

Bristol City Council's response to Inspectors' Document IN7

This note explains the council's actions to date in response to the Inspectors' Document IN7 – Action Note 1.

Council's introduction

The Inspectors' action points are shown below in ***bold italics*** with a border. The council's responses are shown in normal typeface below the Inspector's action points.

Responses to Inspectors' action points

Duty to Cooperate

Notwithstanding the subsequent reference to the Planning Practice Guidance (PPG)¹, the Council agreed to provide at least additional evidence relating to the frequency and scope of informal officer level meetings that have taken place during the preparation of the Plan (and in particular, the period following the halting of the Spatial Development Strategy). The Council indicated that it would be possible to provide a schedule outlining the timing of any meetings that have taken place and at least the standard agenda that is used. We consider this would be helpful in evidencing the discussions held with the Local Authorities which were referred to during the hearing and in the Maintaining Effective Cooperation Topic Paper. This information should be provided by 31 March 2025.

Council's response

Provided and published as document EXA042.

In relation to the issue of liaison on strategic transport matters, the Council also agreed to provide information setting out the frequency of meetings that have taken place with National Highways. The response to this should also confirm whether North Somerset Council were involved in the scoping or commissioning of any transport modelling. We would be grateful if the Council could provide us with an estimate of the timescale for completing this statement. It would be preferable for us to have this as soon as possible, certainly before the end of the current examination programme, particularly if further work may be necessary to address any areas of dispute.

Council's response

As addressed in the Statement of Common Ground with National Highways.

Clearly, if the Council has any further information relating to meetings, or other engagement, that has taken place on any strategic matters not referred to in the Topic Paper, Statements of Common Ground or other evidence, then we

¹ 011 Reference ID: 61-011-20190315

would be content to receive it at this stage as it will aid our understanding of compliance with the Duty.

Council's response

No further information to provide.

Given the Council's comments on the PPG referred to above, if the Council is unable, or unwilling, to provide the above information then this should be explained in any response, and we will consider what the consequences of this would be for the remainder of the examination and our conclusions.

Council's response

Information provided and published as document EXA042.

Sustainability Appraisal and Habitats Regulation Assessment

We cannot come to a conclusion on the soundness or legal compliance of these documents until we have discussed other policies, including those relating to health, well-being and biodiversity, and allocations. We shall therefore return to these matters at a later date.

Council's response

Noted.

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.

Council's response

The Habitats Regulations Assessment (PAL005) includes information on the relationship of the site with the North Somerset and Mendip Bats SAC – section 9. The HRA noted that the land is not within the SAC but the land may be functionally linked. The assessment concluded that adverse effects on integrity from any loss of functionally link land to bat species of the SAC can be ruled out, given the requirement of Policy BG2. Policy BG2 sets out the approach to internationally designated habitat sites and would be applicable to any development at Elsbert Drive.

Monitoring framework

The Council should prepare a revised main modification for our consideration relating to monitoring which:

- Accurately reflects the content of paragraph 236 of the December 2024 National Planning Policy Framework, with regard to beginning work on a new plan.***

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

• Outline the scope of the monitoring that would take place and outline the specific strategic policies that will be monitored to assess annual progress towards the achievement of the plan's targets.

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

• Details the key indicators (for example, housing, including affordable housing; employment; and offices), which may stimulate the need for a full or partial review of the plan.

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

Housing Requirement

The Council should provide updated trajectory information which at least identifies the completion data for the first year of the Plan period (2022-2023). If it is possible to update the information further to take account of any more recent monitoring information, then that would also be helpful.

Council's response

Provided and published as document EXA040. A proposed modification is also shown in the draft schedule of suggested main modifications.

If, in light of the revised trajectory, the Council considers there should be any modifications to the housing requirement, then it should make this clear in the response and draft a main modification to Policy H1 for our consideration.

Council's response

No modifications proposed to the housing requirement.

A schedule identifying all proposed allocations that have planning permission should also be provided with any response. It would be helpful if this schedule could also identify the number of dwellings that have planning permission within each of the Areas of Growth and Regeneration as well.

Council's response

Provided and published as document EXA040.

The revised housing trajectory should be provided by 21 March 2025.

