

Examination of the Bristol Local Plan 2022-2040

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IN8: Action Points Matters 5-16 (Weeks 3-5)

Introduction

Further to the discussions on the above Matters in weeks 3 to 5 of the hearing sessions, the following actions are required by the Council. We consider these to be necessary at this stage of the examination to inform our consideration of whether the Plan is sound or legally compliant. It is likely that we will identify additional actions relating to the matters discussed during these sessions in due course. The following sets out what was agreed during the sessions and/or our initial thoughts on some of the matters discussed.

We may also decide that other or different main modifications are required, including to the parts of the Plan that we refer to below. Reasons for any modifications that we ultimately decide are necessary will be set out in our final report. Where we have asked for a main modification to be drafted, this should be added to the proposed main modification schedule in due course. Where the Council has already suggested a main modification, then this should remain in the schedule unless or until we advise otherwise.

Please note that if a policy or policies are not referred to below, or an issue that was discussed is not addressed, it does not mean we have necessarily come to a view they are sound. There are matters that we are still considering, and we shall set out our thoughts on these in subsequent correspondence.

As discussed during the final hearing session, the Council should advise us of when we should expect the actions to be completed. This will have implications for next stages in the examination.

General actions

The Council should draft modifications for our consideration which ensure that policies only “have regard” to documents, such as supplementary planning documents. The Council should also consider whether it is necessary for the policy to refer to such documents at all and whether any such references should be in the explanatory text only.

Matter 5 – Green Belt (Issue 5.3)

Policy DS11

For Elsbert Drive, the Council should prepare a Statement of Common Ground with relevant landowners, site promoters and the neighbouring local authority. This should focus on matters of access and delivery.

The Council also undertook to check whether Elsbert Drive is affected by the North Somerset and Mendip Bats SAC and report back to us and/or suggest main modifications accordingly.

In addition, draft potential modifications for our consideration which:

- provide clarity in the policy about the scale and type of development being sought in each allocation;
- provide clarity about how masterplan(s) will be prepared and controlled;
- for Ashton Vale, provide detail and clarity about any relevant development considerations including, but not limited to, flooding and drainage, biodiversity, transport and means of access, affordable housing and contamination. The Council should also consider whether the requirement of a masterplan would also be relevant to this site in the event the current planning permission is not implemented;
- for Elsbert Drive, provide detail and clarity about any additional relevant development considerations including, but not limited to, transport and access, affordable housing and self-build. This should include matters which the Council consider important in guiding the required masterplan. The Council should also consider setting out what would be acceptable if the corresponding site in North Somerset is not forthcoming; and
- provide clarity about the boundaries on the aerial photographs on page 51. For example, do these identify the extent of each allocation, or the area to be removed from Green Belt, or both.

Policy DS12

Draft modifications to Policy DS12 for our consideration which:

- provide clarity in the policy about the scale of development expected and what non-residential uses would be considered acceptable as part of any mix;
- provide clarity about the scope of any masterplan(s) and how it will be expected to be prepared and controlled;
- remove specific affordable housing requirement and refer to Policy AH1 only; and
- provide clarity about the role of the park and ride site, including how development will be assessed if it does not form part of an application, how such applications would be expected to address the park and ride site in terms

of any masterplan and whether it would have any bearing on scale, layout or access.

Matter 6 – Infrastructure, developer contributions, social value and community facilities

Policy IDC1

Draft suggested modifications for Policy IDC1 for our consideration which:

- clarify that the policy does not seek to remedy existing infrastructure deficiencies; and
- provide information in the explanation on how the Council assess 'geographically or functionally' as set out in the first bullet of the policy.

Policy SV1

The Council should give consideration as to whether the suggested trigger points for the submission of a Social Value Strategy is proportionate. In addition, the Council should draft suggested modifications for our consideration, detailing:

- how such a strategy would be secured and, if necessary, enforced; and
- how the monitoring of such a Strategy would take place.

