

## **Brislington meadows 22/01878/P**

Arboricultural comments November 24<sup>th</sup> 2022

### **1 Planning History**

#### **1.1 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.

#### **1.2 Tree Preservation Order (TPO) 1400 was served on 28<sup>th</sup> 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.**

#### **1.3 TPO 1404 – Land at Broomhill Road was served as a new order on 26<sup>th</sup> October 2021 and confirmed on 6<sup>th</sup> January 2022.**

### **2 SNCI**

#### **2.1 Brislington Meadows is an SNCI which includes the land at Broomhill/ Brislington Meadows, Victory Park and tenanted fields that join the Bath Road to the west. The land at Broomhill/Brislington Meadows is allocated for development through the Bristol City Council adopted Local Plan 2014 (Site Reference BSA1201) The allocation prevents the sites nature conservation status from being an in-principal reason for refusal in accordance with DM19: *“Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted”*. The allocation establishes the acceptability in principle of residential development, with development considerations regarding Trees and Hedgerows.**

### **3 Site allocations**

#### **3.1 Land at Broom Hill, Brislington (Site reference BSA1201) referred to as Brislington Meadows has been allocated for development. The allocation contains Development Considerations which is the basis in which any planning application should be considered through policy SA1 along with all other relevant development plan policies.**

### **Trees and Green infrastructure development considerations**

- 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 a 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 hedges 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.
- The estimated number of homes for this site is 300.

#### 4 Principle of development

- 4.1 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”*. Any housing developer should perform due diligence checks in order to fully consider the number of viable homes that could be built within the constraints of a site. 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”*.

#### 5 Trees

- 5.1 The Site Allocations: Development Considerations guides the acceptability of tree loss and mitigation to enable the site to be developed. It also defines what needs to be retained and incorporated within a consented development.
- ***Retain or incorporate important trees and hedges within the development which will be identified by a tree survey.***
- Standard reports that would ordinarily be assessed in accordance with BCS9, DM15 & DM17 must be conditioned as reserve matters.
- 5.2 TPO 1404 - Land at Broomhill Road was served during the pre-application process to identify the most important trees on site. Hedges and hedgerows cannot be the subject of a tree preservation order; individual trees of merit within a hedgerow can.
- 5.3 The applicants Technical Response Note – Ecology and Arboricultural and ecological response; states *‘Tree preservation orders do not require the retention of any tree they include within development’*. TPO 1404 was served to identify the most important trees on site in accordance with the site allocations, development considerations.
- 5.4 A tree preservation order is an amenity assessment that identifies those trees that merit protection. This is different to a planning application being made on a site that contains trees protected by a tree preservation order. A tree preservation order and those trees contained within it are a material consideration within any planning application.

#### 6 Hedgerows

- 6.1 The site allocations, development considerations recognises that the site currently has a city-wide importance for nature conservation due to the presence and condition of particular species, habitats and/or features. Further the development should retain or incorporate important trees and hedges within the development.
- 6.2 It is recognised that the hedgerows are not irreplaceable habitats as defined with the NPPF 2021. My initial consideration was based in the definition with the NPPF 2021; Glossary: ***Irreplaceable habitat: 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 march and lower fen.

