

Brislington meadows 22/01878/P

Planning History

Pre-application – 19/05220/PREAPP

During 2019 a pre-application was made on the site for 300 residential Units and related infrastructure. In accordance with the Town and Country Planning Act 1990 an amenity assessment of the site was conducted to identify the trees with the greatest amenity value. Although the hedgerows are high quality amenity assets for screening and partitioning the site; Hedgerows cannot be protected by a tree preservation order but individual trees can be.

Tree Preservation Order (TPO) 1400 was served on 28th April 2020. An objection was raised relating to the condition of the trees at the proposed Broomhill Road entrance. A further assessment was made which Identified the Elm within the northern boundary of the site were declining due to Dutch Elm Disease and the ash within the woodland group had signs of ash dieback; TPO 1400 was not confirmed.

TPO 1404 – Land at Broomhill Road was served as a new order on 26th October 2021 and confirmed on 6th January 2022

Outline planning

The outline application seeks consent for access only with all other matters reserved. On such an important site this form of application does not allow BCC to request the level of information required to fully assess the implication in relation to trees, construction methodologies and tree protection.

The application provides an outline plan for 260 residential dwellings. The proposed requires the loss of trees and ancient hedgerows with significant topographical re-modelling, and earthworks that have the potential to affect further the retained trees and hedgerows. No supporting arboricultural documentation to mitigate these affects has been provided.

The supporting arboricultural implications assessment is a summary of the proposed outline application in relation to trees with recommendations for further reports but does not contain a detailed assessment of the proposed

Tree loss

The proposed seeks to remove trees and ancient hedgerows across the site to facilitate the development

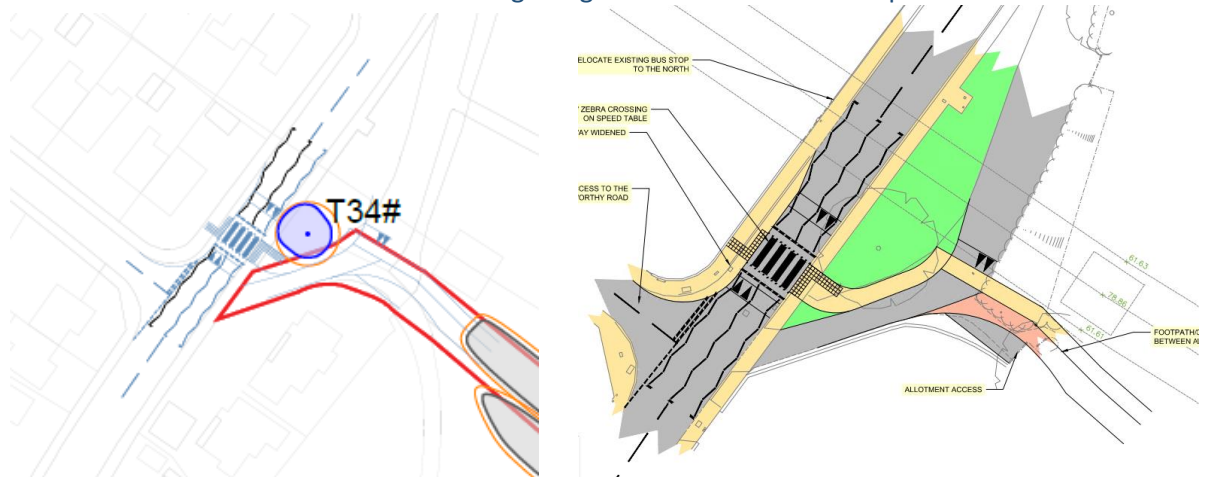
Tree loss for site access

The site access plans show a very limited encroachment onto the site in each instance and therefore the supporting arboricultural report states that only group 42 will need to be removed to facilitate the full application for site access. Although very few trees will be lost in the first 10-20m of access as shown on the supporting access plans, further tree loss will be required to gain access on and across the site to facilitate the outline development.

