



Proof of Evidence – Mark CD Ashdown

Re: Brislington Meadows, Bristol

PINS Ref. APP/Z0116/W/22/3308537

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Chair, The Bristol Tree Forum

A member of the Rule 6 Party

January 2023

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- 1) My name is Mark Clifford Durham Ashdown. I am the Chair of the Bristol Tree Forum. I make this statement on behalf of the Bristol Tree Forum and as one of the Rule 6 Party.
- 2) I produce the following evidence which has been served with this statement:
 - a) Brislington Meadows – BNG Tree Analysis Model v3.xlsx (the BNG Analysis).
 - b) Brislington Meadows BNG 3.0 Metric Calculation - R6 Comments.xlsm (the BNG Calculation).
- 3) This evidence addresses the Biodiversity Net Gain which we say will result from the Appellant's proposals.
- 4) Save for the exceptions discussed below, we have adopted the Appellant's Outline Biodiversity Net Gain Metric 3.0 calculation which is produced in the Core Document list at CD2.1.

Strategic significance

- 5) We do not accept the appellant's designation of the habitats on the site as having a medium strategic significance. We have set the strategic significance of all the habitats on the Appeal site as high – *'Within area formally identified in local strategy'*.
- 6) This is supported by the paragraph Table 5-4: Strategic significance categories and scores of the Natural England - Biodiversity Metric 3.0 User Guide (the Guide) (CD11.6 (g)) which states: 'High strategic significance • High potential – Area/action formally identified within a local plan, strategy or policy.' Paragraph 5.19 of the Guide also states: 'Strategic significance will be high if the habitat location is identified in local plans, strategies or policies.'
- 7) The majority of the Appeal site was allocated as BSA1201 – Land at Broomhill, Brislington - in the 2014 development plan. Save for the



site of the former police station on Broomhill Road (which has little, if any, habitat value), the remainder of the site is designated an Important Open Space/Wildlife Corridor under DM17 of the development plan. We also say that, save for the narrow corridor leading to Broomhill Road, all of the Appeal site lies within the Brislington Meadows SNCI.

- 8) The Council accepts that the appeal site is designated as an SNCI (CD11.7 & paragraph 44 of the statement of Mr Gary Collins).

The hedgerow habitats

- 9) Table 1 below set out how we have assigned the baseline Hedgerows identified on Appeal site:

E T Appendix C No.	BTF ID	Length (km)	Removed (km)	Retained (km)	Habitat	Distinctiveness	Condition	Tree Group	Trees Included	Species Count	Hedge Detail (See Tree Survey tab)
HH1	BTF00	0.136	0.136	0.000	Native Species Rich Hedgerow	Medium	Good		T28	5	Hawthorn, holly, pedunculate oak, dog rose, English elm.
H1a, H1b	BTF03	0.105	0.006	0.099	Native Species Rich Hedgerow with trees	High	Moderate	G10		6	Common hawthorn, Elder, English holly, Pedunculate oak, Sycamore, Dog rose
H1c	BTF11	0.030	0.019	0.011	Native Species Rich Hedgerow with trees	High	Poor	G24		5	Blackthorn, Common hawthorn, Elder, English elm, Sycamore
HH2	BTF05	0.099	0.000	0.099	Native Species Rich Hedgerow with trees	High	Poor	G17, G19	T08, T26, T27	7	Blackthorn, Common hawthorn, Common hazel, Elder, Pedunculate oak, Dog rose
H2a, H2b	BTF04	0.130	0.115	0.015	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Moderate	G20	T09	7	Blackthorn, Common hawthorn, Common hazel, Elder, Holly, English Oak, English elm, Field maple
H3a, H3b	BTF08	0.145	0.085	0.060	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Poor	G27	T15, T16, T17, T19, T20, T21	8	Common ash, Common hawthorn, Elder, English elm, English holly, Blackthorn, English oak
H4a, H4b	BTF10	0.190	0.190	0.000	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Moderate	G26	T18	7	Blackthorn, Common hawthorn, Elder, English elm, English holly, Pedunculate oak, Sycamore
H5	BTF05A	0.095	0.095	0.000	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Moderate	G21		4	Hawthorn, Hazel, English oak. Extremely dense thicket of Blackthorn.
H6	BTF13	0.015	0.015	0.000	Native Species Rich Hedgerow with trees	High	Moderate			2	Hawthorn, Ash
HH7	BTF02	0.137	0.000	0.137	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Moderate	G15, G14, G13, G12 G11, G9	T05, T06, TPO01	8	Blackthorn, Common ash, Common hawthorn, Common hazel, Elder, Field maple, English elm, English oak
HH7a	BTF01	0.183	0.000	0.183	Native Species Rich Hedgerow with trees	High	Moderate	G7 Part	T03, T04, T35	5	Blackthorn, Common ash, Common hawthorn, Elder, English holly
HH7b	BTF01a	0.092	0.000	-	Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	Moderate	G7 Part	Part W1	6	Common hawthorn, Elder, English elm, English holly, Pedunculate oak, Sycamore
HH8 Part	BTF09	0.226	0.047	0.179	Native Species Rich Hedgerow with trees	High	Moderate	G28, G29, G30, G31, G32, G33	T22	8	Common lime, Sycamore, Common hawthorn, Wild cherry, Blackthorn, Common hazel, English elm, English holly
HH9	BTF12	0.121	0.000	0.121	Native Species Rich Hedgerow with trees	High	Moderate	G37, G38, G39	T24	8	Common ash, Common hawthorn, Common hazel, Crack willow, English elm, Elder, Crimson king Norway maple, Pedunculate oak
Totals		1.704	0.708	0.904					Average	7	