- 6.3 The hedgerow assessments undertaken by the applicant has identified all of the hedgerows as **'important'** in accordance with the Hedgerow Regulations 1997 and are Section 41 **Habitats of Principle Importance** under the Natural Environment and Rural Communities Act (2006). Habitats of principle importance are a material consideration within a planning application. The Landscape parameter plan has indicatively identified the removal of most of the hedgerows; this is not in accordance with the site allocation development considerations.
- 6.4 The applicants Technical Response Note – Ecology and Arboricultural and ecological response has devoted a significant number of paragraphs on a rebuttal to the status of what are considered ancient hedgerows. Given I have redacted my statement that the ancient hedgerows are irreplaceable habitats some of the discussions and arguments on whether they are ancient is less of a material consideration. The hedgerows status as 'Important' and 'Habitats of principle importance' should guide the decision process in accordance with the Site Allocations – Development considerations.
- 6.5 The LIDAR mapping shows ditch and bank planting system which has been confirmed by a site visit and data collection. This system was utilised prior to and during the enclosures period and demonstrates the hedgerows are not a modern field system. The LIDAR mapping also identifies what appears to be ridge and furrow remains. The appellant has associated this to modern activity which includes allotment activity.
- 6.6 There is no evidence of allotment activity within the site, the allotments occupying a site to the west and with different characteristics to the ridge and furrow to the east. The allotments adjacent to School Road date to Circa 1940's (1946 aerial map) which originally extended to the northeast towards Allison Road but have never been located on the field system.
- 6.7 The Enclosure Acts are not a relevant consideration in the dating of historic field boundaries, many of which existed as part of earlier field systems and subdivision of larger manorial field systems. Enclosures existed before the enclosure acts, and these acts do not preclude the earlier date of these features.
- 6.8 The view of the council is not based on the 1840's Tithe maps as the basis of assessment, but the coherent pattern of enclosure around ridge and furrow patterns shown on LiDAR data. The presumption should be made that, on this evidence, the hedgerows be considered as ancient, unless further evidence is provided that demonstrates otherwise.
- 6.9 The hedgerows that form the historic field boundaries are considered ancient hedgerows that have been classified as 'important' hedgerows in accordance with the Hedgerow Regulations 1997 and are Section 41 Habitats of Principle Importance under the Natural Environment and Rural Communities Act (2006). and should be retained and considered a principal feature of development as defined within the site allocations development considerations.

## **7 Application details**

The outline application seeks full consent for access only; with all other matters reserved for the proposed development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure.

- 7.1 The outline application sets only the principle of development through the parameter plans and does not allow detailed assessment of all aspects of the development.

## 7.2 Documentation for assessment

The plans listed below are those that can be assessed to either consent or refuse the outline application.

- Access & movement parameter plan (Dwg 7456\_101)
- Landscape parameter plan (Dwg 7456\_102)
- Land-use parameter plan (Dwg 7456\_103)
- Height's parameter plan (Dwg 7456\_104)
- Brislington Meadows Design Code (8<sup>th</sup> April 2022)
- Proposed route through Broomhill Junior school (Dwg 1066-003)
- Proposed Site Access, Broomhill Road (Dwg 1066-007)
- Proposed Site Access, Bonville Road (Dwg 1066-014)
- School Road Access and Crossing (Dwg 1066-016)

## 7.3 Additional documentation

All additional documentation in relation to trees and green infrastructure have been provided to accompany the application but cannot be a reason for consenting or refusing the application. They are a guide to the how the development principles will be developed and its potential implications only.

## 8 Site access

- 8.1 Full consent is being sought for site access and therefore any conflict with trees within the access drawings need to be supported by a full arboricultural report in accordance with BS5837:2012, DM17 and the validations list requirements; section 23. Mitigation for proposed tree removals needs to be addressed in accordance with the Planning Obligations SPD, Tree Replacement Standard. A full arboricultural report including an arboricultural method statement and tree protection plan has not been provided for the full application for site access.
- 8.2 The site access plans show a very limited access onto the site in each location and therefore tree loss to support full consent in these locations is limited. The onward movement from each access point will require a greater level of tree loss.
- 8.3 The site access from Broomhill Road is the principle and only vehicular access, which was agreed at the pre-application stage (19/05220/PREAPP).



8.4 Landscape parameter plan (Dwg 7456\_102). This is the only agreed vehicular access point for the proposed development.

