

Summary Proof of Evidence – Ecology and Arboriculture

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

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Summary of Evidence

Qualifications and Experience of Witness and of TEP

- 1.1 I am a founder and Ecology Director at TEP^[1].
- 1.2 TEP is a multi-disciplinary consultancy, established in 1997, specialising in ecological and arboricultural assessment, habitat creation and tree/woodland management.

Instruction

- 1.3 TEP was instructed in July 2020 to carry out ecological, BNG and arboricultural assessments and advise on design and mitigation measures.

Key Documents Frequently Cited in Evidence

- 1.4 Outline Ecological Impact Assessment (OEcIA)^[2]
- 1.5 Design Evolution Document (DED)^[3]
- 1.6 Drawing 1: Consolidated Arboricultural Impact Assessment^[4]
- 1.7 Drawing 2: Hedgerow and Habitat Impacts^[5]
- 1.8 Parameters Plans and Illustrative Masterplan^[6]
- 1.9 Revised Outline BNG Assessment (OBNGA)^[7]

Surveys

- 1.10 Scope was agreed in pre-application discussions with the Council, to inform requirements of the allocation policy (grasslands, important trees and hedgerows), and other relevant development management policies.
- 1.11 Ecology surveys completed in 2019, 2020 and 2021. Recent follow-up surveys confirm no material change to site character. The OEcIA remains reliable^[8].
- 1.12 Tree survey was carried out in 2020, discussed with the Tree Officer on site in October 2020. Subsequently, Council served TPO1404 confirming the tree survey to be in alignment with the TPO^[9].

- 1.13 Council Committee Report made no challenge to survey findings. A late assertion of additional veteran trees (1 oak, 11 hawthorns) and “species-rich” hedges (H1, H3, H4) by the Council on 6th January 2023, without detail as their characteristics, will be addressed in rebuttals, with an additional witness being called if required.

Mitigation Hierarchy

- 1.14 The DED demonstrates how ecology and tree considerations influenced decisions regarding layout, infrastructure, access and green infrastructure.
- 1.15 Design, Avoidance, Mitigation, Compensation and Enhancement (DAMCE) measures on-site are described in OEcIA^[10]. Table 1 in evidence summarises the DAMCE measures^[11] for:
- a. Brislington Meadows SNCI
 - b. The Local Wildlife Sites Network (LWSN)
 - c. Irreplaceable habitats
 - d. Other habitats
 - e. Protected flora
 - f. Invasive flora
 - g. Protected and notable species
- 1.16 Habitat creation, restoration and enhancement measures on-site are:
- a. Wetland meadows along south boundary
 - b. Scrub and woodland enhancement
 - c. Creation and enhancement of the eastern green corridor
 - d. Wildlife-friendly features in building and greenspace design.
- 1.17 Items 1.16a-c above are secured through parameters plans. Item 1.16d would be secured at reserved matters stages by approval of designs that accord with Illustrative Masterplan¹² and Design Code¹³.

- 1.18 DAMCE measures would be secured by planning conditions requiring:
- updated surveys and assessments to be submitted for reserved matters approval¹⁴
 - ecological and tree protection method statements to regulate construction activity¹⁵
 - a Project Implementation Plan ensuring a consistent approach to mitigation is taken across all phases¹⁶
 - long-term management of retained and newly-created habitats¹⁷.

Biodiversity Net Gain and Tree Replacement

- 1.19 The Appellant is committed to 10% net gain using Biodiversity Metric 3.0, exceeding local policy requirements. A calculation is provided¹⁸ on the basis that SNCI designation is in place.
- 1.20 Net gain for hedgerows (c342m and +5.64 units) is achievable on site (+122%).
- 1.21 Net loss of c27.37% is predicted in terms of “habitat areas”, primarily grassland, consistent with expectations of the allocation policy. To achieve 10% net gain, c23 habitat units are required off-site.
- 1.22 The allocation envisages compensatory improvements to the remaining SNCI, owned by the Council. TEP’s estimate is that at least 50% of the off-site BNG requirement could be delivered here. The sale agreement currently precludes detailed BNG scheme development on Council land with Homes England until the planning position is determined. If the Council cannot facilitate this itself or through its partners in Nature Recovery, other offset providers can create and manage the appropriate habitats.
- 1.23 An estimated 162 trees would be lost, 90% being small diameter (<30cm). Application of the BTRS¹⁹ requires 250 replacements, which can be deployed on site, although partial provision elsewhere in Bristol is agreeable if the Council prefers.

SNCI Status

- 1.24 This is primarily a matter for planning witnesses. I note Homes England acted in good faith, advised by the Council that the site

was de-registered. Nevertheless, the OEciA^[20] recognised the inherent value of the site.

- 1.25 Loss of SNCI status is a harm that is consequential from the allocation. Habitat creation and restoration on site could enable (re)incorporation of 2.5ha habitats (see 1.16 a,b,c above) into the SNCI post-development. This is a potential benefit perhaps not recognised at allocation.

Allocation Policy

- 1.26 Three considerations (listed 3rd, 4th and 5th) are relevant.

Consideration 3 (Ecological Survey, Mitigation and Compensation Measures, including Enhancement of adjoining SNCI)

- 1.27 The above narrative (1.14 to 1.23) summarises the Appellant's approach which demonstrates a full understanding of the site's current value, and the DAMCE measures necessary to mitigate and compensate harms, going beyond this to deliver 10% BNG.