Council's response

Provided and published as document EXA040.

Employment requirement

To assist in our on-going consideration of this issue, could the Council set out the extent to which the existing employment land 'pipeline', including extant permissions, is within the Areas of Growth and Regeneration or allocations within the Plan (if this is already in the evidence base, then please provide a reference).

Council's response

An initial response in relation to employment pipeline information was provided and published as document EXA047. Further actions set out in IN10 - response to follow.

Where available, the Council should also provide any updated monitoring information it has, including details on completions during the Plan period.

Council's response

As above.

Gypsies, Travellers, Travelling Showpeople and Houseboat Dwellers

The Council should:

- Provide details setting out the current position relating to Travelling Showpeople – including the understanding of current needs.***

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

- Draft a main modification to Policy H10 for our consideration which (i) sets out the identified need within introduction to the policy and (ii) add a new criterion relating to how flood risk will be considered.***

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

- Provide in table format a breakdown of need, in five-year intervals from 2020 up to 2036 along with potential sources of supply.***

Council's response

As set out in note provided: Gypsies, Travellers, Travelling Showpeople and Houseboat Dwellers

The Council should:

- ***Add the 'Bristol Harbour Place Shaping Strategy: Waterspace Plan' to the examination library.***

Council's response

Published as document EXA038.

In relation to proposed Policy H11 for Houseboat Dwellers:

- ***Consider how the 'mooring areas' could be identified within the Plan and/or Policies Map and draft suggested modifications for our consideration as appropriate.***

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications. The modified policy does not now include mooring areas and so it is not suggested that these are shown on the Policies Map. Moorings would be located in the Floating Harbour and in practice this will not be possible in all areas due to the operation of the Harbour and the rules which govern it.

Draft modifications for our consideration which:

- ***In relation to the second bullet point, (i) define what a reasonable walking distance would be (within the explanation to the policy) and provide a rationale for the definition. (ii) Provide proposed wording in the explanation as to whether the phrase 'post boxes' refer to mail collection points or delivery points; (iii) Consider whether 'elsan' is the most appropriate phrase, as this may point to the need for provision of different facilities for waste disposal, and propose a change if considered appropriate.***

Council's response

These proposed modifications are shown in the draft schedule of suggested main modifications.

- ***In relation to the third bullet point, (i) propose additional wording in the explanation to the policy as to how a decision maker should interpret issues relating to "amenity". (iii) Provide us with an explanation of how 'no adverse impact' will be assessed and propose a change to the policy or explanation wording if considered appropriate.***

Council's response

These proposed modifications are shown in the draft schedule of suggested main modifications.

• Remove reference to “complying with the Harbour Operational Moorings and Facilities policy” from the policy as it was explained to us this is not a planning requirement. The explanation can retain the existing proposed wording in relation to the Harbour Authority

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

• Add a suggested criterion relating to flood risk and flood risk mitigation.

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

Site Selection Methodology

Paragraph 165 of the National Planning Policy Framework is clear that both elements of the flooding exception test, where relevant, should be satisfied for development to be allocated. On this basis, the Council should prepare additional evidence which demonstrates compliance with the exception test on those allocations where it is relevant. This work should be carried out with an open mind and if any allocation is no longer considered justified because of this exercise, then the Council should make that clear in any response. Moreover, given what paragraph 165 says, we consider that all allocations in the Plan should be considered in light of the sequential and exception tests, including those carried forward from previous plans. This should be provided by 4 April 2025.

Council's response

Provided and published as document EXA043.

The Statement of Common Ground with National Highways referred to above should consider any issues relating to Policy DS5, logistics development and the impact on the M32. Once this statement has been received, we shall consider whether any further actions are necessary.

Council's response

Noted. This matter is referred to in the statement of common ground.

Green Belt

In addition to those identified in the Council's hearing statement, the Council should also draft a modification to the first paragraph of Policy DS10 for our consideration. This should refer more broadly to proposals in the Green Belt being assessed against the requirements of national policy, rather than focus only on protection from inappropriate development.

Council's response

This proposed modification is shown in the draft schedule of suggested main modifications.

As agreed, Appendix B to the Green Belt Assessment should also be added to the examination library.

