

Nature Conservation Officer 23/11/22

22/01878/P Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD – Objection

While the current application seeks outline consent with only access to be determined at this stage, the supporting documents for this application, specifically the Landscape Parameter Plan, show the degree of biodiversity loss on this site. This is further informed by the Ecological Desk Study, Ecological Impact Assessment (EcIA), 8No ecological appendices and Biodiversity Net Gain Assessment (BNGA) submitted.

What is shown on the landscape parameter plan and the results of the ecological and Biodiversity Net Gain (BNG) assessment forms the basis of this objection from Nature Conservation. This is then supported by Bristol City Council (BCC) development management policies and paragraphs from the National Planning Policy Framework 2021 (NPPF) which this proposal does not align with.

Brislington Meadows is a Site of Nature Conservation Interest (SNCI) designated by the Local Sites Partnership however through site allocation reference BSA1201 of the BCC Local Plan 2014 it is allocated for development. The site allocation establishes the acceptability in principle of residential development, with development considerations listed regarding nature conservation. These reference the site's ecological value (*"the site currently has city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features"*) and must be considered in this proposal.

Rebuttal response

The Environment Partnership (TEP) produced a technical response note to support Homes England's rebuttal to BCC's objection from Nature Conservation. The following comments in the technical response note have been addressed, numbered 1 – 10. Further comments follow, numbered 11- 19.

1. The rebuttal states: *"Fundamentally, Site Allocation Policy BSA1201 allocates the site for development for housing, with indicative capacity for 300 homes, and explicitly makes provision for habitat loss and compensation"*. Attention must be drawn to the development considerations of the BSA1201 site allocation which relate to nature conservation, listed below:

Site allocation BSA1201 Development Considerations regarding nature conservation

Development should:

- *be informed by an ecological survey of the site and make provision for mitigation and compensation measures, including enhancement to the grazing land adjacent to Victory Park and compensation for the loss of semi-improved neutral grassland and damp grassland (the site currently has city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features);*
 - *retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey;*
 - *provide a green infrastructure link with Eastwood Farm Open Space to the north-east;*
2. The proposed development does not align with the development considerations of the BSA1201 site allocation regarding nature conservation.

2.1 The proposed development has not identified mitigation and compensation measures for the loss of biodiversity on the site. The rebuttal states: *"While detailed proposals for*

biodiversity mitigation and compensation are not practical at this Outline stage, the submitted application commits to 10% biodiversity net gain and confirms this would be delivered through a comprehensive package of on and offsite measures which are still to be discussed and agreed with the Council". The information the ecological and BNG assessments present for this proposed development do not deliver confidence that they can achieve a net gain in biodiversity because there is no agreement in place between BCC and Homes England yet for on and offsite measures. See also point 3 below.

2.2 The proposed development has also not retained important hedgerows and trees within the development. The landscape parameter plan and ecological assessment show that 5No (3No fully and 2No partially) hedgerows are planned to be removed out of the 6No hedgerows surveyed. All these hedgerows are classed as 'important' under the Hedgerow Regulations 1997 and are Section 41 Habitats of Principle Importance under the Natural Environment and Rural Communities Act (2006). The rebuttal states: *"it is not practical or viable to retain all important hedgerows within the requirements of housing delivery under Site Allocation BSA1201. The mitigation hierarchy has been applied to hedgerow loss/retention decision making and appropriate provisions for mitigation and compensation measures are described in the EclA and outline BNG reports submitted"*.

2.3 The BSA1201 site allocation contains *"indicative capacity for 300 homes"* as the rebuttal states. The wording of the BSA1201 site allocation is *"The estimated number of homes for this site is 300"* at the base of the development considerations. It clearly states that this number is an estimated capacity for the site, not what is definitively viable for the site. The introduction of the 'Site Allocations and Development Management Policies Annex: Site Allocations Information' states that *"For those sites with a housing allocation, an estimated number of homes which could be developed on the site is provided. The precise number of homes to be developed will be determined through the planning application process"*. As such, the development considerations for the BSA1201 site allocation should be met i.e *"incorporate important trees and hedgerows"*, before the number of viable houses on this site can be confirmed, especially on a site with *"city-wide importance for nature conservation"*.

2.4 Furthermore, Nature Conservation comments on the Pre-app for this site (19/05220/PREAPP) in 2019 contained the following: *"The current proposal involves a significant loss of hedgerows including species-rich hedgerows shown on the constraints and opportunities plan and is not considered ideal from an ecological perspective. The findings of the ecological surveys should be used to inform the layout and design of the scheme"*. This pre-app advice does not appear to have been followed.

