B&NES, SGC and NSC – Duty to Cooperate – 31 October 2023 then shows the City Council notifying its neighbouring authorities that a quantum of unmet need exists and requesting assistance in accommodating that unmet need.

1.3 Clearly the Inspectors have concerns regarding the fulfilment of the Duty to Cooperate. Question PQ1 of the Inspectors' Preliminary Questions requests further details of the way in which the Council have engaged with neighbouring authorities. Further, Question SPQ1 requests that the Council produce a Duty to Cooperate Topic Paper or Statement providing this detail. The Council subsequently produced EXA036a SPQ1 DTC Maintaining effective cooperation topic paper.

1.4 The Duty to Cooperate is clearly not a Duty to Agree. The outcomes of the exercises to fulfil the Duty are however matters which may affect the soundness of the plan. Nevertheless, given the importance of the need to understand the level of unmet housing need arising in the Bristol City Council area, and the need to understand how that unmet need will be accommodated, our clients are concerned that the Duty to Cooperate may not have been used effectively to address these matters. Our clients therefore have two concerns on this issue:

1. That the consideration of the Duty to Cooperate in relation to the Bristol Local Plan should take account of the recent changes to the National Planning Policy Framework – acknowledging that the Local Plan is being examined under the previous December 2023 version of the Framework.
2. That the consideration of Bristol’s unmet housing need has not been seriously addressed by neighbouring authorities through the Duty to Cooperate.

Recent Changes to the NPPF

1.5 Topic Paper EXA036A was published by the Council in response to the Inspectors Supplementary Preliminary Question SPQ1. It provides more detail on how the Duty to Cooperate has been complied with.

1.6 Paragraphs 18 and 19 of the Topic Paper set out the Council’s position that the Duty to Cooperate is obsolete, given that the Government now intends to set out a series of new strategic plans which will coordinate development across wider areas, and that the Levelling Up and Regeneration Act will revoke the Duty. Paragraph 19 goes on to say that despite the changing context, the City Council has complied with the Duty and that this compliance is reflected within the new local plan and the on-going processes of cooperation.

1.7 Although it is correct that the Government clearly intends to replace the Duty with new strategic planning processes, it is also clear that the system of producing strategic plans, and even the geographical areas that they will cover, have not yet been decided. It seems likely that it will be several years until strategic plans are being formulated and put into place, and clearly during that time the Duty to Cooperate will remain as the only mechanism for addressing cross boundary strategic matters.

1.8 It is also notable that the new NPPF published in December 2024 maintains the paragraphs setting out how the Duty to Cooperate should apply, and reinforces the Duty in the way that it applies to consideration of unmet need:

1. Paragraph 24 of the new NPPF sets out that “Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs”

2. Paragraph 26 of the new NPPF sets out that “Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, **and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.**”
3. Paragraph 27 (b) of the new NPPF sets out that: “In particular their plans should ensure that: b) unmet development needs from neighbouring areas are provided for in accordance with paragraph 11b;”
4. Paragraph 36(a) of the new NPPF sets out that to be effective a Local Plan should be “based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred”,

1.9 From these elements of the NPPF, much of which has been retained from previous versions of the NPPF, it is clear that the Government still sees the Duty as a crucially important part of the plan making process, and particularly in the matter of ensuring that housing needs are met, and that unmet need is accommodated.

1.10 In the case of Bristol City, these factors are exacerbated given the close relationship between the City Council, the other West of England Combined Authority Councils (South Gloucestershire and Bath and North East Somerset) and North Somerset. The urban area of Bristol extends into these authorities, and housing need is therefore a clear cross boundary strategic matter. Each Local Authority is at a different stage in plan making, meaning that the new NPPF will be applied to some (B&NES and North Somerset) while the previous NPPF will be applied to others (Bristol City and South Gloucestershire). It is therefore of importance that the Duty is followed to ensure that housing needs are met.

Has Bristol’s Unmet Need been Properly Addressed through the Duty?

1.11 The City Council has set out in the Topic Paper EXA036A the various ways in which the matter of Bristol’s housing need has been considered.

1.12 It seems clear that the matter of unmet need has been discussed with neighbouring authorities many times through various plan making exercises:

1. The Joint Spatial Plan 2017 was the first attempt to address housing need across the wider area. However, the Spatial Plan was withdrawn from Examination in April 2020, meaning that the question of whether Bristol’s unmet needs were being properly addressed was not answered.

2. The West of England Spatial Development Strategy was the plan which was intended to replace the Joint Spatial Plan. However, in May 2022 its production was halted because “unanimous agreement on the plan by the councils has not been reached.” It is understood that the matter of the distribution of housing need across the plan area was one area on which agreement could not be reached.
3. From May 2022, the three WECA authorities published a statement setting out that “The issue of housing need will now be addressed through individual Local Plans for each of the local councils. The councils will continue their longstanding history of joint working and cooperate with each other and with other key bodies on strategic, cross boundary matters as they prepare their local plans.”
4. It is therefore of note that the Bristol Local Plan is the first plan of the three WECA authorities (and also of the wider area including North Somerset) to be examined, and therefore the first at which the matter of whether the local authorities have addressed the issue of housing need effectively will be assessed.

1.13 The Topic Paper sets out that since May 2022, discussions between the local authorities have involved:

1. The Cabinet Members meeting on 31st January 2023. The meeting seems to have simply been informed that Bristol would have an unmet need and that a request would be made to neighbouring authorities to assist in meeting that need.
2. The Planning Inspectorate Advisory Visit of 27th September 2023. Although this meeting considered the importance of Bristol’s unmet housing need, none of the other local authorities appear to have been involved and therefore it seems unclear as to why this meeting fulfils the Duty to Cooperate.
3. The letter of 31st October in which the City Council formally set out that they could demonstrate an unmet need and sought assistance in meeting that need.

1.14 In addition, the City Council have clearly also been engaging in discussions relating to the plan making processes in neighbouring authorities. Clearly, the effectiveness of that engagement will be examined once those plans reach Examination. However, it is also notable that only B&NES are yet to formally respond to Bristol’s request for assistance in meeting housing need, and that South Gloucestershire and North Somerset have responded to say that they are unable to accommodate any unmet needs.

1.15 The City Council then sets out that it will continue to cooperate through continuing routine liaison meetings of officers including West of England Combined Authority officers; Preparation and consideration of joint evidence; Plans consultations; and Elected member meetings.

- 1.16** It therefore is clear that the matter of Bristol’s unmet need has been repeatedly raised through several plan making processes, culminating in the formal request of October 2023. The Duty to Cooperate requires constructive, active and ongoing engagement – but clearly the fulfilment of this requirement needs all of the partners to participate in the same constructive manner in order for engagement to be effective and to not simply defer the matters under discussion.
- 1.17** Our client’s concern is that despite Bristol City Council repeatedly raising the matter of unmet housing need, the matter has not been constructively or effectively addressed across the wider area. With the Bristol Local Plan the first to be examined; with the level of unmet need now being crystallised by the housing targets published alongside the new NPPF and by the Bristol Local Plan housing requirement (on which we comment under Matter 2); and with ongoing Local Plan processes taking place in South Gloucestershire, North Somerset and B&NES we feel that it is important that the Examination of the Bristol Local Plan sets out a clear message for neighbouring local authorities regarding Bristol’s unmet housing need.



ORIGIN3

Planning . Design . Development

23 Westfield Park, Redland, Bristol, BS6 6LT

0117 980 4900 | info@origin3.co.uk | www.origin3.co.uk