



an independent force for a better Bristol

BRISTOL LOCAL PLAN REVIEW – PUBLICATION STAGE REPRESENTATION

Introduction

1. Bristol Civic Society is an independent, voluntary organisation that exists to improve Bristol's built environment and celebrate its heritage. Our membership is drawn from the local area and we have over 600 members. Our members have lived experience of Bristol and care passionately about the city's future and how it will be shaped by this plan.
2. The Society has a number of concerns about the plan's soundness. These are set out below. We would welcome the opportunity to participate in the hearings.
3. We consider our participation is necessary for two reasons in particular. First, we represent an important and informed body of opinion. Through our working groups, we seek to influence the development of major sites in the city and improve transport and placemaking. We do this through active engagement on specific development proposals, and with plan and policy-making in the city. This means we are very familiar with how national planning policy filters through to decisions on development proposals in Bristol and, as customers of the outcomes, are well-positioned to judge the effectiveness of current process and policy.
4. Second, our concerns go to the heart of the plan. We have separated them out so as to identify the conflicts with national policy. But they are also cross-cutting in nature. They are pertinent to a number of the plan's strategic policies, including those relating to housing, and the area-specific policies as well as the thematic policies we address below.
5. In line with Annex 1 to the National Planning Policy Framework (NPPF), all references to the NPPF are to the September 2023 version. This is the version in place at the commencement of the consultation on the regulation 19 draft plan.

Matters where we question the local plan's soundness

6. We set out below five concerns about the local plan's approach where we question whether it is consistent with national planning policy:

- (a) developing with local communities effective design policies reflecting local aspirations;
- (b) assessing Bristol's open space needs, with an increasing population, and its geographic distribution;
- (c) sustaining inclusive communities, the displacement of established jobs from central and inner Bristol;
- (d) assessing the carbon emissions likely to arise from the plan's strategy and policies;
- (e) providing an effective plan.

A. Developing with local communities effective design policies reflecting local aspirations

National planning policy

7. National policy has shifted thinking about good design from treating it as discretionary, to a fundamental part of how new development is planned and places are changed. The NPPF in paragraph 126 unequivocally states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." Ministers underline the importance of good design as does the NPPF "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
8. National policy has also strengthened the requirement for community input to design policy and in doing so made it clear (NPPF, paragraph 127) that local communities should be listened to "Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics."

Our concerns about the local plan's approach

9. At an abstract level, the design content of the draft plan is largely unobjectionable. It references national policy and guidance and aspires to a city where new development delivers "high quality, beautiful, safe, healthy and sustainable buildings and places" (Policy DPM1). Few would disagree with that aspiration. We don't. However, this aspiration is not carried through to the plan's strategy or other supporting policies. Critically, the national injunction that local plans should be genuinely shaped by the views of communities on how their place should evolve is missing from this plan and how it has been prepared.
10. There has been no co-design of the design vision for Bristol or in setting clear requirements for the form of development expected in different locations drawn up in ways which reflect local character and community preferences. A striking example is there is no clear, effective, policy for tall buildings in the draft plan that has been developed with local communities and reflects local aspirations. This is despite concerns about the lack of a clear approach to tall buildings having been raised at every stage of the plan's preparation. In practice, we see the city council acting

outside the local plan process to encourage tall buildings and in effect acting as an advocate for specific development proposals.¹ This encouragement is hugely controversial in Bristol, as is the resulting built form², and side-steps the safeguards of the statutory plan-making process.

11. The plan is vague about appropriate locations for tall buildings and silent on acceptable heights. It relies on general policy and a mix of extant guides and informal frameworks, with more promised. 'Appendix B – Design guidance', defers detailed design guidance to design codes and spatial frameworks, and lists the headings that guidance will cover. It goes no further than general principles of good design. The Plan's tall buildings policy DC2 does no more than say tall buildings "may be appropriate" in certain areas - "(Inner Urban Area, Bristol City Centre, Temple Quarter and St Philip's Marsh) or as identified in policies for specified regeneration areas".
12. For the plan to be sound, it needs to include an effective, transparent and spatial tall buildings policy. The NPPF is unambiguous (paragraph 126) that "Being clear about design expectations, and how these will be tested, is essential". Not least so "that applicants have as much certainty as possible about what is likely to be acceptable" (NPPF paragraph 127). Without clarity about the preferred location for, and height of, tall buildings, the plan's design policies are unlikely to be effective; another test of soundness. Leaving such important decisions to individual planning proposals and backroom influence also undermines trust in the planning process.

Putting planning policy in the local plan where it belongs

13. Spatial clarity about tall buildings, including height³ and location, should be central to this plan. Deferring such a fundamental concern to placemaking in Bristol to some future, informal framework, or a (long) promised tall buildings strategy⁴ is not consistent with national policy for an effective plan. The approach is even more frustrating when frameworks such as the recently approved⁵ City Centre Development and Delivery Plan in effect kick the can further down the road, notwithstanding the clear strategy for tall buildings in the city centre we, and others, have repeatedly called for.
14. Deferring this matter omits from the plan the most appropriate and effective means of steering tall buildings to suitable locations in a transparent way. Deferral also risks

¹ The Mayor is on record saying "he was not a "spectator" to the development of Bristol, and instead pushed planning applications which matched the administration's aims for the city."