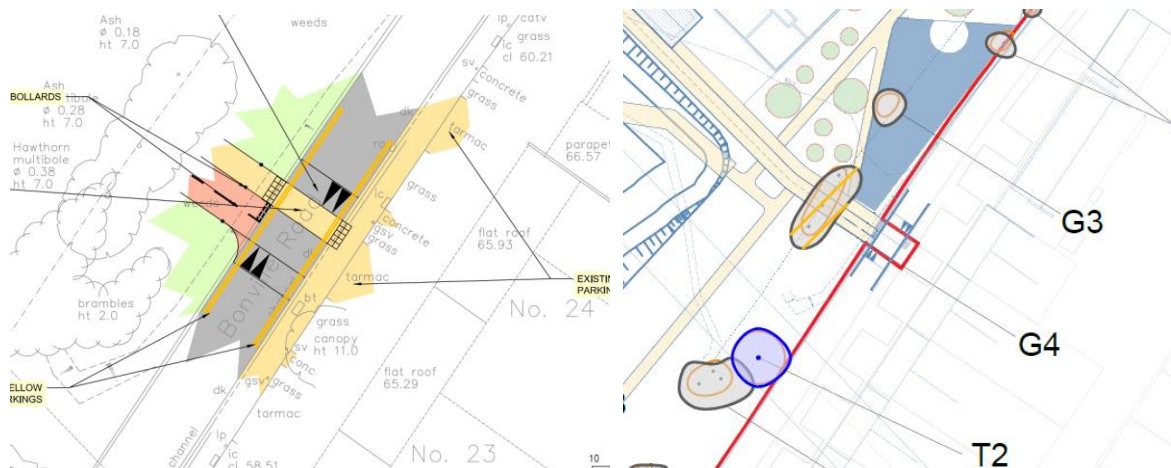


8.5 Proposed Site Access, Broomhill Road (Dwg 1066-007). G39 is proposed for retention. An arboricultural method statement and tree protection plan has not been provided to demonstrate this group can be retained and provide working methodologies to facilitate this access. The onward movement of this access point has the potential to affect W2 a 'Habitat of Principle Importance' (TEP arboricultural report; 3.13 Habitats of Principles Importance) and T15 Oak included with TPO 1404 (trees TPO number referenced); further details of tree removals and tree protection will need to be secured by reserve matters.



8.6 School Road Access and Crossing (Dwg 1066-016). T34 is proposed for retention. An arboricultural method statement and tree protection plan has not been provided to demonstrate this tree can be retained and provide working methodologies to facilitate this access. The onward movement of this access point will require further tree removals; further details of tree removals and tree protection will need to be secured by reserve matters.





8.7 Proposed Site Access, Bonville Road (Dwg 1066-014). The onward movement of the pedestrian access from Bonville Road will require the loss of Group 4; further details of tree removals and tree protection will need to be secured by reserve matters.

8.8 Proposed route through Broomhill Junior school (Dwg 1066-003). The route through Broomhill junior school will have a limited effect on retained trees. The proposed seeks to reduce the side of G47 to facilitate this access.

## 9 Site access conclusion

9.1 The application seeks full consent for site access and is therefore to be assessed in accordance with national and local planning policy.

### Nation Planning Policy Frame work (NPPF)

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 that 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.*

### Validation list detail:

Trees are a material consideration to the proposed in accordance with BSC9 Green Infrastructure, DM15: Green Infrastructure Provision & DM17: Development Involving Existing Green Infrastructure.

### Section 23

*"An arboricultural report (see table 2) must be submitted where there are trees within a proposed application site, or on land adjacent to an application site (including trees in neighbouring gardens and street trees), that could influence or be affected by the development, including works such as site access, services routes and site compounds. Information will be required on which trees are to be removed and retained, the means of protecting those to be retained during demolition and construction works and compensatory planting for removed trees."*

### Validation requirements

#### Tree survey/ Arboricultural Statement

*Where there are trees within the application site or on land adjacent to it that could be influenced or affected by the development (including street trees) and those trees having a stem diameter of*

greater than 75mm when measured at 1.5m above ground level, the following information will be required.

#### **Full Planning Application**

- 1) *A full survey of all trees on site and within influencing distance of the proposal (with a stem diameter of greater than 75mm when measured at 1.5m above ground level) in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations*
- 2) *An Arboricultural Impact Assessment and Tree Protection Plan showing trees to be retained and removed, and setting out appropriate physical protection for retained trees during construction works.*
- 3) *Any pre-development tree surgery works.*
- 4) *An Arboricultural Method Statement where works are needed within the Root Protection Areas (see BS5837:2012) of retained trees or where retained trees cannot be protected by standard physical means such as fencing and/ or ground protection.*
- 5) *Proposed location of underground services.*
- 6) *Mitigation planting for any removed trees.*

*The survey/ AIA should be prepared by a qualified arboriculturist.*

- 9.2 Insufficient documentation was provided at the validation stage to support the full application for site access in accordance with the validation list requirements. Further details will now have to be secured by condition for this aspect of the development.