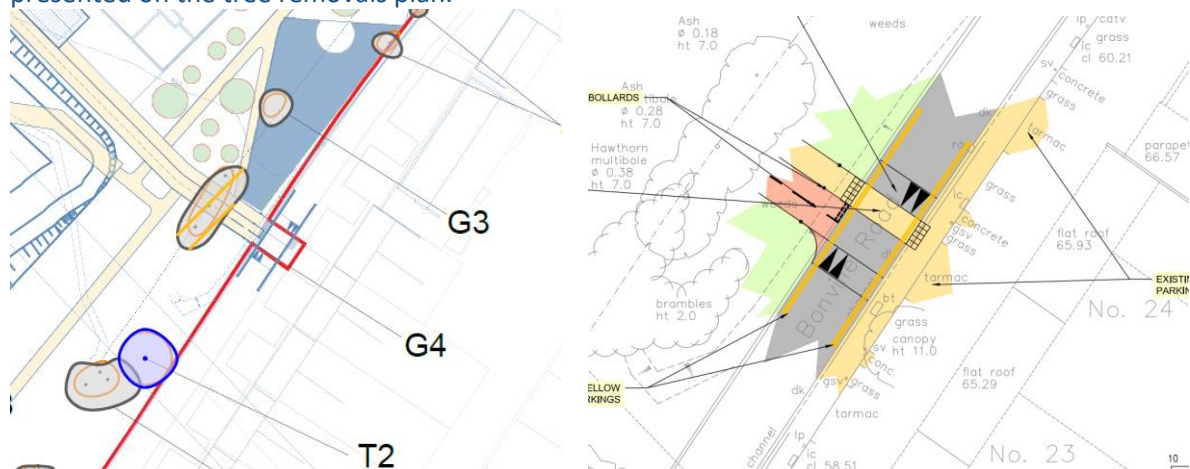
The site access from Broomhill Road requires the selective removal of woodland W2 & potentially the Oak protected by TPO 1404, T15 on the TPO plan on the north-eastern corner of the site that has not been fully quantified.



The pedestrian access from School Road would require the removal of G42. The mitigation for the removal of G42 in accord with the Planning Obligations SPD has not been presented.



The pedestrian access from Bonville Road will again require the loss of Group 4. This has been presented on the tree removals plan.



The outline application seeks full consent for the site access. The tree loss and mitigation in accordance with the 'Planning Obligation SPD; Tree Replacement Standard' has not been presented. For site access this is limited to Group 42. Mitigation for tree loss must be presented for the outline part of the application because financial contributions cannot form part of the reserve matters if the site were to receive outline consent.

Tree loss to facilitate the outline development.

TPO 1404 was served in accordance with section 198 of the Town and Country Planning Act 1990 to provide guidance of the highest quality amenity trees across the site that should be retained during the development process.

Three trees from TPO 1404 have been identified for removal these are T10, T15 & T16(TPO plan numbers). The loss of these trees has not been justified within the supporting arboricultural impact assessment and will adversely affect the future visual amenity of the site.

The removal of three trees (T9 - TPO 1404, T18 -TPO 1404 & T28); the full or partial removal of 17 groups (G1, G4, G8, G7&9 (Partial), G21, G22, G24, G26, G27 (partial), G30, G31, G32, G33, G34, G35, G37, G40 & G42) and the partial removal of Woodland W2 (Including Oak T15 TPO 1404) has been proposed to facilitate the outline consent.

It is recognised that Ash dieback and Dutch elm disease are present on site and that a number of trees within the North-eastern section of the site requires management.

Mitigation in accordance with the 'Planning Obligations SPD; Tree Replacement Standard' has not been addressed and therefore any financial contribution for offsite mitigation cannot currently be agreed prior to consent.

Hedgerows

The supporting arboricultural report states there are no hedgerows on site but does recognise that there are habitats of principle importance.

Hedgerow (Text from arboricultural report)

"3.22 Hedgerow is any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps are less than 20m wide. It may include banks, walls, ditches, herbaceous vegetation, climbing plants or trees within 2m of the centre line. All hedgerows which comprise at least 80% woody native species are included.

3.23 The survey identified no hedgerows. The ecology Hedgerow Assessment (7507.20.057) considered that 5 linear groups fit the criteria for Habitat of Principal Importance (G10 and G24; G20; G25, G27 and G34; G26; and G21)".

Appendix C – Hedgerow assessment contradicts this statement. The hedgerow assessment document assesses the ecological quality of the hedgerows but does not assess the historical context of the hedgerows on site.