<https://www.bristol247.com/news-and-features/news/rees-not-spectator-development-bristol/>

² For example, see the comments under this update <https://www.bristolpost.co.uk/news/bristol-news/bristol-city-centre-set-radical-8942408>

³ The draft plan defines a tall building as 10 storeys or more, but it does not distinguish between heights above that threshold. It should do so.

⁴ <https://democracy.bristol.gov.uk/mgAi.aspx?ID=33639#mgDocuments>

⁵ By Bristol's Cabinet on 5/12/23 <https://democracy.bristol.gov.uk/ieListDocuments.aspx?CId=135&MId=10642&Ver=4>

any tall buildings strategy being too late to have a meaningful impact on the way Bristol's townscape is changed.

15. Bristol's skyline and character is under threat of insensitive, ad hoc, change now. Proposals in the planning pipeline include four tall buildings around 30 storeys. All are being encouraged by the council, before a tall buildings strategy has been prepared. All the proposals substantially affect heritage assets, including grade 1 listed buildings, all are in conservation areas or affect the setting of conservation areas.
16. Bristol's local planning policy, as it is now and as it would be with this draft plan in place, simply does not provide sufficiently clear, transparent design guidance to steer tall buildings to suitable sites and ensure they are of suitable height for those sites.

What an effective tall buildings policy looks like

17. A spatial tall buildings policy is needed, which takes account of city panoramas and views, a townscape assessment that both considers the quality and heritage of current environments across the city, building on conservation area character appraisals, and protects this character from inappropriately sited and sized tall buildings.
18. Historic England Advice Note 4 supports this approach.⁶ The first principle set out in the guidance as fundamental to planning for tall buildings is "A plan-led approach to tall buildings to determine their location". The second principle is "An evidence base which explores alternative options for the location and heights of tall buildings".
19. Without an effective tall buildings policy along these lines, it is hard to see how the plan reflects national policy (NPPF, paragraph 196) that plans should include "a positive strategy for the conservation and enjoyment of the historic environment".

Reflecting local aspirations

20. To reflect the NPPF's requirement that "Design policies should be developed with local communities so they reflect local aspirations" this plan should include a spatial tall buildings policy developed with full public participation. And in the meantime, take a precautionary approach to the siting and height of tall buildings, recognising that the Bristol public does not want tall buildings of the height encouraged by the council.
21. This opposition to tall buildings has been clear in the responses to the earlier stages in the plan's development, in the responses to the informal frameworks the council seems to prefer to set out its policies and in representations on planning

⁶ <https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

applications. We need clarity in the local plan because what the public says is otherwise ignored. This brings the planning process locally into disrepute.⁷

22. The last time any serious effort was made to test opinion, the consultation on the Urban Living Supplementary Planning Document⁸, and in response to the “quick survey... designed to gauge general views on higher density development and tall buildings”, what the local community wanted was made very clear:

613 answered the question “Bristol should extensively promote high-rise tower blocks to meet its housing need” - 85% disagreed.

610 answered the question “new residential units should primarily be provided in low and mid-rise developments (places like Wapping Wharf, Paintworks, Junction 3) rather than high-rise tower blocks” - 87% agreed.

Overall, 91% of respondents to the Quick Survey lived in Bristol and 8% worked in the city. 9% of responses were from those professionally involved in the development sector. The majority of respondents were aged between 25-44 forming 39% of response with 45-64 age group forming 35% of responses.

23. Local communities in Bristol have not been given the opportunity to shape their city through this plan on a matter fundamental to the design of the city. This is a significant conflict with national policy.

Tall buildings aren't the only answer to the housing crisis

24. We support providing the affordable homes desperately needed in Bristol. It is not a question of whether, but how those homes are provided, where and what sort. It is disingenuous to suggest (as some do) that tall buildings are the only sustainable answer to the housing crisis. And being critical of an unplanned, speculative approach to tall buildings is not NIMBYism. Setting up such a false choice or using disparaging caricatures does a disservice to serious consideration.
25. We agree significantly more homes are needed in Bristol, and this can mean increases in the density of development and commensurate increases in height. Tall buildings at height, out of scale with their context and harmful to character and heritage are however unnecessary for increasing density. Mid-rise developments can do this with equal efficiency, often at lower cost not least in terms of carbon emissions, and produce higher satisfaction for most potential occupiers.
26. Bristol's experience is that tall buildings also typically permit a low quotient of affordable homes because of concerns about viability. This is exacerbated by the relatively recent requirements relating to building safety, including for a second staircase. The government's consultation stage impact assessment acknowledged

⁷ <https://www.bristol247.com/opinion/your-say/we-need-to-restore-trust-bristol-planning-system/>

⁸ <https://www.bristol.gov.uk/files/documents/2678-urban-living-spd-consultation-statement/file>

this “The costs of a second staircase will also impact the viability of high-rise buildings, this is likely to reduce the amount of affordable housing that can be provided by developers.”⁹ We are also seeing developers push for taller buildings than appropriate to cover the increased costs and loss of useable floorspace.