Consideration 4 (Retention or Incorporation of Important Trees and Hedgerows)

- 1.28 Policy does not set criteria to describe how the term "important" should be applied to either trees or hedgerows.
- 1.29 Regarding trees, the Council considers TPO trees to be primary. I consider them to be an important material consideration but not determinative, noting TPO trees at issue are Category B under BS5837.
- 1.30 The scheme would involve loss of 3 TPO trees; 1 as a consequence of access from Broomhill Rd, and 2 in the outline area. The DED demonstrates TPO trees and BS5837 Category A trees have been subject to avoidance measures as far as is possible.
- 1.31 Importance of hedgerows is not defined solely by their status as "important" under the Hedgerow Regulations, although most are. Hedgerows were assessed using a range of criteria including woody species (diversity and rarity), ground flora (diversity and rarity), connectivity, faunal value (bats, badgers, birds, invertebrates), structure and presence of trees.

- 1.32 Drawing 2 displays hedgerows and former field boundaries, estimating:
- Overall length – **1,564m**;
 - Red - Length presumed lost for access, circulation and earthworks required for place-making – **430m**, almost all in the outline area;
 - Brown - Length probably lost, based on the illustrative masterplan, but which might be retained at detailed design stages subject to finished ground levels and/or retaining structures – **277m**;
 - Green – Minimum **856m** retained on parameters plans.
- 1.33 Hedges H1, H3, H5, HH2 and HH7 meet the most criteria for recognition of importance. The DED demonstrates their retention and incorporation into the illustrative masterplan, with losses limited to those essential for circulation and access.
- 1.34 The difference between the Council's and Appellant's positions relates to H2 and H4 and the two TPO trees therein, in the outline area. These hedges have slightly lower value in terms of connectivity to the SNCI and the LWSN than hedges listed above, and the trees are Category B.
- 1.35 H6, HH1 and HH8, likely to be affected, are of low value when assessed against the range of criteria.

Consideration 5 (Green Infrastructure Link to Eastwood Farm)

- 1.36 This link is secured through parameter plans. At pre-application stage, the Council advised a minimum width of 10m, preferably 20m. The link has a minimum 12m width, but is generally greater. It would comprise woodland and grassland.

Protected and Priority Species

- 1.37 No known bat roosts are affected. Foraging corridors would largely be sustained. Mitigation and compensation include new roost provisions, sensitive lighting, habitat creation and enhancement measures.

- 1.38 Slow worms would be temporarily displaced. Phased and humane translocation to refuge areas either within the site or in the SNCI can be secured.
- 1.39 There would be a reduction of foraging for badgers, some species of bird and invertebrate. This is consequential from the allocation. However, species can be conserved locally through the DAMCE measures. On and off-site BNG measures would create new habitats likely to benefit these and other priority species.

Development Management Policy

- 1.40 The scheme responds positively to national and local policies, reflecting that loss of SNCI status and grassland is consequential from allocation; and that construction-stage disturbance and displacement is also inevitable. The DAMCE measures provide a framework for minimising on-site harms and retaining, incorporating and creating a range of habitats on site that are consistent with a housing allocation of this scale.

Reasons for Refusal 1,2,3,5

- 1.41 I address these at relevant points in my evidence, summarising my commentary in Chapter 11.

Conclusions

- 1.42 The Proposed Development is sensitively and comprehensively designed in response to important ecological and arboricultural features of the Site, noted in site-specific Allocation Policy (BSA1201). The mitigation hierarchy is followed.
- 1.43 A net loss of biodiversity and arboricultural value is predicted on-site, as anticipated when the site was allocated. Nevertheless, development in accordance with the submitted parameter plans will retain and create a green infrastructure framework on-site that would have beneficial ecological and arboricultural value.
- 1.44 Harms to the remaining Brislington Meadows SNCI will be avoided. Harms to protected and priority species will be acceptably minimised and mitigated. While a reduction in habitat will result for some species, provision can be made on-site for protected and priority species and to maintain local ranges.

- 1.45 Compensatory and enhancement measures responding to necessary losses of grassland, trees and hedgerows would be delivered on and offsite, ensuring long-term net gains for biodiversity and arboriculture, securing 10% BNG; and tree replacement in accordance with national and local policy.

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- 1 My qualifications and experience are listed at Chapter 1 of my evidence
2 CD1.21: Outline Ecological Impact Assessment (TEP Ref 7507.20.066v6 April 2022)
3 Appendix 2 to Mr Crawford's Proof of Evidence
4 Refer to Drawing 1 appended to my Proof of Evidence
5 Refer to Drawing 2 appended to my Proof of Evidence
6 Appendix 1 to Mr Crawford's Proof of Evidence contains Updated Parameter Plans
7 Refer to Appendix C of my Proof of Evidence which contains an updated BNG Assessment based on the site being SNCI
8 Appendix B of my proof of evidence provides information from desktop and walkover surveys in November 2022, and Appendix C updates the OEcIA and BNG Assessment in light of the site being regarded as SNCI
9 CD8.7: TPO1404 Land at Broom Hill
10 Notably Chapter 6 of the OEcIA
11 Table 1 is found in Chapter 5 of main evidence. A full list of measures, taking account of the site's SNCI status and minor changes to baseline observed since the application was submitted, is at Appendix H of my evidence
12 CD1.10: Illustrative Masterplan (LDA Design Drawing No. 7456_105)
13 CD1.14: Design Code (LDA Design)
14 Planning Conditions 16 (trees), 19 (ecology) and 21 (BNG)
15 Planning Conditions 16 (trees) and 20 (ecology) and 22 (BNG)
16 Planning Condition 23 (Project Implementation Plan)
17 Planning Condition 24 (LEMP)
18 Refer to Appendix C of my Proof of Evidence
19 Bristol Tree Replacement Strategy set out in CD5.8 Bristol Planning Obligations SPD – refer to Part 2 'Trees' Pages 20-21
20 CD1.21: Outline Ecological Impact Assessment (TEP Ref 7507.20.066v6 April 2022)

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