#### **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.**

#### **Application Information**

##### **Trees**

**Where trees are present on a development site a BS5837: 2012 – Trees in relation to design, demolition and construction – Recommendations; Tree survey and related survey information should be submitted along with an application for planning permission.**

- 9.3 The applicant has not provided, An Arboricultural Method Statement or tree protection plan where works are needed within the Root Protection Areas of trees T34 & G39 to demonstrate the construction of the access from Broomhill Road and School Road can be achieved without adversely affect trees proposed for retention.

9.4 The validation list requirements for the full application for access only have not been met in accordance with DM17: Development Involving Existing Green Infrastructure. Further arboricultural documentation can be secured by condition. This is however not the advice within the NPPF paragraph 56 because the additional documentation would be required as a pre-commencement condition.

Paragraph 56 states *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. **Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification**”*.

9.5 The level of supporting documentation does not provide confidence that trees T34 & G39 which have been identified for retention can be retained without being adversely affected by the proposed.

## **10 Principle of development – outline application**

10.1 The outline application seeks consent for the principle of development of Brislington Meadows in accordance with the indicative Parameter plan drawings and design codes only.

10.2 The site allocations- development considerations and planning policy SA1; define the parameters of development. For arboriculture and green infrastructure these are:

- 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 a 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 hedges 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.

10.3 TPO 1404 – Land at Broomhill Road was served as a new order on 26<sup>th</sup> October 2021 and confirmed on 6<sup>th</sup> January 2022. No objections were received and therefore it is considered the applicant is accepting that the trees within this order are those of greatest importance on site.

10.4 The applicant has undertaken a number of ecological studies across the site including a hedgerow assessment in accordance with the Hedgerow regulations 1997. This assessment has identified all of the hedgerows as ‘Important’ within the regulations.

10.5 The Site allocations – Development considerations recognises that the site currently has city wide importance for nature conservation and that any development must *“Retain or incorporate important trees and hedges within the development which will be identified by a tree survey”*.

10.6 The Landscape parameter plan (Dwg 7456\_102) and the Tree Conflicts Plan (Dwg D7507.21.303) confirm that Important hedgerows and trees will be removed to facilitate the proposed. The indicative parameter plans do not provide specific detail on which trees and



hedges are proposed for removal and therefore I have utilised the number from the tree conflicts plan.

- Important hedges to be removed G18, G20, G21, G24, G26 & G27.
- Important trees identified for removal protected by TPO 1404 T9, T18 & the Oak (T15 within TPO 1404).
- Woodland 2 (Habitat of principle importance) partial removal to facilitate the access from Broomhill Road.

At this stage the Parameter plans provided do not adhere to the site allocations – development considerations in that they propose the removal of important trees and hedgerows.

## **11 Principle of development – Outline application conclusion**

11.1 The Executive summary within the supporting arboricultural report states.

*“In consideration of the desktop search and survey results, and the parameters set by the Parameters Plan and Design Code, 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”.*

11.2 The emphasis within the supporting Arboricultural Implication Assessment & Technical Response Note – Ecology & Arboriculture is to mitigate the loss of important trees and hedgerows through the Biodiversity Net Gain Metrix and Planning obligations SPD, Tree Replacement Standard. This does not accord with the National Planning Policy Framework, Bristol Core Strategy (BCS 9) or the Site Allocation (BSA1201) – Development considerations and Planning Policy SA1.

11.3 Additionally the Supporting Isopachytes plan shows the proposed extensive reprofiling of a majority of the site by excavation and fill of at least 500mm. A majority of a tree’s root system is located within the top 600mm of soil This level of reprofiling risks damaging trees, hedgerows and ecology across the whole site. This does not respond to the site’s city-wide importance for nature conservation as defined within the site allocations. The Technical Response Note – Ecology & Arboriculture 2.11 states that the cut and fill details are indicative only at this stage and would be a matter to be resolved at the detailed design stage. They may be indicative, but they do show the intention for major reprofiling which would be detrimental to the site’s trees and ecology.