27. There are other approaches than tall buildings to delivering decent, affordable homes at scale which would secure the backing of local communities. Instead of building tall in an unplanned way, higher densities and delivering new housing could be achieved by well-planned mid-rise building on suitable brownfield sites across the city. We could be encouraging mid-rise, high-density developments in the city centre to reinforce the best of the city’s character.

28. An informed, co-developed approach to setting a tall buildings policy could lead to a different, and better plan. It would certainly command more support in local communities.

Soundness of the plan’s approach

29. For the reasons set out above, the draft plan is not consistent with national policy. Without further work (and consultation) we do not consider the plan is sound.

B. Assessing Bristol’s open space needs, with an increasing population, and its geographic distribution

National planning policy

30. Open space makes a major contribution to the quality of people’s lives. Ensuring there is sufficient open space is a longstanding tenet of good placemaking. In recent years, there has also been increasing recognition of the importance of open space to health and mental wellbeing. This importance is recognised in national planning policy as central to the achievement of sustainable development “a social objective – to support strong, vibrant and healthy communities, by... fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs” (NPPF paragraph 8).

31. The NPPF, in paragraph 98, makes the point that “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.” Specifically, in the same paragraph the NPPF states that “Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open

⁹ <https://www.gov.uk/government/consultations/sprinklers-in-care-homes-removal-of-national-classes-and-staircases-in-residential-buildings/sprinklers-in-care-homes-removal-of-national-classes-and-staircases-in-residential-buildings>

space, sport and recreational provision is needed, which plans should then seek to accommodate.”

Our concerns about the local plan’s approach

32. The draft plan’s focus is either specific to development proposals (GI A) ‘Development will be expected to ensure that a sufficient quantity, quality and proximity of open space for recreation is available to serve the new development in accordance with the guidelines set out in the council’s strategies.’ Or to protect, with varying degrees of protection, existing green spaces (GI1-4).
33. There is no evidence within the plan that it is supported by an up-to-date assessment of need, either a static audit or a dynamic assessment taking account of the rapid increases in population expected by the plan. Similarly, there is no review of how successful the extant plan’s policies have been in tackling the open space deficit identified as part of its evidence base.
34. Rather, the draft plan largely seems resigned to inadequate open space in Bristol given the housing numbers it is planning for, explaining in 9.2.7 that “In addressing the approach set out in this policy [GI A] it is recognised that given the developed nature of Bristol, achieving the desired level of quantity of open space for recreation, within the appropriate distance, may not always be possible due to limited land availability.”
35. This is echoed in the Statement of Consultation, where (page 43) the Council writes that "2018 consultation identified that a fifth of the city’s land area is given over to various forms of open space and that this overall proportion would be maintained in the Local Plan Review. This is the approach of the Local Plan Publication Version and is considered appropriate given the other aims and objectives of the plan, particularly around meeting the city’s strategic development needs."
36. Nowhere, it seems, does the council consider moderating the proposed housing numbers in the interest of ensuring sufficient open space, or at least avoiding further per capita reductions in available open space. This lack of consideration does not sit comfortably with the government view of the centrality of open space to achieving sustainable development.
37. GI A does not attempt to set, or meet, a standard for open space. Responsible planning for open space does appear to be a casualty of the plan’s focus on making efficient use of land and developing land to its ‘optimum density’ (Policy UL1). Paragraph 5.7 explains that in the council’s view “The optimum density for new development is the density which balances the efficient use of land with liveability considerations”. We would argue that in the case of open space the balance has tilted too far away from ensuring there is sufficient, accessible open space for Bristol’s residents, both those living in the city already and those who will live here in the future.

38. The plan does encourage developers to provide within the proposed development open space to serve that development, making the link through Policy DC1 to the guidance on open space provision set out in the council's SPD 'Urban Living: Making Successful Places at Higher Densities. The guidance in the SPD, Appendix A, is based on the open space requirement for new development in the London Plan, but it includes a get out of gaol comment "Where sufficient private open space cannot be accommodated on site, due to identified constraints, proximity to existing open space may be considered."
39. This caveat underlines the importance of assessing the adequacy of existing open space, for current and future needs.

Assessing the need for open space

40. Policy GI A is replacing policy DM16 in the extant development plan, which in turn referred to the 2008 Parks and Green Spaces Strategy¹⁰ open space standard that "has been set to try and ensure all people in Bristol have a minimum quality, access and quantity of the five types of publicly accessible open spaces for recreation." The draft plan drops these standards which is a retrograde step.
41. Outside the formal local plan process, we note a draft Parks and Green Spaces Strategy 2023 was published in December.¹¹ The consultation is concurrent with consultation on the draft plan. So, any reference to the strategy in the plan is to a moving target. In fact, there is no direct reference to the strategy but there is to "the council's strategies" which we assume, but can't say for certain, includes the Parks and Green Spaces Strategy if taken forward.
42. Therefore, to address our concerns about the local plan we have to respond to the parallel consultation, which may, or may not, inform the implementation of policies in the local plan.
43. What we can say, is that the draft strategy has updated the earlier assessments of adequate open space. This update demonstrates that the city centre and inner suburbs fail to meet the recommended minimum quantity standard for open space per capita. Due to large and continuing increases in population in certain areas, the per capita amount of open space is reducing, for example by 39% in the city centre.
44. In the draft strategy, the target amount of additional open space is shown, but the calculation method of the numbers is not explained. The draft expresses "aspirations for new open space" of 2.9 hectares (Central Zone) and 1 hectare (Inner Urban zone). The draft strategy does not explain its derivation, but we understand that this is based not on need, but on an assessment of new 'open space for recreation' that may be provided through new development through the lifetime of the Parks and Green Spaces Strategy.