Policies CF1 and CF2

The Council should consider whether modifications are necessary to how 'community facilities' are defined in policies CF1 and CF2.

Policy CF1

The Council should prepare suggested modifications for our consideration which:

- addresses whether locations other than a centre may be an accessible location for residents;
- explains how the 10% figure of floorspace is to be calculated;
- considers whether the trigger point for the provision of such facilities is proportionate;
- explains how affordable rent will be calculated, and secured; and
- explains whether community facilities can be merged, from separate developments, to create a larger (and potentially more flexible) facility.

Policy CF2

Modifications should be drafted for our consideration which explain:

- how appropriate replacement facilities might be assessed;
- how a suitable location will be identified; and,
- how these matters will be secured.

Matter 7 – Other Housing Policies

Policy AH1

In addition to those already put forward, draft further potential modifications to policy AH1 for our consideration which:

- reflects Diagram 6.1 and the table under paragraph 6.21, and which sets out how the policy is intended to be implemented on a geographical basis;
- remove reference to the ‘threshold approach’ to the City Centre;
- remove reference in explanatory text to development in the City Centre being delivered in an 18-month period;
- clarify when viability assessments would be required and removes suggestion that applicants would need to identify the maximum level of affordable housing that could be delivered where the minimum required will be met (first bullet point on page 70);
- makes it clear that, where a viability assessment confirms the minimum requirement required by the policy is not viable, but the Council still considers development to be acceptable, providing the shortfall through other mechanisms is not necessarily determinative;
- makes it clear that developers will not be required to agree to work with the Council to deliver more than the required affordable housing requirement, where the minimum has already been met (fourth bullet point on page 70);
- remove reference to the Affordable Housing Practice Note from the policy; and
- make further modifications to those already suggested to remove suggestion of a ‘rolling review’ of affordable housing percentages.

We would be content for the Council to set out any further comments it may have on the operation and intent of the policy and the implications of suggested modifications for our further consideration.

Policy BTR1

Draft further potential main modifications to those already suggested for our consideration which:

- remove or amend reference to development being ‘in accordance with’ further supplementary planning documents, masterplans or spatial frameworks; and
- remove reference to the Affordable Housing Practice Note and any reference to a ‘rolling review’.

Policy H4

Draft further potential main modifications for our consideration which amend the fourth bullet point to make it clear that the aim is not to *cause* harm through development, as opposed to addressing existing issues.

Policy H5

Draft further potential main modifications to those already suggested for our consideration which:

- identifies a mechanism by which the requirement for self-build could/would be set aside in certain circumstances;
- provide clarity as to which, if any, of the areas of growth and regeneration are likely to be suitable for self-build. The Council are also asked to consider how the requirement to deliver self-build in these areas would be achieved. Consideration should be given as to how this might be addressed either in the policy and/or explanatory text; and
- clarifies how the Council will assess the requirement for local community support, with regard to development affecting Reserved Open Green Space.

Policy H6

Draft further potential main modifications to those already suggested for our consideration which:

- provides further detail in the explanation as to how criteria i. (a, b and c) would be assessed; and
- provides detail in the explanation which reflect how the policy is applied in practice.

Give consideration as to whether there are any instances where paragraph 6.63 may be applied more flexibly (for example where the houses are detached properties with a degree of physical separation), and either provide reasons why not or draft any potential modifications to the explanation accordingly.

Give consideration as to how proposals for co-living proposals would be considered against the policy and either provide succinct reasons for it not being covered or draft any potential modifications to the policy/explanation accordingly.

Policy H7

The Council were asked to produce a Statement of Common Ground with the University of Bristol in relation to the University of Bristol sites in relation to policy DS1.