3. The rebuttal states: *"Ecological mitigation is required for hedgerow replacement on site and the outline BNG report identifies where opportunities lie within the illustrative masterplan. The BNG calculations conclude net gains for hedgerows well over the 10% target would be feasible. In total, the EclA estimates that through retention and replacement hedgerow planting, this would result in a net total of 725m in hedgerows within the site (delivering net gain)"*. The following was provided in the original objection from Nature Conservation: *"Using the BCC Know Your Place mapping system online, the 1840s Tithe plan shows the same field structure in place as is existing currently at Brislington Meadows within the central part of the site. Only the northern boundary has changed since this date due to development of the school. This shows that the hedgerows and the standard trees present in them were in existence prior to the Enclosures Act (mainly passed between 1720 and 1840)"*.

The following is also stated in 'Ecological Technical Appendix C: Hedgerow Assessment' (TEP, March 2022) *"The Historic Environment Desk-based Assessment (Ref 7507.22.002) concludes all hedgerows and other outgrown vegetated boundaries, excluding H6 on Broomhill Road, are of historic cultural importance under the 'archaeology and history' criteria. Under these criteria, hedgerows H1-H5 are assessed as important due to their forming "an integral part of a field system pre-dating the Inclosure Acts"."* The hedgerows on this site are demonstrably important features of this landscape, and support the high-level biodiversity shown by the ecological assessments produced. Replacing removed hedgerows with new hedgerows satisfies the requirements of the BNGA for hedgerow habitat but does not address the loss of a feature of this landscape with biodiversity, cultural and historical importance - the retention of which has been made a specific development consideration of the BSA1201 site allocation.

4. It must be noted that while badger activity on this site was originally only recorded on hedgerow 5, increased activity (latrines, snuffle holes and sett building) was recorded on the most recent site visit on 17th October with the BCC Nature Conservation and BCC Tree Officer. The majority of the activity appears to be on the western side of the site including in hedgerow 2 and 5, indicating that the hedgerows are supporting badgers.

5. The rebuttal states *"The iterative design approach and the submitted illustrative design solution for the proposed scheme in the form of the Parameter Plans, on a site allocated for housing within the adopted development plan, is thus in-keeping with Policy BCS9, which specifically states "Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy"*.
 - 5.1 Firstly, loss of green infrastructure is not simply allowed for as part of an adopted development plan. Policy BCS9 ends with *"Appropriate mitigation of the lost green infrastructure assets will be required"* and this is reflected in the development considerations of site allocation BSA1201. Appropriate mitigation has not been provided. The hedgerows that are proposed for removal on this site have biodiversity, cultural and historical importance and cannot be adequately replaced by new hedgerows which will not have the same degree of importance on this site.

 - 5.2 Secondly, the BSA1201 site allocation development considerations clearly state that development should *"retain or incorporate important trees and hedgerows within the development"*. The BSA1201 site allocation does not allow for the loss of these green infrastructure features.

6. The rebuttal states: *"While detailed proposals for biodiversity mitigation and compensation are not practical at this Outline stage, the submitted application commits to 10% biodiversity net gain and confirms this would be delivered through a comprehensive package of on and offsite measures which are still to be discussed and agreed with the Council."* There is insufficient evidence that the mitigation hierarchy has been followed so that offsite compensation is not favoured before retention, mitigation, and compensation on site.

7. The rebuttal states: *"In accordance with Policy DM17 the development would not result in the loss of ancient woodland, aged trees or veteran trees. 'Aged trees' does not have a universally recognised meaning" and "It is taken from the context and similarity of definition that 'aged' can be regarded as equivalent in meaning and application to 'ancient' as defined*

by NPPF". Regardless of whether BCC defines aged trees as ancient trees, DM17 still states that *"Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted"* and this development proposes to lose aged trees. The hedgerows present on this site have likely been in existence prior to the Enclosures Act (mainly passed between 1720 and 1840) as stated in the 'Historic Environment Desk-based Assessment' (Ref 7507.22.002) submitted with this application and based on the 1840s Tithe plan of this site which shows the same field structure in place as is existing currently at Brislington Meadows. Therefore 'aged' is considered to be an appropriate term here and DM17 applies.

8. Regarding the BCC One City Ecological Emergency Strategy, the rebuttal states: *"within the site, an area approximating 45% of the net area would be put to green space. While the majority will be multifunctional (i.e. not solely focussed on wildlife objectives), it and adjacent land uses would be designed to ensure the GI provision is functional and beneficial for wildlife"*. Firstly, if this area is multi-functional, it is not specifically being managed for the benefit of wildlife. Secondly, there is a lack of information as to how benefits for wildlife would be secured.