¹⁰ <https://www.bristol.gov.uk/files/documents/818-parks-and-green-space-strategy-adopted-feb-2008/file>

¹¹ <https://www.bristol.gov.uk/council-and-mayor/policies-plans-and-strategies/parks-and-open-spaces/bristol-parks-and-green-space-strategy>

45. The resulting 'Minimum provision standards' are 7.75 m² per person (Central) and 11.53 m² (Inner Urban), which are way below Natural England's suggested target of 30m² per person¹² and also the Fields in Trust targets.¹³

Ad-hoc not plan-led

46. It seems we have a planning strategy for open space that relies on the incidental provision of open space as part of a new development, rather than planning the significant areas proposed for regeneration in Bristol in a way that provides the means for addressing the known, and worsening, shortfalls of open space in the city.
47. At a more granular level, it is left vague how a requirement for new open space, and what type, is applied to individual sites. The increases in open space shown in the draft strategy are totals in two areas: 'Central' and 'Inner Urban'. It says: "This strategy seeks to encourage and guide the development of new spaces in regeneration areas – identified in the Local Plan – rather than specifically outline sites for development. It is most likely that opportunities will be created in parts of the city centre, Temple Quarter, St Philip's Marsh and Frome Gateway."
48. This means we have to rely on still to be drafted / finalised regeneration area spatial frameworks in order to understand whether the local plan is consistent with national policy. All we know from the draft plan is as set out (i) in GI A and the supporting text ("Development will be expected to ensure that a sufficient quantity, quality and proximity of open space for recreation is available to serve the new development in accordance with the guidelines set out in the council's strategies.") and (ii) the various policies addressing specific areas (DS1: Bristol City Centre, DS3: St Philip's Marsh; Policy DS4: Western Harbour¹⁴, DS5: Frome Gateway. DS6: Lawrence Hill, DS7: Central Fishponds, DS8: Central Bedminster, DS9: Brislington) and the applied expectation that "New open space.... should be provided in accordance with local plan policy GI A 'Open space for recreation' and will be secured from new development".
49. So, we have a process involving an emerging non-statutory strategy, which itself is vague on how the deficiencies in open space it has identified will be remedied, which does not appear to have informed decisions about the local plan's chosen development strategy (and housing numbers) but could be central to understanding the likely effectiveness of the draft plan. This is compounded by a lack of joining up of detail, for example, Policy DS2: Bristol Temple Quarter does not provide for new

¹²<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Green%20Infrastructure%20Standards%20for%20England%20Summary%20v1.1.pdf> (Expressed as 3 hectares per 1,000 population.)

¹³<https://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England.pdf>

¹⁴This is particularly troubling when the areas concerned, as with Western Harbour, include open spaces and the plan shows no protection for them. In the case of Western Harbour, this may be because of forthcoming proposals to change the highway layout, but the area includes valuable open space that should be protected. This should be a significant input into the planning of future proposals recognising the riverside open spaces in particular exhibit the requisite criteria for the Local Green Space designation and serve the expanding populations of Hotwells and Southville.

open space, even though it is mentioned as an area that will in the draft parks and green spaces strategy.

50. National policy is clear. Planning policies should be based on robust and up-to-date assessments of the need for open space and opportunities for new provision. Information gained from the assessments should be used to determine what open space is needed, which plans should then seek to accommodate. The draft plan cross-refers to 'strategies', which may include the draft Parks and Green Spaces Strategy and its revised assessment of need, but there is no target for open space set in the plan and its approach to additional open space (balancing off meeting the need for open space, assessed against space standards, against pressures to meet housing numbers) has not been justified or evidenced.
51. The only consultation on the approach to additional open space is the consultation on the draft Parks and Green Spaces Strategy. This was published in December 2023, and there has been no opportunity to incorporate feedback from that consultation in the publication version of the draft plan.

Soundness of the plan's approach

52. For the reasons set out above, the draft plan is not consistent with national policy. Without further work (and consultation) we do not consider the plan is sound.

C. Sustaining inclusive communities, the displacement of established jobs from central and inner Bristol

National planning policy

53. The NPPF pursues a three-pronged approach to sustainable development, drawing from the 17 Global Goals for Sustainable Development. These address social progress, economic well-being and environmental protection. Reflecting this, the NPPF explains that to achieve sustainable development the planning system has three overarching objectives (economic, social and environmental), which are "interdependent and need to be pursued in mutually supportive ways". The NPPF illustrates this by saying opportunities should be taken "to secure net gains across each of the different objectives" (paragraph 8). Equally, it is important that one objective is not pursued to the detriment of the others.
54. Planning's role in delivering the economic objective is "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity."
55. The NPPF in Chapter 6 operationalises the economic objective, underlining that "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." (paragraph 81). It also says (paragraph 83) "Planning policies and

decisions should recognise and address the specific locational requirements of different sectors....”.