- This should now include an agreed position on policy H7/paragraphs 6.78-6.79 relating to the part of the policy which deals with purpose-built student accommodation provision at University of Bristol residential sites.
- It should include whether the limit on the total number of bed spaces at the Clifton and Stoke Bishop campuses is justified or whether there are alternative approaches which would be appropriate, specifically in respect of these sites.
- The Statement should suggest main modifications accordingly and set out any remaining areas of disagreement on this element of the policy and explanation.

The Council should confirm whether any of the areas of growth and regeneration have already met their bedspace totals through planning permissions and/or completions, and in other areas, whether there has been any additional provision since the date of the Topic Paper.

Draft further potential main modifications to those already suggested for our consideration which:

- provide further detail in the explanation as to how the first bullet in the first paragraph would be assessed.

Give further consideration as to whether the third and fourth bullets under the general provisions are consistent with each other and necessary, and draft further potential main modifications as required.

We would be content for the Council to set out any further comments it may have on the operation and intent of the policy and the implications of suggested modifications for our further consideration.

Policies H8 and H9

Draft further potential main modifications to those already suggested for our consideration which ensures the policy on Building Regulations M4(3) reflects the suggested modification to the explanatory text, with particular regard to wheelchair adaptable homes being the primary requirement, and wheelchair accessible homes being only where the occupant is nominated by the Council.

Matter 8 – Economy and Inclusive Growth

Policy E2

Draft main modifications for our consideration which:

- rationalise the policy and remove any unnecessary duplication.
- set out what the relevant use classes are within the policy.

Policy E3

Draft main modifications for our consideration which ensures clarity and consistency of definitions in the third and fourth bullet points. This is in terms of the correct terminology for 'regeneration areas' and setting out what is meant by other areas suitable for office development.

Policy E4

Draft additional main modifications for our consideration which:

- provide clarity about the nature and scale of development envisaged at the four allocations.

- other than flood mitigation, consider whether there are other development considerations which could be important in preparing and determining planning applications. This could include, but not be limited to, matters relating to biodiversity. These should be relevant to all forms of development that may come forward.
- clarify what is expected in terms of renewable energy, including whether it should complement and not prejudice the employment generating role of the area.
- ensure policies and guidance relating to renewable energy is consistent with current national policy.
- Modify the policy and/or diagram 7.1 to make it clear which allocation is which.

The Council undertook to provide a note on whether there was scope for Hallen Marsh to provide for additional biodiversity mitigation to accommodate the proposed allocations. Following this, the Council may wish to consider whether any further modifications are necessary to ensure satisfactory mitigation can be provided.

Policy E5

Draft additional main modifications for our consideration which:

- clarify and rationalise the policy such that the relationship between the bullet points and criteria i. and ii. are clear.
- provide examples in the explanatory text of the types of sui generis use that would fall within the scope of the policy.
- in relation to ancillary uses, ensure the policy is clear that such uses would also be acceptable in Maritime Industry Areas.

Policy E6A

Draft main modifications for our consideration which:

- provides clarity about what is meant by new 'workspace' in the context of this policy.
- sets out a mechanism by which applicants can justify not delivering "workspace". This could, for example, have regard to the overall scale of development and whether workspace would be deliverable, the likely attractiveness of the area or site for workspace floorspace, or the contribution the current site might be making to the employment land supply or economy.
- sets out relevant thresholds within the policy. In this regard, the Council also undertook to consider whether the threshold set out in paragraph 7.42 is likely to be reasonable or deliverable.
- clarifies whether or not allocations in Policy DA1 and Areas of Growth and Regeneration would fall within the scope of the policy. The policy should also be clear about what is meant by "other locations to which specific provisions apply".

Policy E6

In the first instance, the Council undertook to consider various issues relating to this policy including whether a requirement for affordable workspace, or mechanism for calculating what would be required, could be derived. We shall consider what further actions, or modifications, may be necessary once the Council has provided a response.

Policy E8

Draft main modifications for our consideration which removes or modifies the reference to encouraging competition and consumer choice.

