

Bristol City Council's response to Inspectors' Document IN10

This statement sets out the council's response to the Inspectors' Document IN10 – Inspectors' Interim Post Hearing Advice.

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

Matter 1: Legal compliance and procedural matters

For the avoidance of any doubt, the Sustainability Appraisal and Habitats Regulations Assessment (HRA) need to be updated to take account of any recommended Main Modifications (MM). These will need to be consulted on alongside the MMs. Should the MMs and/or updating of the documents result in any significant changes regarding the effects of development then the Council should let us know without delay. This is particularly the case for the HRA and the effect of development on protected habitats.

Council's response

Noted.

Matter 3: Employment Land Requirement and Supply

The Council has provided some additional information relating to the employment land pipeline (document EXA47). Unfortunately, this has not provided the clarification we hoped in terms of the scale of committed floorspace that exists for offices, and industry and warehousing. A summary of the information, setting out the total committed floorspace and overall anticipated capacity during the Plan period would be helpful.

Further to this, our understanding is that the requirements for offices, and industrial and warehousing are, like housing, based on the capacity that exists for such development within the City boundary. However, the evidence appears to suggest that the requirement figures in the Plan reflect capacity over and above existing commitments. This would not necessarily provide a true picture of the capacity level that exists for such uses or what is expected to come forward during the Plan period.

As well as the summary note, the Council should also draft MMs to both the office and industrial and warehousing requirement for our consideration which reflect the actual capacity / pipeline identified for such uses.

Council's response

The information on total committed floorspace and overall anticipated capacity during the Plan period is included in the BCC Examination Note – Employment Land Requirements provided with this response.

Proposed modifications to Policy E2 have been included in the draft schedule of modifications to reflect the proposed amendments to floorspace figures.

Matter 9: Centres, shopping and the evening economy

Policy SSE7 – Provision of public toilets

At the hearing, the Council stated that the purpose of this policy was to ensure that toilets that would normally be provided as part of the design of the interior of a building would be made available for public use. It is unclear as to how the usage of such a facility would be secured for public use in perpetuity. In addition, we are also not convinced that it is reasonable to compel the owner of a private facility to make it available for public use in all instances. Our conclusion, therefore, is that we are not persuaded that this is a justified or effective policy. In result, the policy should be deleted and a MM should be added to the schedule to this effect.

Council's response

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

Matter 10: Biodiversity and Green Infrastructure

Policy GI1 – Local Green Space

Our conclusion is... that Policy GI1 and related LGS designations should be deleted, with any areas which fall into the definition of open space in the NPPF reverting to Reserved Open Space status. This may not apply to all proposed LGS and the Council should be careful to exclude any area that does not fall within that definition. This exercise will not alter any other designations a site is subject to. Main modifications to this effect should be added to the schedule. Consequential amendments to the Policies Map will also be necessary.

Council's response

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

Alongside the MM schedule, the Council should also send us details of the sites that are to revert to ROS and any which would fall outside that designation and will be deallocated.

Council's response

Provided as BCC Examination note – Protected Open Space. The note concludes that all sites previously proposed for designation as Local Green Space meet the criteria for Reserved Open Green Space and can therefore be designated as such.

Matter 11: Transport

Policy T3A – Transport development management

We are not convinced that separate references in the policy to Transport Assessments/Statements and Travel Plans are appropriate. The policy should focus on the outcomes, rather than mechanism by which these outcomes will be assessed. Therefore, the potential for the submission of these documents as a means of compliance is more appropriately located in the reasoned justification or the Council's validation list. A MM should be added to the schedule to this effect.

Council's response

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

Matter 14: Net Zero and Climate Change and Flood Risk

Policies NZC1 – NZC5

Further to document IN8, and on further reflection, we do not consider it necessary or appropriate for the above policies to refer to the submission of sustainability statements. These may form part of the Council's validation requirements and thus need not be set out in policy in any event. However, we also do not consider it necessary or justified in this instance to set out procedural requirements in the policy itself. What is important is what the policies seek to achieve, but it may be that applicants can demonstrate compliance in differing ways. This is borne out by the fact that sustainability statements would already not be expected in some circumstances.