56. This is complemented in paragraph 106 by the expectation that “Planning policies should: ...a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment”.

Our concerns about the local plan’s approach

57. In recent years, in responding to planning applications for housing and commenting on draft planning frameworks for regeneration areas, we have expressed concern about established employment opportunities being squeezed out of the site or area in question. The employment sites have included Use Classes B2, B8 and E(g)(iii) activities, or have been sui generis. What they have tended to have in common is a high land demand for the job yield, they can be scruffy in character and the uses don’t fit comfortably in housing developers’ business models.
58. We have also said that relocating such employment to Avonmouth, or the periphery of Bristol, can force lower income groups into expensive commutes (potentially added to by the CAZ charge) and cuts across established planning policy to reduce the need to travel. It also disproportionately affects the segment of the labour force that does not want to (or is not equipped to) work in offices or the sort of Class E activity that is more easily accommodated in a residential area. Providing much needed housing should be as part of balanced communities and not risk the loss of jobs in particular parts of the community.
59. Our concerns are reflected in the Employment Land Topic Paper. For example, in paragraph 7.5.5, “Atkins in the ELSNA, JLL in their ELS and property market update and market feedback have all raised concerns regarding the risk of loss of industrial and warehousing space in regeneration areas and the consequent potential to add pressure to an already existing demand/supply imbalance.”
60. Indeed, these concerns flow through the topic paper:

3.1.5. “The ELSNA emphasised the importance of providing industrial land for this use in parts of the city in addition to Avonmouth, citing the inability of some businesses based in the urban core to move there for operational or workforce reasons.”

For industrial land, paragraph 3.2.2 notes the key observations in the ELS as including -

“Most notable demand for industrial and warehouse space in the city was coming from occupiers seeking small units (up to 20,000 sq ft) and last mile logistics operators”; “industrial and warehouse space was in short supply compared to levels of demand. There was potential for this to be exacerbated by lifting of protection for industrial and warehousing uses from a number of locations”; “JLL welcomed

proposed new allocations of industrial and warehousing land but felt that they would not provide enough to alleviate market pressure. Floorspace targets in, for example, the AGRs [Areas of Growth and Regeneration] could help to ensure that the necessary space was provided. JLL recommended identifying floorspace and use targets for employment space in the city and AGRs.

In the Spring 2013 Spring update JLL found for industrial and warehousing (paragraph 4.5) that “A significant imbalance existed between supply and demand, particularly in markets outside of Avonmouth, driven by strong demand and limited supply” and “Businesses were struggling to secure long term certainty on leases because in several instances, for example in St Philips Marsh, landlords were exploring the potential to redevelop their sites for alternative uses”.

5.4.9 “Transport and storage: Increased demand is likely for last mile logistics and distribution space in urban locations to enable quick distribution to housing areas. HJA/LSH report that smaller occupiers face the challenge of finding space in urban locations as a result of similar pressures to that identified by JLL in their market update, namely high levels of demand for industrial space generally and limited supply.”

5.4.11 “Small industrial services: here Atkins report that whilst little change is expected in employment numbers, this sector will continue to require tertiary and lower value industrial spaces in urban Bristol as well as the periphery of the city.”

61. We welcome the plan’s headline commitment to inclusive economic development. This is operationalised through E1, the subsequent employment policies and in general terms in the commentary about regeneration areas. Bearing in mind our concerns, we are pleased to see the added protection given by Policy E5 to the listed industrial and warehousing areas. However, policy on adequate, inclusive and continuing employment provision in regeneration areas is largely deferred to the non-statutory spatial frameworks for these areas.
62. The regeneration area spatial frameworks are at different stages of development. Some have not been started. The approach being taken is summarised in paragraph 2.6 of the topic paper “A number of locations are identified as regeneration areas, sometimes described as Areas of Growth and Regeneration (AGRs), where mixed use development will be supported. Some of these areas are currently industrial in character. It is proposed that employment space will be provided as part of redevelopment, for uses such as office and other workspaces.”
63. We are concerned that office and workshop jobs are likely to be different from those being displaced. The council’s approach, explained in paragraph 7.5.3 of the topic paper does not reassure us. Regeneration areas will be “...underpinned by the principle that there will be no net loss of jobs resulting from regeneration. The number of jobs to be accommodated in employment space has been stated explicitly as targets for delivery... subject to a masterplanning process which has sought to identify capacity to accommodate existing businesses who wish to remain in the

area.” There is nothing about the type of jobs, nor recognition that existing business may not see a secure future in areas undergoing such substantive change.

64. There is also a high degree of qualification as, for example, in the development framework for the Whitehouse Street area of Bedminster where the aim is “The retention of businesses whose operations are not incompatible with mixed use development of the area, wherever possible and desired by those businesses.”

65. Indeed, as we say above Atkins in the ELSNA, JLL in their ELS and property market update and market feedback have all raised concerns regarding the risk of loss of industrial and warehousing space in regeneration areas.