Ancient hedgerow definitions

Definitions (Defra: Habitat Action Plans – Ancient and Species Rich Hedgerows)

Ancient hedgerows

Ancient hedgerows (which tend to be the most biologically diverse in terms of both plants and animals) are defined as those that were in existence before the Enclosures Acts (Mainly passed between 1720 and 1840)'

Species-rich hedgerow

Species-rich hedgerows are defined as those containing an average of 5 or more native woody species per 30m length (4 species in northern England, upland Wales and Scotland). Additionally, hedges containing fewer woody species, but with a rich basal flora of herbaceous plants are included, although there is no specific definition for identifying them.

Neglected Hedgerow

Neglected hedgerows gradually turn into rows of trees and develop gaps, impacting on their ecological status. This has become more of a problem in recent years in response to increasing labour costs, and the loss of traditional skills.

Brislington Meadows

The hedgerows within Brislington meadows were in existence before the end of the Enclosures Act period and are therefore defined as Ancient Hedgerows. The hedgerows have not been managed for a significant period and have therefore become neglected reducing the species diversity due to the encroachment of blackthorn growth. The dominant species within a majority of the hedgerows is Hawthorn in the main with sideways colonisation of blackthorn. Gaps have begun to form and trees such as field maple, hazel, holly and elder become scars where they would have once grown well evident by the small numbers remaining within the hedgerows.

There is still good evidence of age succession of hawthorn within the hedgerows. Aged, dead and potentially veteran specimen can be identified, alongside young trees. Due to the heavy blackthorn & bramble encroachment either side of the hedgerows it is however virtually impossible to gain access to the centres in order to make a true assessment of the age of the oldest hawthorn.

Some sections of hedgerow have more than five native species within a 30m length, however the previously managed hedgerow species have become individual trees. During my site visit I took photographs of a number of trees that have almost horizontal sections of stem close to ground level, this demonstrates the hedgerows were once managed by laying. This is a traditional form of hedgerow management that is seldom used since the mechanisation of farming practises.

The hedgerows on site are neglected ancient hedgerows that have been in existence since before 1840. Ancient hedgerows are irreplaceable habitats, and their proposed removal is a reason for refusal.

National Planning policy Framework (NPPF) in relation to Hedgerows at Brislington Meadows

Para 180

"If significant harm to biodiversity resulting from a development cannot be avoided, mitigated or compensated; planning permission should be refused.

Development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists".

NPPF - Glossary of terms

Irreplaceable Habitats: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Hedgerows are also a UK priority habitat – these are habitats that are identified as being most threatened and requiring conservation action.

Evidence to demonstrate the hedgerows are ancient



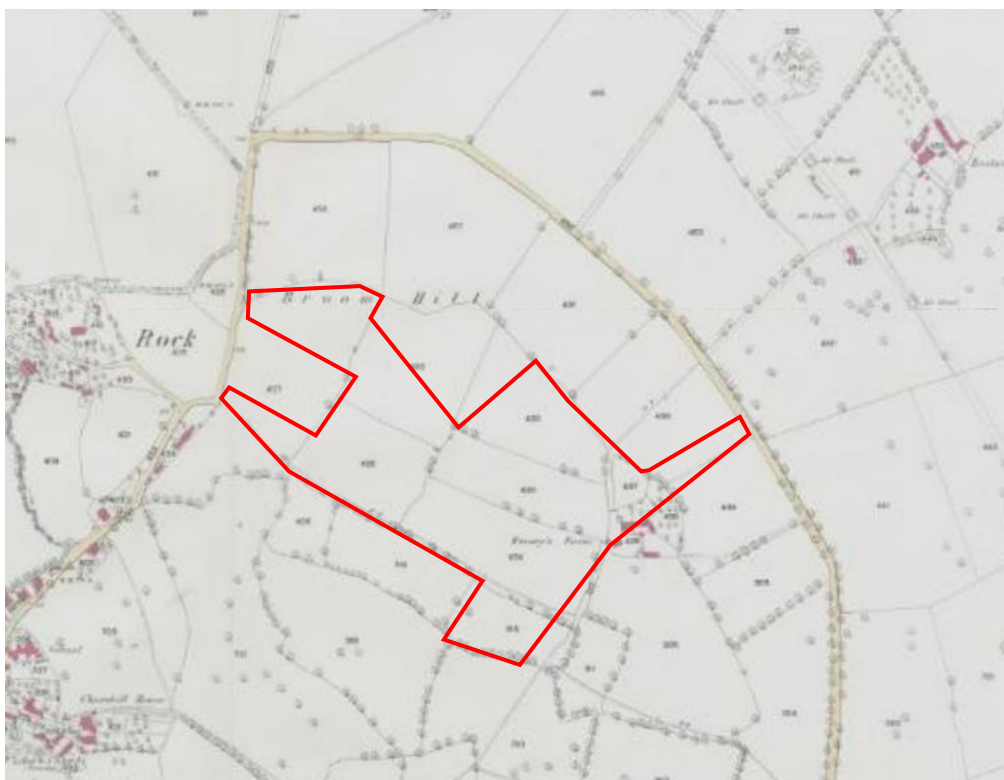
Brislington Enclosure map (Circa 1780)