Council's response

Published as document EXA039.

Areas of Growth and Regeneration

In addition to those already put to us, the Council should draft potential main modifications to policies DS1 – DS9 and DS13-DS14 for our consideration, which:

- Make reference to the areas defined on the Policies Map;***

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1-DS9 and DS13-DS14.

- Clarify the role of regeneration frameworks or masterplans, or other non-statutory documents, particularly in circumstances where such documents either do not exist or may be considered out-of-date. In addition, reference to development being “in accordance” with a detailed framework should be deleted and replaced with a reference to development “having regard” to such documents to achieve consistency with Policy DPM1.***

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1-DS9.

- Remove or modify references to “expected to demonstrate” that opportunities have been sought to progress more comprehensive or co-ordinated forms of development with other sites, to instead focus on ensuring development does not prejudice the comprehensive and co-ordinated regeneration of an area. Again, we note that Policy DPM1 contains wording that may be suitable in this regard.***

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS2-DS9 and DS13-DS14.

- Include the minimum scale of residential development expected within each area. Where the strategy is to promote growth in employment, or other non-***

residential floorspace (rather than simply reflect what already exists), then the policy should also provide an indication of what is expected.

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1-DS9 and DS13-DS14. Where it is anticipated that this will comprise separate numbers for offices and other forms of workspace, a modification has been shown in the draft schedule of suggested main modifications to enable two separate figures to be inserted.

• Include density expectations within the policy, particularly where there may be some more detailed guidance for specific areas (for example, if potential for higher densities in certain parts of an area have been identified).

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1 (via a cross-reference to other policies), DS1A-DS9 and DS13-DS14.

• Ensure it is clear what the vision for each area is, and what land uses would be promoted and accepted; removing any inconsistencies or ambiguity about what is expected.

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1-DS9 and DS13-DS14.

• Where known, ensure that the policies include reference to specific infrastructure or mitigation schemes that development would be expected to deliver or contribute to.

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1, DS3 and DS4.

• Ensure a consistent approach in terms of criteria relating to such matters as retail and leisure and flooding (where relevant);

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1, DS1A, DS3, DS5 and DS9.

• Provide clarity in the explanation to what is expected in relation to phrases such as 'inclusive' development and how the Council would expect to deliver units for independent retail (where relevant);

Council's response

The principal references to 'inclusive' in these policies have been shown as removed in the draft schedule of suggested main modifications for policies DS1, DS1A, DS4-DS8 and DS13. Policies in the design chapter of the NPPF deal with the creation of places that are safe, inclusive and accessible.

• Where uses in sub-areas are identified, the policies should be clear whether the uses other than those referred to would be resisted or not (for example, under Policy DS3, it is seemingly not intended for residential development to be resisted within North west St Philip's Marsh, but this would not be clear from the policy text or explanation). Any ambiguity about this across the 'DS' policies should be removed.

Council's response

This modification is shown in the draft schedule of suggested main modifications for policy DS3.

• In relation to heritage assets modify the policies such that development affecting heritage assets will be assessed in accordance with Policy CHE1 (or similar wording that achieves the same effect).

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1, DS1A, DS2, DS4 and DS8.

• The Council should also consider opportunities to rationalise these policies in other ways, such as removing repetition, that would help reduce or remove any scope for ambiguity.

Council's response

This modification is shown in the draft schedule of suggested main modifications for policies DS1-DS9 and DS13-DS14.

In relation to DS1, the Council have been asked to produce a Statement of Common Ground with the University of Bristol in relation to the University of Bristol sites in the 5th bullet of the policy and SPD11, including consideration of whether this leads to any suggested modifications.

Council's response

A Statement of Common Ground has been produced.

A modification is shown in the draft schedule of suggested main modifications for policy DS1 stating that development that would impede the consolidation and expansion of University and hospital facilities within the University and hospital sites will not be permitted.

It is possible that we shall need to revisit some of these actions, or add to them, after we have had discussions on other policies relating to design, heritage, urban living, housing and employment. There are also other outstanding matters where still need to come to a view. Nevertheless, drafting the modifications above and undertaking the additional work will assist in our consideration of these issues.

Council's response

Noted.