## **National Planning Policy Framework (NPPF)**

### **Paragraph 131**

**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 that 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.*

### **Paragraph 180**

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

- b) 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.*

11.4 The loss of important trees and hedgerows and further the applicant's emphasis to remove and mitigate, does not show a primary objective to conserve, or enhance biodiversity in accord with para 180 considering *"the site currently has a city-wide importance for nature conservation due to the presence and condition of particular species, habitats and/or features"* or to retaining existing trees where ever possible (NPPF para 131)

#### **BCS9**

*"Individual green assets should be retained wherever possible and integrated into new development. 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. Appropriate mitigation of the lost green infrastructure assets will be required".*

*"Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site".*

11.5 Whilst Brislington meadows forms part of an adopted development plan that would allow the loss of green infrastructure the site allocations – development considerations define what is considered acceptable loss during the development process and states; *"Retain or incorporate important trees and hedges within the development which will be identified by a tree survey"*. The loss of important trees and hedgerows is contrary to BCS9 and the site allocation.

#### **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.**

11.6 The indicative outline application seeks to remove trees protected by TPO 1404 which are considered important trees within the site context. All the hedgerows have been identified by the applicant as 'Important' (Hedgerow Regulations 1997) and a 'Habitat of principle importance' (Natural Environment and Rural Communities Act 2006). The removal of 'Important existing trees' contrary to DM17.

11.7 The outline application has not responded to the site allocations and therefore important trees and hedgerows have been proposed for removal. Further the additional supporting Isopachy plan demonstrates the site wide reprofiling that will permanently alter a site that is recognised

as having city-wide importance for nature conservation due to the presence and condition of particular species, habitats and/or features.

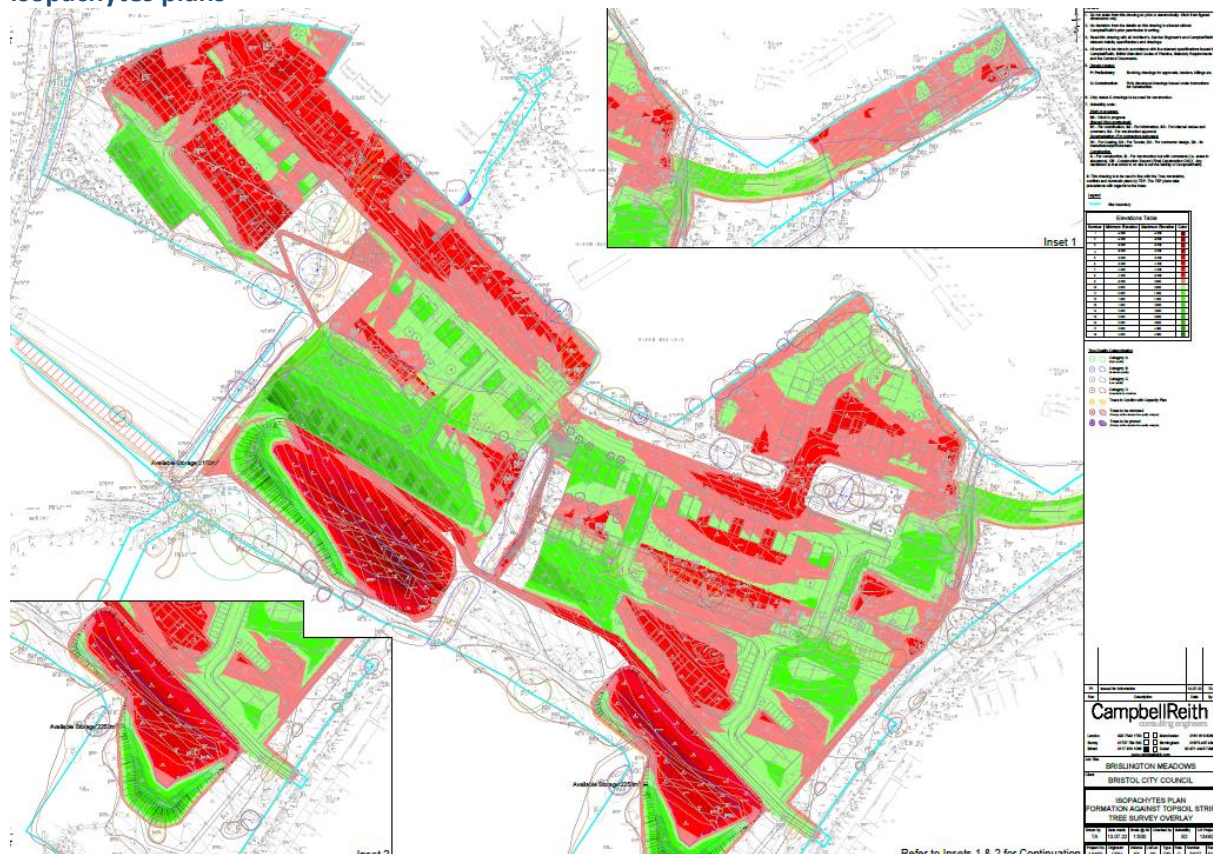
11.8 The principle of development proposed within the outline application is contrary to the guidance set out in The National Planning policy frame work (NPPF) paragraphs 131 & 180, Bristol Core Strategy (BCS9), Site Allocation BSA1201, Development Management Policy DM17 & SA1.