Shows the enclosure to the north of the proposed development.



Know your place 1844-1888 OS 1st edition (Orientated to match the enclosures map)

The majority of the field boundary/ hedgerow network has not changed from the enclosures plan. The field structure to the north of the site has not changed between the enclosures plan and the OS 1st edition. Although some of the larger fields to the north have been compartmentalised into smaller fields.



Rough red line boundary of the proposed on 1844-1888 1st OS edition.

It is reasonable to conclude that the internal field hedgerow network was in existence during the period of enclosures and therefore the hedgerows are ancient hedgerows.

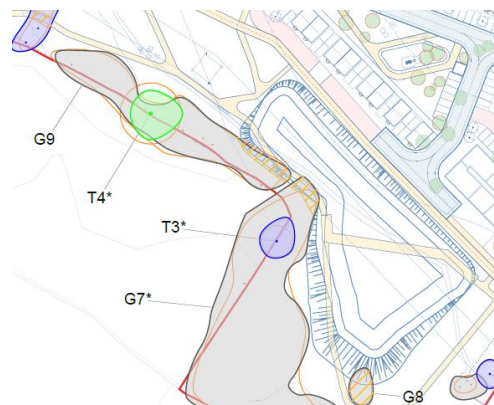
Earth works & Isopachytes plans

The supporting plans demonstrate an extensive reprofiling of the landform to facilitate the proposed that does not consider the existing site ecology, historic field network or ancient hedgerows.

The excavations and fill are in close proximity to retained trees and hedgerows and no working space has been identified for these works. These works therefore have the potential to adversely affect these features.



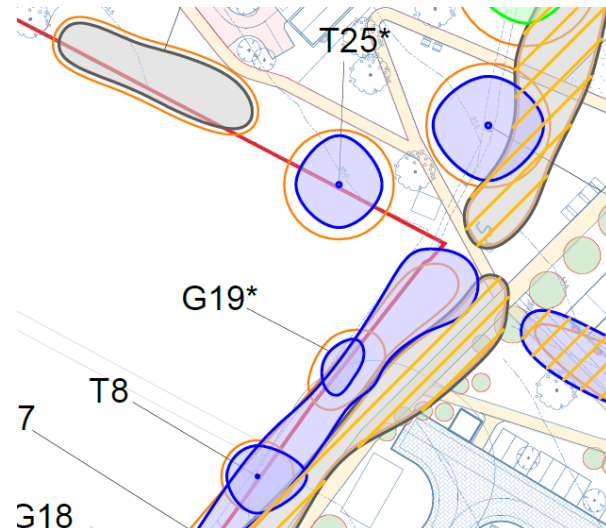
The proposed water attenuation in the western corner of the site, is located on the outer limits of the root protection area of the recognised veteran tree, T6 Oak, and the southern hedgerow boundary. An increase of 3m of heavily compacted fill in this area has the potential to affect ground water hydrology which could adversely affect the rooting environment of this tree. There is no working space between the tree's root protection area and the fill and therefore without a high level of supervision there is the risk of damage to the veteran tree.