9. The rebuttal states: *"The EclA fully acknowledges that it would take considerable time for habitat creation measures to replace the full biomass and ecological function of such well-established habitat. This is in part accounted for by the weightings applied within the BNG metric for habitat replacements, risks and complexities"*. The time it would take for habitat mitigation and compensation to replace the 'full biomass and ecological function of such well-established habitat' is reason for objection, as in the interim of this site being developed and habitat creation measures being implemented, species such as breeding birds, badgers, bats, slow worms (all protected by the Wildlife and Countryside Act 1981, and The Conservation of Habitats and Species Regulations 2017), invertebrates, a high number of pollinators and others like deer and fox, will be permanently displaced from this site and Bristol will experience more wildlife decline (the trigger for BCC announcing an Ecological Emergency in 2020). This is directly in contravention of policy DM19 of the BCC 'Site Allocations and Development Management Policies Local Plan' (see point 12 below), and paragraph 180(a) of the NPPF 2021 (see point 13 and 16 below).

10. The rebuttal states that the Nature Conservation objection *"appears to be a contention with the level of detail submitted or the outline stage, more so than an objection to the proposed scheme"*. The level of detail submitted in the Ecological Desk Study, EclA, 8No ecological appendices are satisfactory for the level of planning they are informing. To be clear this objection is to the proposed scheme for the following reasons:
 - 10.1 the development considerations of the BSA1201 site allocation have not been met with regards to nature conservation. See points 2 – 2.3;
 - 10.2 the degree of biodiversity loss on this site is considered to be inappropriate for a site this large, well-established and designated for nature conservation even when balanced against its allocation for development, because the site's development allocation specifically considers the site's nature conservation value in its development considerations.

BCC Site Allocations and Development Management Policies

11. Policy DM19 Development and Nature Conservation is applicable.

Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and*
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and*
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.*

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided.

12. It cannot reasonably be said that this proposed development has been “*designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance*” based on the degree of habitat proposed to be lost and number of species present on this site, shown on the Landscape Parameter plan and the ecological and BNG assessments provided.

12.1 Regarding “*Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site*”, see point 2 above.

12.2 Regarding “*Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided*”, based on the landscape parameter plan the majority of the site will be made up of urban features, private gardens and multi-use areas. Information is currently lacking regarding whether these features contain provision for nature conservation considering the development considerations of the BSA1201 site allocation.

13. Policy DM17 Development Involving Existing Green Infrastructure is applicable, see point 7 above.

BCC Core strategy

14. Policy BCS9 Green Infrastructure policy is applicable, see point 5 above.

National Planning Policy Framework 2021 paragraphs 174, 179, and 180

15. This development proposal does not align with the following paragraphs of the National Planning Policy Framework 2021.

Conserving and enhancing the natural environment

Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Habitats and biodiversity

Paragraph 179. To protect and enhance biodiversity and geodiversity, plans should:

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity ⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation ⁶²; and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 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;

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

16. Regarding paragraph 174, see points 2.1, 3 and 6 above.

17. Regarding paragraph 179, Brislington Meadows is undeniably wildlife rich. Its components have been identified and mapped but not safeguarded for habitat management, enhancement, restoration or creation – especially not those which have been specifically mentioned in the development considerations in the BSA1201 site allocation. In addition, the proposed development does not “*promote the conservation, restoration and enhancement of priority habitats*”, those on this site being the hedgerows. See point 2.2, 2.3 and 3 above.

18. Regarding paragraph 180, an adequate mitigation or compensation plan is currently absent from this outline planning application. See point 2.1 above. It cannot be said in good confidence that the loss of biodiversity on this site is going to be adequately mitigated and compensated for in accordance with the development considerations. The proposed

development has not given sufficient attention to ecological mitigation and compensation which form part of the site allocation's development considerations. The development proposal has not identified adequate opportunities "*to improve biodiversity in and around [the] developments*". Opportunities have been primarily referred to off-site, but this application lacks details as to how that will be achieved. See point 2.1 above.

Other considerations

19. An increase in recreational pressure on the Brislington Meadows SNCI (areas not contained in the red line boundary of the 22/01878/P application) would be possible as a result of this proposed development, and sufficient information must be provided on this issue to prove otherwise.

Closing statement

The development proposal as submitted does not adequately address the matters relating to nature conservation in the development considerations, resulting in a proposal which is not demonstrably a sustainable form of development.

A degree of on-site biodiversity loss is implicit in the housing allocation on this site, however this proposed development presents a biodiversity loss which, along with the lack of adequate on or off-site mitigation and compensation measures, is beyond that which might be acceptable considering the BSA1201 development considerations relating to nature conservation (primarily that which states that important trees and hedgerows should be retained). Development on this site could be designed with less harm to the sites ecological features considering it is a site which the BSA1201 allocation clearly states has "*city-wide importance for nature conservation*".