11.9 It is recognised that the site has been allocated for development. A revised scheme that responds to the site allocation – development considerations & NPPF 180 to deliver a scheme with a primary objective to conserve and or enhance biodiversity could be acceptable.

## 12 Additional supporting documentation

12.1 Indicative additional supporting documents have been provided to support the outline application but **cannot** be considered as a reason for refusal to the principle of development of Brislington Meadows. I have provided the below comments to demonstrate my concerns regarding the level of engineering proposed if consent is granted that will adversely affect trees and green infrastructure during the course of the proposed development.

### Isopachytes plans



12.2 The indicative 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.

12.3 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 if this plan is consented.



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

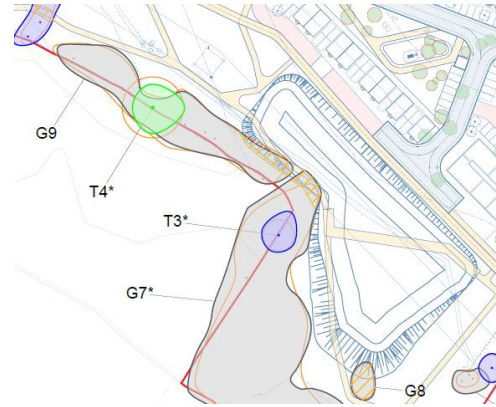
### Earth works

12.5 The supporting indicative plans suggests extensive reprofiling of the landform to facilitate the proposed that does not consider the existing site ecology, historic field network or Important trees and hedgerows. The excavations and fill are in close proximity to retained trees and hedgerows and no working space has been identified. These works therefore have the potential to adversely affect these features.



12.6 The indicative 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.

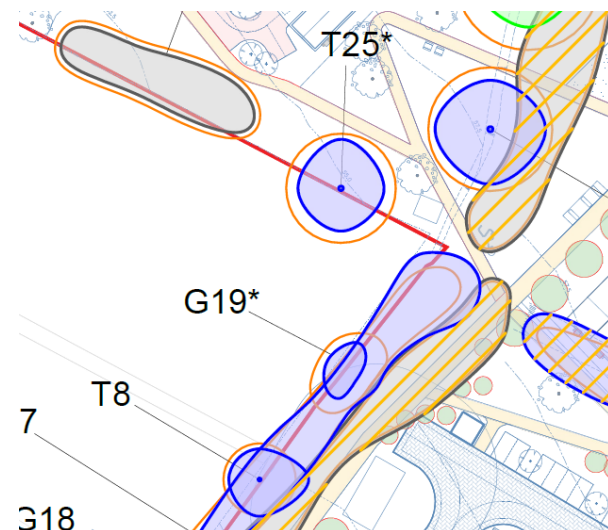




12.7 The indicative water attenuation area in the southern section of the site requires the partial removal of groups G7 & G9. The proposed removal of part of the group is on the line of fill, and therefore in reality more extensive removal will be required to facilitate these earth works; again no working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



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



12.9 The indicative 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.