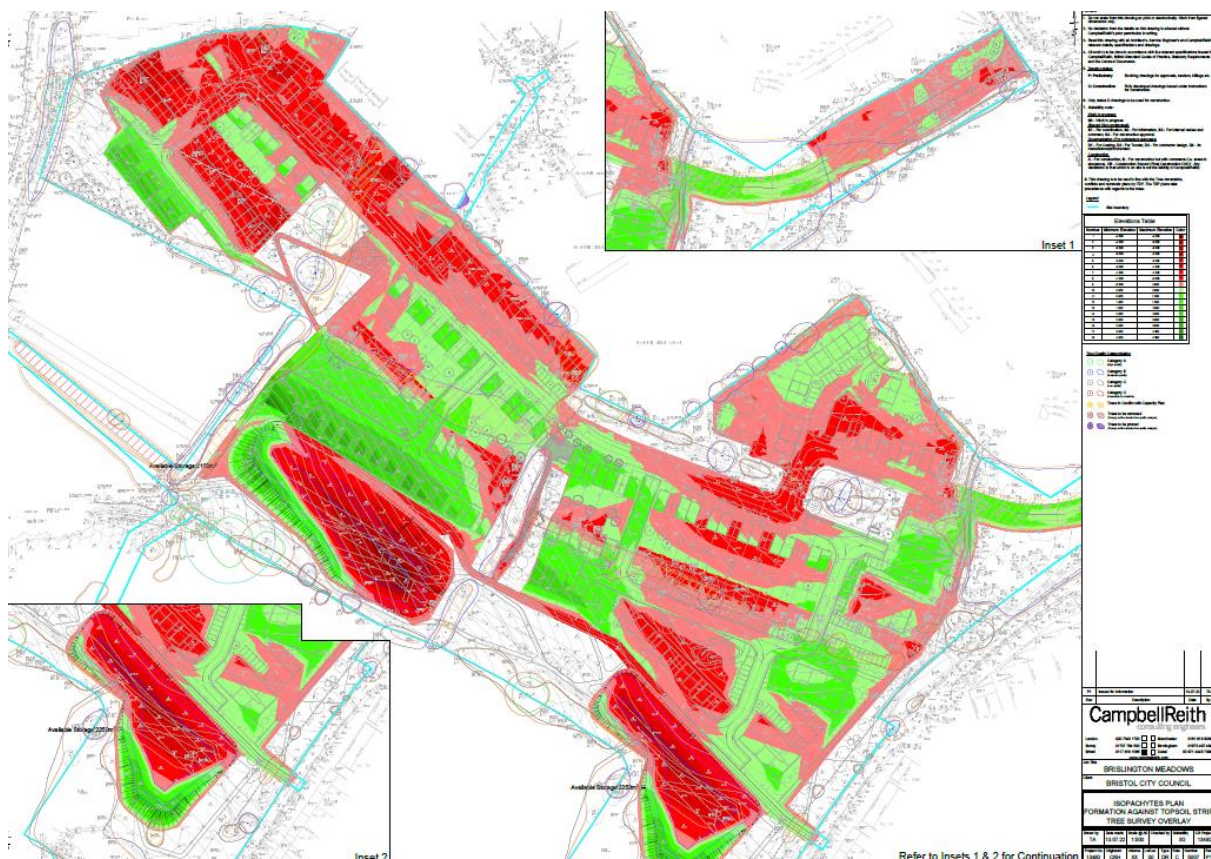
The water attenuation area in the southern section of the site requires the partial removal of groups G7 & G9. The proposed removal of part of the group is on the line of fill, and therefore in reality more extensive removal will be required to facilitate these earth works; again no working space has been allowed for.



The only section of hedgerow proposed for retention G10 has significant earthworks on either side which is likely to lead to the loss of this feature.



The addition of up to 3m of material to facilitate a footpath on north-western boundary of the site adjacent to the allotments and within the root protection areas of T8 & G19 (Which includes Holly T6 TPO 1404) has the potential to adversely affect the rooting environment of the trees which can lead to their decline and early loss.



The isopachytes plan shows that almost all areas of the site will be regraded to some degree. Trees proposed for retention on the northern boundary of the site will have the soil levels around them change from between 0-500mm; if 500mm of soil is stripped from within the tree's root protection areas all of the trees will be lost.

