



Reply to Gary Collins
Telephone 0117 9223762
Minicom

E-mail Gary.Collins@bristol.gov.uk
Our ref 22/01878/P
Your ref JCB1/JC27/347560.341
Date 23 December 2022

Dear Womble Bond Dickinson

RE: APP/Z0116/W/22/3308537 – Appeal by Homes England against the failure of Bristol City Council (“the Council”) to determine an application for planning permission relating to Land at Broom Hill/Brislington Meadows, Bristol BS4 4NF (“the Site”)

Thank you for your letter dated 22 December 2022.

I have considered the contents of your letter and I would like to make it clear that I do not consider that the Council has acted unreasonably in these matters. Furthermore, the Council is concerned about the approach that your clients appear to be taking in pursuing this matter in this way.

You refer to the lack of reference to veteran trees in the Officer Report to the Development Control Committee (“the OR”). I must refer you to the Amendment Sheet (“the AS”) which formed part of the Committee’s papers. The AS is Appendix 2 of the Council’s SOC.

The AS sets out the final putative reasons for refusal and the third reason for refusal is as follows (with my emphasis):

*“The proposal would lead to the loss and deterioration of Irreplaceable Habitat without either a wholly exceptional reason or a suitable compensation strategy. It is therefore contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014) and **paragraph 180c of the NPPF.**”*

**Growth and
Regeneration**
City Hall
College Green
Bristol

Gary Collins
Head of Development
Management

Website
www.bristol.gov.uk



Paragraph 180c of the NPPF states:

“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;”

The Council considers, therefore, that reference to veteran trees is suitably embedded in the third reason for refusal. Quite apart from that, the issue of veteran trees (plural) is explicitly referred to in the Council’s SOC at paragraph 3.5.1, 3.5.2 (3rd bullet), 3.6.1 and 5.5 (in the list of documents to be used). It is abundantly clear from the RFR and SOC that the Council contend that veteran trees would be subject to loss and deterioration contrary to 180c of the NPPF. This was also indicated to be the case – with specific reference to veteran trees - at the recent CMC without any dispute from your side.

As the Inspector will be aware the Council made clear at the Case Management Conference that the existence of veteran trees and the impact of the proposals on them would be an issue that would need to be explored at the Inquiry. The Council also proposed that the respective experts liaise on their subject areas, hence the recent contact between Mr Forbes-Laird and Mr Hesketh which we instituted. We note that you accept that our expert witness has contacted your expert and further confirmed the position in relation to veteran trees. The trees considered to be veteran trees in addition to T6 are T5 (using the appellants numbering), and two hawthorns located within your survey groups G10 and G24. We note that you indicate that our expert has already sent you photographs to assist you in identifying where such trees are on your own site. It is also important to note that our expert advice is that it was not possible (when he visited the site) to gain access to some other parts of the site where it is possible other veteran trees might exist. We note that your expert has been made aware of this already. We will naturally wish to explore in due course why it is that your tree survey material did not identify the existence of veteran trees beyond T6. The failure of the appellant to identify such trees in their survey material before launching an appeal is a matter of concern to the Council.

As you will appreciate the NPPF is clear that a proposal which results in the loss or deterioration of irreplaceable habitats (in this case veteran trees for the purposes of RFR 3) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Mr Forbes-Laird will respond promptly to Mr Hesketh’s request when he returns from holiday on 4th January. In light of the possible existence of other veteran trees, the Council will also request some limited clearance work at the earliest opportunity on site to help establish whether other veteran trees are present at the site, in order to assist the Inquiry. Such matters are plainly fundamental to the issue of whether this appeal should be dismissed or even pursued any further by the appellant.

We received notice on Wednesday 21st December of proposed clearance works planned for 18th-19th January. We have no objections to the specified works but we suggest that these works also incorporate the works to potentially identify veteran trees, and that the works are brought forward to very early in the new year to assist the production of evidence for the Inquiry. We look forward to hearing from you in

**Growth and
Regeneration**
City Hall
College Green
Bristol

Gary Collins

Head of Development
Management

Website

www.bristol.gov.uk



that regard as a matter of urgency.

Accordingly we firmly reject your contentions that the Council has been unreasonable. Indeed, the tone of and suggestions in your letter are to say the least surprising. It is important that the Inspector is made aware of all material information on such issues especially ones which have been clearly flagged up and which are potentially determinative of this appeal. We trust that going forward you will seek to act in a cooperative manner and consider whether you should in fact be pursuing this appeal at all. To do so in light of having been made aware of such important irreplaceable habitats and the harm that would occur would not be a reasonable way to proceed.

Yours sincerely

Gary Collins

Gary Collins
Head of Development Management