Soundness of the plan’s approach

66. For the reasons set out above, without modification the draft plan is not consistent with national policy.

D. Assessing the carbon emissions likely to arise from the plan’s strategy and policies

National planning policy

67. Local planning authorities are bound by the legal duty on local plans to include “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.^{15 16}

68. In discharging this duty, local authorities should comply with paragraph 153 of the NPPF and ensure that local plans are in line with the objectives and provisions of the Climate Change Act 2008. This means the local plan’s development strategy (and supporting policies) should be consistent with both the Climate Change Act’s net zero target and the supporting carbon budgets. The Sixth Carbon Budget requires, by law, greenhouse gas emissions to be reduced by almost 80% by 2035.¹⁷ This plan is intended to “guide development over the plan period up to 2040” therefore the plan should align with this budget.

69. For the avoidance of doubt, the requirement for plans to be in line with the objectives and provisions of the Climate Change Act 2008 is something the government takes very seriously. For example, in considering an amendment to tie planning decisions to the Climate Change Act 2008 the then minister with responsibility for planning reform, said at Committee that the amendment wasn’t needed because “the national planning policy framework already requires local planning authorities to plan in line with the objective and provisions of the Climate

¹⁵ <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

¹⁶ In the Levelling-Up and Regeneration Act 2023 “The local plan must be designed to secure that the use and development of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’

¹⁷ <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

Change Act 2008”.¹⁸ The Deputy Leader of the House of Lords, Earl Howe made the same point in the closing stages of the Levelling-up and Regeneration Bill when he stressed that the NPPF expected plans to “take a proactive approach to mitigating and adapting to climate change.... *explicitly* in line with the objectives and provisions of the Climate Change Act 2008.”¹⁹

70. Consistency with national policy is a key consideration of soundness. National planning practice guidance is very clear that this applies to this policy, “Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking.”²⁰ *To be found sound*, Local Plans will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and cooperate to deliver strategic priorities which include climate change.”²¹

Our concerns about the local plan’s approach

71. A critical, and in this instance missing, part of a plan’s evidence base is an assessment of the carbon emissions the plan’s strategy will give rise to. Without such an assessment, we do not know the anticipated carbon implications of the chosen strategy and supporting policies; whether the draft local plan is consistent with national policy and the statutory requirements; and, therefore, whether the plan is sound in terms of NPPF paragraph 35(d).

72. We took the opportunity to ask at the council meeting that approved the draft plan whether such an assessment had been carried out. In short, the answer was no.²² The city council in replying, said this is not necessary and, by implication, because “policies in the new local plan have been explicitly designed to contribute to that commitment by including evidence-based policies for maximising energy efficiency, making use of renewables and minimising embodied carbon in new development.”

73. We welcome the development of these policies, but for the plan to be found sound, in line with government policy and national practice guidance, the assessment should have been produced. In the absence of any assessment, and if we have to rely on aggregating the impact of individual policies, it is important that the relevant policies are sufficiently ambitious (and without loopholes) so as to deliver outcomes

¹⁸ [https://hansard.parliament.uk/commons/2022-07-14/debates/9a330bf1-4f19-4950-a061-048d9aefc111/Levelling-UpAndRegenerationBill\(FifteenthSitting\)](https://hansard.parliament.uk/commons/2022-07-14/debates/9a330bf1-4f19-4950-a061-048d9aefc111/Levelling-UpAndRegenerationBill(FifteenthSitting))

¹⁹ <https://hansard.parliament.uk/lords/2023-10-23/debates/5D21B12E-93D4-404F-AD99-DE8CA905CFE6/Levelling-UpAndRegenerationBill>

²⁰ Now forming part of the presumption in favour of development and a fundamental part of a plan’s expected strategic policies.

²¹ <https://www.gov.uk/guidance/climate-change#how-can-the-challenges-of-climate-change-be-addressed-through-the-local-plan> Paragraph: 001 Reference ID: 6-001-20140306

²² <https://democracy.bristol.gov.uk/documents/b32831/Responses%20to%20Public%20Forum%2031%20October%202023%20Full%20Council%2031st-Oct-2023%2018.00%20Full%20Council.pdf?T=9>

consistent with the NPPF's policy intentions, including the 80% cut in emissions by 2035.

74. We are not convinced this is the case with the proposed standards for embodied carbon set out in NZC3. These standards will set the framework for planning decisions until at least 2030, including for development that will be constructed in the 2030s. They could, and should, be more ambitious.
75. We have read the justification for the proposed standards as set out in the Net zero and climate topic paper.²³ We appreciate the importance of understanding current practice, but are concerned that the assessment of current and developing good practice is unnecessarily cautious. There is a sense the standards are being set at a level that will mitigate pushback from the less progressive parts of the development industry.
76. The proposed construction phase standards range from <400 kgCO₂e/m² (for residential, 4 storeys or fewer), through <500 kgCO₂e/m² (residential 5 storeys or greater) to <600 kgCO₂e/m² (for major non-residential schemes). As a performance benchmark, it is telling to look at what the industry *can* deliver *now*. For example, Curtins, field-leading structural engineers (with a £35m turnover), maintain an embodied carbon database that allows them to track their performance and set realistic targets. Their current average is approximately 340kg of CO₂e/m². They have a corporate commitment to reduce the average upfront embodied carbon in their projects to 295kgCO₂e/m² by 2030.²⁴
77. The city council's caution has resulted in unnecessarily unambitious standards in the draft plan with too little stretch. As proposed, the city council's own estimate is that even with the standards in place, meeting the plan's housing target will produce 350,000 tonnes CO₂ by 2030.²⁵ The proposed standards in the draft local plan fall some way short of what is needed.
78. The City Council acknowledges this in the topic paper, "LETI recommend that to achieve a net zero build environment, residential buildings should target upfront embodied carbon of 500kg/m² from 2020 and 300kg/m² by 2030" And "The Science Based Targets Initiative carried out a study into the pathway that the global buildings sector's embodied emissions should take to align with achieving only 1.5°C of climate change. To achieve this, new residential buildings should achieve an upfront embodied carbon of less than 407kg/m² from 2025." Curtins say that to be on the ideal trajectory to net zero by 2050 the upfront carbon in new construction by 2030 should have half the carbon load of (their reported) business as usual i.e. 170kgCO₂e/m².²⁶