Table 1: Baseline Hedgerows identified on Appeal site

- 10) This table is available in the Hedging Data tab the BNG Analysis and forms the basis of our Site Hedge Baseline calculation in the BNG Calculation.



- 11) The evidence that five of the hedgerows on the site are associated with a bank can be found in the statements of Mr Rupert Higgins and Mr Ken Taylor, The LiDAR images at CD11.6 (k) & (l) and the topographical survey at Appendix D at CD1.27.
- 12) The 11 veteran Hawthorns identified by Mr Julian Forbes-Baird are included in this habitat, as are the individual trees and tree groups identified in Table 1 above.

The Urban Tree and Woodland habitats

- 13) All those trees surveyed in the Appellant's Arboricultural Impact Assessment (CD1.19) which do not form part of the hedgerow habitats above and are not in Groups or Woodland – T01, T02, T07, T12, T13, T14, T23 and T29 to T36 – are treated as Urban tree habitats and have been assigned a combined RPA¹ (using the methodology published in BNG 3.1 – the BNG 3.0 methodology is error-strewn and unworkable) of 0.1969 hectares.
- 14) The remaining woodland and group trees not in hedgerow habitats have been assigned to the 'Other woodland; broadleaved' habitat and given a combined canopy area of 0.5 hectares.

The BNG 3.0 Trading Rules

- 15) Paragraph 2.8 of the Guide states: 'It is an important rule of the metric that the three types of biodiversity units described above are unique and cannot be summed, traded or converted (Rule 4). When reporting biodiversity gains or losses with the metric, the three different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit value.'
- 16) Paragraph 8.2 of the Guide says of Linear habitat biodiversity unit calculations: 'Treating these linear habitats like other habitats and

¹ Root Protection Area as defined in BS5837:2012 (CD8.9)



accounting for their biodiversity value using the area habitat approach would undervalue their importance and would fail to ensure adequate provision for losses. It is therefore necessary to take separate account of these habitat types so that their contribution to biodiversity is properly acknowledged (see 2.7, 2.8 and Rule 4).'

- 17) Rule 3 of the Guide states: "Trading down" must be avoided. Losses of habitat are to be compensated for on a "like for like" or "like for better" basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost.'
- 18) Losses of irreplaceable or very highly distinctive habitats cannot adequately be accounted for through the metric and will require a bespoke solution. Paragraph 2.27 of the Guide advises that 'Impacts on "irreplaceable" habitats are not adequately measured by this metric (Principle 4 and Rule 3). They require separate consideration which must comply with relevant policy and legislation.'
- 19) Table 2 below sets out the suggested action required to address habitat losses of Urban tree, Other woodland: broadleaved and Hedgerow habitats:



Habitat Description	Distinctiveness Category	Distinctiveness Score	Suggested action to address habitat losses
Urban Tree	Medium	4	Same distinctiveness or better habitat required
Woodland and forest - Other woodland; broadleaved	Medium	4	Same broad habitat or a higher distinctiveness habitat required
Hedgerow Habitats	Distinctiveness Category	Distinctiveness Score	Suggested action to address habitat losses
Native Species Rich Hedgerow with trees - Associated with bank or ditch	V.High	8	Like for like
Native Species Rich Hedgerow with trees	High	6	Like for like or better
Native Species Rich Hedgerow - Associated with bank or ditch	High	6	Like for like or better
Native Hedgerow with trees - Associated with bank or ditch	High	6	Like for like or better
Native Species Rich Hedgerow	Medium	4	Like for like or better
Native Hedgerow - Associated with bank or ditch	Medium	4	Like for like or better
Native Hedgerow with trees	Medium	4	Like for like or better
Line of Trees (Ecologically Valuable)	Medium	4	Like for like or better
Line of Trees (Ecologically Valuable) - with Bank or Ditch	Medium	4	Like for like or better
Native Hedgerow	Low	2	Same distinctiveness band or better
Line of Trees	Low	2	Same distinctiveness band or better
Line of Trees - Associated with bank or ditch	Low	2	Same distinctiveness band or better
Hedge Ornamental Non Native	V.Low	1	Same distinctiveness band or better

Table 2: Suggested action required to address habitat losses of Urban tree, Other woodland: broadleaved and Hedgerow habitats

- 20) Similar trading rules apply to the other habitats found on the Appeal site which are all 'Same broad habitat or a higher distinctiveness habitat required', so that it is not possible to trade between broad groups unless a higher distinctiveness is achieved.
- 21) The effect of this is that it is not enough merely to demonstrate that a BNG target of at least 10% net gain that the Appellant has committed to achieving has been achieved for each of the habitat types – in this case, area habitats and linear hedgerow habitats. it is also necessary to comply with the trading rules for each of the lost habitats.
- 22) Furthermore, the loss of very highly distinctive habitats such as 'Native Species Rich Hedgerow with trees - Associated with bank or ditch' habitats will require a bespoke solution to be provided with the proposal before this appeal can be approved.
- 23) As there is little, if any, realistic prospect of creating a 'Native Species Rich Hedgerow with trees - Associated with bank or ditch' habitat



anywhere within the LPA, let alone in Victory Park, which is itself part of the Brislington Meadows SNCI (see the evidence of Mr Rupert Higgins), these habitats are, in effect, irreplaceable and so fall to be protected under NPPF 180d).

- 24) It is our case that achieving a BNG of at least 10% AND complying with the trading rules must be a prerequisite for any approval, especially where offsite habitat mitigation is required as is the case here. The Appellant has failed to do this.
- 25) The BNG Data tab of the BNG Analysis calculates the sort of offsite post-interventions that might be required, both to achieve at least 10% net gain and to comply with the trading rules.
- 26) However, this does not take account of any baseline habitat survey of the proposed offsite location(s) and is necessarily based upon a number of assumptions about the condition and strategic significance of the post-intervention habitats to be created or enhanced, which are unknown.
- 27) In our examples, we have assumed that all habitats have:
 - a) Moderate Condition states
 - b) A Strategic Significance of 'Location ecologically desirable but not in local strategy'
 - c) A Spatial Risk Category set to 'Compensation inside LPA or NCA, or deemed to be sufficiently local, to site of biodiversity loss'.
- 28) However, these assumptions can only be illustrative and are likely to change depending on the baseline condition of the proposed offsite location and what it may be possible to achieve.
- 29) This is why all these issues need to be resolved before this appeal can be approved.
- 30) Setting aside our attempts to indicate possible offsite post-interventions, our calculations show that the total on-site net percentage changes will be -20.68% for area habitats and -7.90% for



linear Hedgerow habitats (see the Headline Results tab of the BNG Calculation), with the requirements for the following habitats failing to meet the trading rules without offsite intervention (see the Trading Summary tab of the BNG Calculation):

- a) Grassland – Other Neutral grassland.
- b) Heathland and scrub – Blackthorn scrub.
- c) Heathland and scrub – Bramble scrub.
- d) Woodland and forest – Other woodland; broadleaved.

31) Unfortunately, the Trading Summary tab does not show any Hedgerow habitats, but we calculate that the following Hedgerow habitats also fail to meet the trading rule requirements without offsite intervention:

- a) Native Species Rich Hedgerow with trees - Associated with bank or ditch.
- b) Native Species Rich Hedgerow with trees.

32) Accordingly, the Inspector is respectfully invited to dismiss this appeal.