Notwithstanding the Council's validation list, we see no harm in referring to the potential for sustainability statements in reasoned justification as a means of demonstrating compliance. However, they should not be seen as a necessity. As such, the Council is requested to modify policies NZC1-NZC5 as appropriate to remove reference to these documents from policy.

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications.

Policy NZC2 – Net Zero carbon development – operational carbon

Further to the modifications suggested in document EXA002.1, and those requested in document IN8, the Council should:

- Include the modification suggested at paragraph 40 of its Matter 14 hearing statement (document BCC14).***

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications.

- Remove any references to the current monetary value of charges.***

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications.

• Under 'Heating and cooling systems' make modifications that would provide flexibility where connection to a heat network is demonstrated to be neither feasible or viable and/or allows assessment of the effectiveness of an applicant's approach to heating and cooling to be assessed. The policy should also not rule out approaches which may result in greater energy efficiencies or reduced emissions than connection to the Council's existing preferred heat network.

Council's response

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

• Remove reference to PassivHaus Buildings from the policy. To be effective, the policy should be clear as to what is expected as a minimum. It is understood from the hearing sessions that PassivHaus standards would exceed that minimum. While identified as an alternative, it is not something that needs to be in policy and is likely to cause some ambiguity. Reference to PassiveHaus in the reasoned justification as an example of how standards can be met, or exceeded, would be more appropriate.

Council's response

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

Policy NZC3 – Embodied Carbon, Minerals and Circular Economy

Further to the modifications already requested, the Council should prepare modifications which:

• Removes references to current monetary value of carbon offsetting;

Council's response

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

• Elevates the requirements of paragraph 12.1.63 to policy.

Council's response

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

Policy NZC4 – Adaptation to a changing climate

We find this policy to be unclear in terms of scope and expected outcomes. It is also unclear how any adaptation strategy is meant to be used in decision making, particularly in relation to where a development would be considered unacceptable. There is also considerable overlap with other policies in the Plan, including those in this Chapter. In addition, it appears to cover issues that are already addressed to an extent through Building Regulations.

We are also not convinced of the need for a separate 'adaptation strategy' to be a requirement of policy. The policy should focus on the outcomes, rather than process. Thus, how an applicant demonstrates a proposal is resilient to climate change is not something that should be set out in policy. As with the sustainability statements, the potential for submission of an adaptation statement as a means of compliance is something which is better left to reasoned justification or the Council's validation list.

On this basis, we are not persuaded that this is a justified or effective policy. The Council are therefore asked to reconsider the need for this policy and whether any elements that are considered necessary could be subsumed within other relevant policies, including NZC1. Elements of the policy relating to overheating which are covered by existing Building Regulations should be deleted. Resulting modifications should be included in the schedule for our consideration.

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications. The council no longer proposes to include policy NZC4: 'Adaptation to a changing climate' in the local plan. Consideration has been given to elements of the policy which are appropriate to retain in other policies in the plan, namely NZC1: 'Climate change, sustainable design and construction'.

Policy NZC5 – Renewable Energy and Energy Efficiency

As drafted, we are concerned that it could be inferred that the environmental and economic benefits of renewable energy proposals would always outweigh the potential impacts. We are also not persuaded it is necessary or justified for the policy to predetermine the weight that would be given to any particular proposal as this will inevitably be dependent on its nature. The policy also provides no indication as to whether development of renewable energy should seek to avoid or mitigate harm to the factors listed. This could be taken to imply that harm is inevitable or always accepted.

Accordingly, the Council should draft modifications which make it clear what is expected of renewable energy projects in terms of their potential effects on the surrounding area and what will be taken into account in any assessment.

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications.

In relation to the final paragraph, a modification should be drafted which provides a cross-reference to Policy CHE1 or makes it clear how encouragement for retrofitting would be considered in the context of heritage assets. Additional explanation in the reasoned justification would also assist in ensuring clarity and effectiveness.

Council's response

Proposed modifications are shown in the draft schedule of suggested main modifications.