²³ <https://www.bristol.gov.uk/files/documents/6906-bristol-local-plan-nzc-evidence-topic-paper/file>

²⁴ https://www.datocms-assets.com/101872/1700038781-curtins-carbon-impact-report-part-1_v2.pdf

²⁵ City council presentation to Curtins Networking Breakfast: How to Deliver Embodied Carbon Targets, 7 November 2023, <https://vimeo.com/884293696/8a8b59939f?share=copy>

²⁶ Ibid.

79. Disappointingly, the standards also do not align with RIBA’s 2030 Climate Challenge.²⁷ - RIBA said, in 2021, “The RIBA advocates that buildings designed today should ideally aim for the 2030 targets now”. We agree.
80. Clearly, the proposed standards do not align with extant carbon budgets or achieving net zero by 2050, never mind the city’s own ambition to be carbon neutral by 2030. They fall short of what field-leading companies see as a realistic tracking down of embodied carbon by 2030²⁸ and what, for example, the embodied carbon policy report for the West of England unitary authorities (referenced in the topic paper) said was possible for a mid-rise apartment constructed to typical current (for no cost uplift).
81. We also do not find convincing the argument justifying the more permissive standard for taller (5 storeys or greater) residential buildings. In the context of what is needed, adapting a standard to encourage a more polluting building morphology, rather than looking to utilise building morphologies with a lower carbon impact seems somewhat perverse. Having such a broad range of taller buildings (5 storeys to...?) also masks the granularity of increasing carbon intensity with building height.
82. We are also concerned that without clearer expression, NZC3 would allow for ‘gaming’. Take purpose build student housing (PBSA). Although not a C3 use, to all intents and purposes, PBSA is residential. Yet applicants in Bristol are arguing that for the purposes of the emerging policy the less demanding ‘major non-residential’ standard should apply to them. Comparing PBSA with the type of uses set out in the topic paper to illustrate the development of the ‘major non-residential standard is clearly a nonsense. It is also inappropriate in engineering terms to use the less demanding standard. Non-residential schemes such as offices have the less demanding standard for both construction and operational embodied carbon because, for example, larger grid spacings are required for flexible uses of floor plans and larger operational energy loads are required due to the nature of building use and the associated density of users. The plan should be clear that for the purposes of NZC3 PBSA is a residential use.

Soundness of the plan’s approach

83. For the reasons set out above, the draft plan is not consistent with national policy without evidence to demonstrate the strategy and policies are in line with the Climate Change Act 2008. Without this evidence, and the modifications we have suggested, we do not consider the plan is sound.

E. Providing an effective plan

National planning policy

84. The government has consistently underlined its commitment to a “genuinely plan-

²⁷ <https://www.architecture.com/about/policy/climate-action/2030-climate-challenge>

²⁸ Ibid.

led system with a stronger voice for communities”²⁹, including in its recent consultation on plan-making reforms “Our vision is for local plans... to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. We want them to clearly show what is planned in a local area”.³⁰

85. The NPPF underlines³¹ that plan policies should be "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

Our concerns about the local plan’s approach

86. In our view, delivering this national policy intention is critical to both the efficiency of the planning process (the avoidance of appeals etc) and maintaining public confidence in a local plan. Users of a plan, not least local communities, need to be confident there is a common understanding of intent and that plan policies will be applied consistently. Local communities need to know what the plan means for where they live and work.
87. The plan currently fails on these essential principles, including in some highly important policies where meaning and intent are likely to be controversial and contested and need to be clear. Without this clarity it is hard to see how the plan can be sound.
88. We have discussed above the plan’s general approach to tall buildings. Specifically, there are a number of relevant policies lacking clarity. For example, DS1A which says “Tall buildings in the right setting and of the right design may be appropriate as part of the overall approach to development, in accordance with Policy DC2 ‘Tall buildings’.” How, because there no spatial clarity, does anyone (other than the council) know what the council is likely consider to be the right setting (or indeed the right design)?
89. Even after turning to DC2 the reader is left largely none the wiser because the policy is applied to a large tranche of Bristol “...Inner Urban Area, Bristol City Centre, Temple Quarter and St Philip’s Marsh” or as identified “in policies for specified regeneration areas”.
90. The rest of DC2 is qualitative and the only way to know where it might, or might not, be acceptable to develop a tall building is to ask the council about where they would/ or would not find acceptable. And acceptable at what height. We have asked the council, and we have been told a tall buildings strategy will be developed in due course. In the meantime, we know of at least three locations in the city centre where developers have at the very least been given tacit encouragement over the

²⁹ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

³⁰ <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>

³¹ Paragraph 16(d)

last 18 months to bring forward 28-story towers.³² The council's own development company also has its own proposal for a 30+ storey tall building in the pipeline. From our reading of the extant development plan, and the emerging plan, we have been genuinely surprised about the purportedly acceptable locations for towers of the proposed heights. A local plan should not be open to such diverse (and divisive) interpretations.