The minor regrading continues on the eastern boundary adjacent to Bonville Road and could again result in the loss of any tree currently identified for retention.

The re-sculpting of the landform to such an extensive degree has the potential to cause an even greater tree loss than is already proposed. It will destroy any remaining ecology, archeology, trees and ancient hedgerow remnants within the developable area.

Planning policy

Due to the application for outline consent, an assessment of the full scheme within the context of the National Planning Policy Framework and Bristol's Development Management Policies is very difficult, due to the sparsity of information the applicant is required to provide.

The Executive summary within the supporting arboricultural report states;
“there are no adverse effects that cannot be mitigated or offset, and which therefore lead to potential grounds for a refusal of outline planning permission”.

I do not agree with this statement

NPPF

Paragraph 180

180. When determining planning applications, local planning authorities should apply the following principles:

- a) *If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

The proposed if consented will result in the loss on ancient hedgerows (an irreplaceable and priority habitat) and cause significant harm to biodiversity.

The development's primary objective is **not** to conserve or enhance biodiversity and should therefore be refused.

Paragraph 131

*"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure the new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, **and that existing trees are retained wherever possible**. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users".*

Due to the extensive reprofiling of the site there appears to be a limited effort to demonstrate that existing trees have been a material consideration or efforts to ensure their retention within the developable area.

Development Management Policies

DM15 – Green Infrastructure Provision

Trees

The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development.

The design, size, species and placement of trees provided as part of the landscape treatment will be expected to take practicable opportunities to:

- I. *Connect the development site to the strategic green infrastructure network, and/or Bristol Wildlife Network.*
- II. *Assist in reducing or mitigating run-off and flood risk on the development site.*
- III. *Assist in providing shade and shelter to address urban cooling.*

IV. *Create a strong framework of street trees to enclose or mitigate the visual impact of the development.*

The proposed loss of all hedgerows will remove a large proportion of the site's green infrastructure connectivity. The loss or potential loss of a large proportion of the tree within the developable area does not demonstrate an aspiration to provide an improved management of existing trees. The earth works have the potential to adversely affect a significant number of trees identified for retention in contravention of DM15.

DM17: Development Involving Existing Green Infrastructure

"Trees are considered valuable multifunctional green infrastructure assets. The policy seeks to protect the most valuable trees and in line with the Core Strategy approach to green infrastructure assets, mitigate for the loss of other important trees by securing replacement tree on-site or in the public realm. The tree compensation standard sets out provides a suitable mechanism to determine the appropriate level of mitigation where loss of trees is proposed as part of the development".

Trees

- *All new development should integrate important existing trees*
- *Development which would result in the loss of ancient woodland, aged trees or veteran trees will not be permitted.*
- *Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard.*

The proposed does not seek to retain the most important green infrastructure assets on site that provides an aged and important ecological feature connecting the vast ecology across the site.

No mitigation figures have been presented in accordance with DM17 & the Planning Obligations SPD; Tree Replacement Standard for the access or outline consent of the developable area.

Conclusion

The design detail for site access is limited to less than 30m at each point. Requesting reserve matters for all other aspects on such an important site does not allow Bristol city Council to request sufficient supporting documentation to fully assess the impact of the proposed.

It is recognised that the site was de-designated from a Site of Nature Conservation interest (SNCI) prior to its allocation for development against the advice of the council's ecologist at the time. The site has a vast nature conservation value, as disused agricultural land on the outskirts of the city that includes aged & veteran trees and ancient hedgerows.

I cannot support this application and recommend refusal on the following grounds

- Significant loss of incredibly valuable ecology within the city boundaries.
- Loss of ancient hedgerows, an irreplaceable and priority habitat.
- Development threat to aged and veteran trees due to extensive fill operations on the boundaries of there root protection area with no working space or buffer.

- Inevitable loss of trees, currently proposed for retention, due to the planned extensive reprofiling of the site – a necessary conclusion with no arboricultural documentation provided to demonstrate otherwise.
- No overarching mitigation strategy to demonstrate that tree loss could be fully mitigated on site or calculations for off site financial contributions have been provided.

Any development proposal for this site needs to be nature conservation led and retain as much of the ancient field network as possible. Development that respects the natural contours of the site is possible and has been approved on other development sites in the city.