Matter 9 – Centres, shopping and the evening economy

Policy SSE1

Draft main modifications for Policy SSE1 for our consideration which:

- add a reference to the fact that the hierarchy is shown on the Policies Map;
- provide clarification in the explanation on what is meant by ‘intensity’ in the fourth paragraph of the policy; and
- provide clarification in the explanation on what is meant by ‘underused’ in the section of the policy that relates to Residential Uses.

Policy SSE2

The Council should give consideration as to whether the policy text or explanation should provide information on Article 4 directions and propose any draft main modifications accordingly.

Policy SSE3

Draft main modifications for Policy SSE3 for our consideration which:

- incorporate the wording or similar from paragraph 34-36 of the Council’s statement on Matter 9 (BCC09) into the explanation, which will indicate how ‘neighbourly’ in the third paragraph of the policy will be assessed; and
- incorporate the wording or similar from paragraph 37-38 of the Council’s statement on Matter 9 (BCC09) into the explanation, which will indicate how the loss of cultural venues and night-time economy uses in the fifth paragraph of the policy will be assessed.

Policy SSE4

Draft main modifications for Policy SSE4 for our consideration which provides detail in the explanation of the use of relevant Article 4 directions within the City.

Policy SSE5

The Council should consider whether the requirement for proposals to not prejudice future developments is precisely worded. In addition, consideration should be given to whether temporary car parks would be unacceptable in all instances. The Council is requested to prepare a modification and submit this for our consideration.

Policy SSE6

The Council should consider if the criteria provide sufficient certainty for future developers and decision-makers and, if not, a modification should be prepared and submitted for our consideration.

Policy SSE8

The Council should consider whether the phrases 'adequate' and 'diverse' are necessary to enable a future decision-maker to be able to assess a proposal particularly as the policy specifies maximum distances between public houses and draft a modification for our consideration.

Matter 10 – Biodiversity and Green Infrastructure

Policy BG1

The Council to consider whether:

- examples of how policies might be implemented (first two bullet points) would be more appropriately set out in explanatory text.
- reference to Green Infrastructure Statements should be removed from policy and referred to in the explanatory text, as a means of demonstrating compliance with the policy.
- the section on Green Infrastructure Standards is sufficiently clear about what is required and what is voluntary.

Policy BG2

Draft additional modifications for our consideration which:

- ensure the policy is clear and consistent with national policy with regard to the mitigation hierarchy, in particular, but not limited to, the expectation that harm should be avoided in the first instance.
- ensure that policy relating to irreplaceable habitats is fully consistent with paragraph 180c of the NPPF. The Council may wish to consider whether an approach similar to that adopted to International and National designated sites, insofar as they refer to national planning policy, would be appropriate.
- consider whether the approach set out under 'Local Designated Sites' is consistent with what is set out in the final paragraph of page 126, with particular

regard to whether it is possible to consider mitigation for any 'significantly harmful' impact.

Policy BG3

The Council undertook to prepare a suggested modification for our consideration that would focus on any matters relating to biodiversity net gain that would sit outside the scope or requirements of the Environment Act 2021. This will assist in our consideration of this matter.

Policy BG4

Draft additional potential modifications for our consideration which:

- as per Policy BG2, ensure that policy relating to ancient woodland or veteran trees is consistent with paragraph 180c of the NPPF. The Council may wish to consider whether a cross-reference to Policy BG2 would suffice in this regard;
- consider whether the penultimate paragraph is necessary. For example, is the relationship between this policy and any BNG requirements something that could be set out in explanatory text or made clearer; and
- consider additional explanatory text explaining how the issue set out in paragraph 9.1.38 will be assessed, including broadly how far back consideration would go and what types of information may be considered.

Policy BG6

Draft potential modifications for our consideration which:

- ensure clarity regarding the extent to which the effect on living conditions would be a relevant determinative factor. This should also include consideration of whether the requirement for retention of adequate garden space is only relevant to extensions to an existing single dwelling, and not other forms of residential development;
- include additional explanatory text explaining what the Council would have regard to in determining whether there would be an adequate area of functional garden space; and
- consider whether it is realistic, or justified, for development to not result in *any* harm to the character and appearance of an area.