91. The draft plan policies DS1A and DC2 might be crafted to give the city council maximum flexibility but this also means it is not "evident how a decision maker should react to development proposals". Or at least on the basis of the policies in the local plan.
92. There are many other examples of unclear policies in the plan, including in DS1 "Proposals will have regard to the area's important heritage assets and *respond appropriately* to key views and landmarks set out in the relevant Conservation Area Character Appraisals and other supporting policy and guidance." [what does this mean?]; in DS2 "..... development *will be expected to contribute appropriately* to the delivery of the mix of uses and supporting infrastructure, services and facilities as set out in this policy" [what does this mean?]; DS3 ".. Development will ensure the provision of *appropriate green infrastructure and open space.*" [what does this mean?].
93. As an aside, 'appropriate', or a variation, appears 290 times in the draft, mostly without setting clear parameters by which appropriate will be judged. Demonstrate is another example. And sometimes, as with Policy E6 we get both "where it can be *demonstrated* that the on-site provision of such workspace is *inappropriate.*", or a series of undefined requirements as in Policy SSE2 "...changes of use to ground floor residential development in centre boundaries *may be acceptable* where: it has been *demonstrated* after a *suitable* period of *appropriate* marketing that there is no *realistic* prospect of securing an active use in the unit".
94. Given the government's commitment to a "genuinely plan-led system with a stronger voice for communities" we are surprised to see the degree of delegation in the plan, and internalised within development management policies, to a range of non-statutory documents.³³ Some of these documents are still to come, some are being signed-off by the council in advance of the plan's examination.
95. These non-statutory documents circumnavigate the formal processes of a local plan; for example, there is no independent examination and their proposals have not been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SEA). They cannot be supplementary planning documents³⁴, because they do not build on policies in an adopted local plan - because the reviewed local plan has not been examined, never mind adopted. They are in effect a backdoor route to introduce policies into the development plan

³² The design evolution sections in the Design and Access Statements for 23/02827/F and 23/04490/F

³³ Using various descriptions: frameworks, plans, masterplans and strategies.

³⁴ <https://www.gov.uk/guidance/plan-making>

because of the various policies in the draft local plan that require development proposals to accord with their content.

96. For example, DS1A states “In accordance with Policy DS1 ‘Bristol City Centre’, development of this area will be expected to accord with the City Centre Development and Delivery Plan [CCDDP], which will coordinate the approach to development across the area and the relationship with surrounding locations.” This non-statutory document has recently been signed off by Bristol’s Cabinet.³⁵ We were very critical of aspects of the plan,³⁶ but these concerns were largely ignored. We have no redress, but the reviewed local plan would expect compliance with the CCDDP. The CCDDP, a non-statutory plan, could therefore have the full weight planning law gives to the development plan in the determination of planning applications.
97. In this context we note the CCDDP explains that “Part B presents the Broadmead Placemaking Plan and Castle Park Masterplan, setting out the *proposals* for the two areas of focus in more detail.” S19(5) of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to “carry out an appraisal of the sustainability of the proposals in each development plan document”.³⁷
98. So, with DSA1, we have a local plan policy that requires compliance with proposals in a document that anticipates an adopted local plan, rather than building on it, and in doing so has both side-stepped the legal safeguards provided by the statutory process for preparing a local plan and the requirement for sustainability appraisal.
99. In this regard, we would also note that Article 3(2) of the SEA Directive³⁸ says “...an environmental assessment shall be carried out for all plans and programmes, (a) which are prepared for ...town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC” ie including urban development projects.
100. In addition to DSA1 and our representation about the plan’s policies for open space, and GI A in particular, other examples of concern include:
- DS4 – “Development of Western Harbour will be expected to accord with a masterplan which will coordinate the approach to development across the area and the relationship with surrounding locations.”
- DS1 – “The design of development will be expected to accord with local design guides and codes and any design guidance within other relevant city centre frameworks and strategies.”

³⁵ Ibid

³⁶ <https://www.bristolcivicsociety.org.uk/city-centre-development-and-delivery-plan/>

³⁷ <https://www.gov.uk/guidance/plan-making>

³⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042>

H4 – “Within areas of growth and regeneration as set out in the Development Strategy an appropriate proportion of homes of various sizes will be sought in accordance with the provisions of those policies and any relevant supplementary planning documents, masterplans or spatial frameworks.”

101. We do not see how this sort of delegation delivers policy that meets the NPPF test of being “evident how a decision maker should react to development proposals”. We, again, consider the approach to be in conflict with national policy on an important matter.

Soundness of the plan’s approach

102. For the reasons set out above, the draft plan is not consistent with national policy. Without further work and modification we do not consider the plan is sound.