Policy GIA

The Council should draft modifications which either amend the policy such that relevant standards are something to "have regard" to, or suggest modifications that would bring the standards into the Plan. The modifications should also elevate the considerations set out in paragraph 9.2.7 into policy.

Policy GI2

Draft additional modifications for our consideration which:

- consider whether criteria i and ii can, or should, be rationalised;
- ensure the policy accurately reflects paragraphs 99b and 99c of the NPPF;
- ensure any cross-reference to Policy GIA is accurate (with particular regard to whether “measurable” is the correct term);
- consider whether it is reasonable to expect there to *no* harmful impact on the space as a whole and whether the policy, or explanatory text, are sufficiently clear as to how this will be assessed; and
- consider whether further modifications are necessary to paragraph 9.2.16 to remove any scope for misinterpretation.

Policy G13

Draft potential modifications for our consideration which ensure consistency with national policy and the tests set out in paragraph 99 of the NPPF. In this regard, the Council may consider whether there is any distinction in policy terms between Reserved Open Green Spaces and Incidental Open Space and whether two policies are necessary.

Matter 11 – Transport

Policy T2

The Council should draft potential modifications, which:

- detail how, and who, will be implementing these improvements and at what stage of the development process; and
- outline the necessity of references to the JLPT4, particularly as the document is to be updated.

Policy T2A

Draft a modification for our consideration which confirms whether the limitation on development is intended to be for the plan period, or beyond.

Policy T4A

The Council should draft modifications in respect of Policy T4A, which:

- clarify the meaning of phrases, such as ‘appropriate servicing and loading facilities’; and
- clarify that the purpose of the section of the policy pertaining to electric vehicle charging points is intended to apply to the development of new car parks only.

The Council should also consider whether any of the guidance within the Transport SPD should be incorporated into the policy, or whether development should have regard to the SPD and propose a draft main modification accordingly.

Policy T5

The Council should consider whether the second paragraph of the policy is necessary and draft a modification accordingly.

Policy T6

Consider if references to LTN 1/20 (or subsequent guidance) are appropriate and draft a proposed modification accordingly.

Matter 12 – Urban Living

Policy UL1

In respect of Policy UL1, the Council should draft modifications for our consideration that:

- consider whether the terminology utilised in the policy is clearly defined; and
- clarifies whether the policy is designed to be applicable to all the areas identified in Policies DS1-DS14.

Policy UL2

The Council should draft modifications for our consideration which:

- address the inter-relationships between the text in Policy UL2, the table at the foot of the policy, and Diagram 5.1 and explain how they should be considered in the Development Management process;
- provide clarity regarding the matters that should be assessed under ‘market signals’; and
- address the references to densities that should be provided in the areas of growth and regeneration.

Matter 13 – Built Environment

Policy DPM1

Draft a main modification for the introduction to Policy DPM1 at paragraph 13.1.6 for our consideration which sets out that the policy is intended to provide positive guidance for applicants or similar wording.

Policy DC2

See below for the Statement of Common Ground with Historic England.

The Council should consider whether any of the guidance within the Urban Living SPD (EXA020) that includes policy requirements for Tall Buildings should be incorporated into Policy DC2 and propose draft main modifications accordingly.

In addition, draft main modifications for Policy DC2 for our consideration which:

- provide the policy references for the relevant DS areas in the first paragraph of the policy;
- include the definition of tall buildings (as set out in paragraph 13.1.26) into the policy wording and consequential amendments to the explanation; and
- the first sentence in paragraph 13.1.29 should be included within the policy text in an appropriate location and to ensure that the word 'Townscape' is added to the Visual Impact Assessments.

Policy CHE1

Prepare and submit a Statement of Common Ground with Historic England which:

- i) sets out where main modifications to the policies and explanation may be needed for Policy DC2 and Policy CHE1 to ensure that they are consistent with national policy in respect of Chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment);
- ii) provide any draft wording for those main modifications. Any draft wording should be checked for consistency with the DS policies and consequential main modifications proposed to those if necessary;
- iii) sets out any areas of remaining disagreement.

Policy DC3

Draft potential modifications in respect of Policy DC3, for our consideration which:

- explain the meaning of the reference in Paragraph 13.1.30 to the need for a development to 'safeguard the amenity of existing development';
- explain how the need to reinstate traditional or distinctive architecture features and fabric is intended to work in practice, such how the features and fabric will be identified.
- outline the meaning of 'sufficient usable' external space; and
- as advertisement applications are assessed under different legislation to a planning application, consider, whether it is necessary to refer to signage in Paragraph 13.1.39.

Policy DC4

The Council should draft modifications that outline how the appropriate scale of facilities will be provided for developments of varying scales and state that proposals should have regard to the Waste and Recycling Storage and Collection Facilities Guidance, rather than necessitate adherence to it

Policy AD1

Consider whether the consideration of 'visual commercialisation' is necessary and draft a modification accordingly.

Matter 14 – Net Zero and Climate Change

Policy NZC1

Draft potential modifications for our consideration which:

- set out the circumstances where Sustainability Statements will *not* be required (where such statements are referred to in other policies, consideration should be given as to how the exceptions will be made clear).
- consider removing or amending references to other standards, including PassivHaus, if not intended to be an alternative to meeting other standards referred to.

Otherwise, we would ask the Council to consider whether there is scope to rationalise this policy by removing any elements which are covered by other policies and/or whether certain elements could be set out in other relevant policies to avoid or remove unnecessary duplication.

Policy FR1

Draft additional potential modifications for our consideration which:

- ensure the policy is consistent with national policy regarding the sequential and exception tests, including where they will be required.
- provide clarity about when Sustainable Drainage Systems (SuDS) will, or will not, be required. This should reflect national policy and guidance. Moreover, reference to Sustainability Statements should be removed in relation to SuDS.

Matter 15 – Health and Wellbeing

Policy HW1

Policy HW1 refers to the Water Framework Directive; the Severn Basin Management Plan; and 'Good Ecological' status. Can the Council consider whether these terms are sufficiently explained and provide modified wording for our consideration.

Policy HW2

Draft modifications to Policy HW2 for our consideration, which:

- explain the meaning of the phrases 'significant' and 'appropriate standard' so that their meaning to provide certainty for future decision-makers and developers;
- ensure issues relating to biodiversity, including protected habitats such as the Avon Gorge Special Area of Conservation (SAC) are adequately addressed, having regard to the findings of the Habitat Regulations Assessment.

Policy HW1A

Prepare a modification, which addresses the need to consider any noise generated from the construction process as part of the assessment of a planning application.

Policy HW2B

Prepare a modification that explains the need, in the Reasoned Justification, for the submission of Health Impact Assessment for the stated development types.

Policy HW3

The Council is requested to provide a modification that makes it clear that the policy is intended to apply to takeaways in all locations.

Matter 16 – Utilities and Minerals

Policy UM1

Consider whether this policy is consistent with the NPPF and propose a modification for our consideration accordingly.

Policy UM2

Draft potential modifications for our consideration, which:

- clarify if the reference at Paragraph 15.5 to areas where issues arising from historic coal mining activity have been experienced are the only ones that may experience such issues, or whether there is a wider scope; and
- provide clarity regarding the meaning of the phrases 'reason to suspect' and 'materially affect'.

Next steps

Should you have any queries about any of the above, please contact us through the Programme Officer. We are not inviting, nor will we accept, any comments from interested parties on the above actions at this time.

Yours sincerely

Louise Gibbons Steven Lee Benjamin Clarke

12 May 2025
