

# Rebuttal to LPA Expert Evidence (ECOLOGY)

Francis Hesketh BSc(Hons) MCIEEM CEnv CMLI MICFor

Brislington Meadows, Bristol  
PINS Ref. APP/Z0116/W/22/3308537

*Prepared for: Homes England*

*Document Reference: 7507.43.042*

*January 2023*

TEP  
Genesis Centre  
Birchwood Science Park  
Warrington  
WA3 7BH

Tel: 01925 844004  
Email: [tep@tep.uk.com](mailto:tep@tep.uk.com)

Offices in Warrington, Market Harborough, Gateshead, London and Cornwall

<b>Project Name:</b>	Brislington Meadows
<b>Location:</b>	Bristol
<b>Document Title:</b>	Rebuttal to LPA Expert Evidence (ECOLOGY)
<b>Client:</b>	Homes England
<b>Report Prepared:</b>	Francis Hesketh
<b>Prepared by:</b>	The Environment Partnership Ltd
<b>Office:</b>	Warrington
<b>Document Ref:</b>	7507.43.042

Document history and status:

Version	Date	Description of Issue	Author	Checked	Approved
1.0	24/1/23	Final for issue to PINS	FH/RR	RR	FH

The Environment Partnership Ltd is a private limited company registered in England. Registered number 7745159. Registered office: Genesis Centre, Birchwood Science Park, Warrington, WA3 7BH.

© Copyright 2023 The Environment Partnership Ltd. All Rights Reserved.

This document has been prepared by The Environment Partnership Ltd ("TEP") for sole use of our Client in accordance with the provisions of the contract between TEP and the Client. No third party may use or rely upon this document or its content. TEP accepts no liability or responsibility for any such use or reliance thereon by any third party.

The content of this document has been prepared in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct and is compliant with British Standard BS42020:2013 Biodiversity Code of Practice for Planning and Development.

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.

Contents	Page
1.0 SCOPE OF EVIDENCE .....	2
2.0 REBUTTAL .....	2
Hedges .....	2
Trees .....	14
Grassland .....	14
Green Infrastructure .....	15
Biodiversity Net Gain .....	17
3.0 CONCLUSIONS .....	21

## Annexes

Annex A: Appeal Decision APP/D0121/W/21/3286677 concerning Land at Rectory Farm, Yatton

Annex B: BNG Metric Calculator Position Note

Annex C: Habitat Survey (2020) in Adjacent Brislington Meadows SNCI

Annex D: Technical Note – Outline BNG Offsetting Delivery

Annex E: Biodiversity Partnership Offset Offers

## 1.0 Scope of Evidence

- 1.1 The evidence within this document is in addition to my proof of evidence (Francis Hesketh, January 2023 TEP Ref 7507.43.003, CD12.3 (main proof) and CD12.5 (drawings and appendices)). It provides a rebuttal to the evidence (undated) from Rupert Higgins (RH) (CD13.3), acting as expert witness for ecology on behalf of the Council.
- 1.2 RH makes a number of points on five key topics (hedgerows, trees, grasslands, green infrastructure and biodiversity net gain (BNG), which I respond to in turn. I do not address each point in RH's evidence, rather I focus on the matters that I consider rebuttal evidence would most assist the inquiry. The fact that I have not responded on a particular point should not be taken as a concession or acceptance of that evidence.

## 2.0 Rebuttal

### Hedges

#### *Scale of loss*

- 2.1 RH cites at Paragraph 3.1.1 the proportion of hedgerow loss calculated by the Outline EcIA (CD1.21, refer to Table 7) and asserts at paragraph 3.6.2 that the "*exceeds that which is necessary to develop the site*".
- 2.2 The figure of 74% hedgerow loss identified in the EcIA and cited by RH at paragraph 3.1.1 relates to H1-H6 which comprise the internal field boundaries (except H6 which measures just 15m in length and is situated adjacent to Broomhill Road). Other field boundaries were not identified as hedges as the woody core was considered to have become too outgrown, exceeding the threshold 5m to be classified as a hedgerow in accordance with habitat and hedgerow survey guidance.

- 2.3 The Outline EcIA at Section 5 assesses loss of hedgerows and explains the precautionary approach taken when calculating losses e.g. paragraph 5.37 in relation to H5.
- 2.4 My proof of evidence provides additional clarification (CD12.3 paragraphs 3.42 to 3.46 and CD12.5 Drawing 2) in the case of the hedgerow losses calculated and that some of the losses calculated are 'required' and some 'indicative' loss is presumed for the purposes of ensuring a reasonable 'worst case' basis of calculations for the Outline BNGA. Further clarification on the hedgerow position is presented in Drawing 2 of my proof of evidence, confirming that hedgerow loss when combining 'required' and 'indicative' losses, is limited to 45% when all boundary features are considered in combination.
- 2.5 The Design Evolution Document (DED) appended the evidence of Mr Charles Crawford (CC) (CD12.7, Appendix 2) details the design decision process for development of the Illustrative Masterplan, on which the Outline EcIA and BNGA are based. As explained at paragraphs 2.33 and 2.34 of the Outline EcIA, and subsequently supported by the DED, the Illustrative Masterplan has been subject to stringent capacity testing, in addition to being subject to independent design review. Consequently it was considered the Illustrative Masterplan provided an appropriate representation of how development might be brought forward within the site.
- 2.6 Evidence presented within the DED transparently demonstrates the design parameters, considered in balance, necessary to develop the site. It is the Parameter Plans, however, which identify the design fixes subject to determination. The Landscape Parameter Plan (CD1.5) sets the minimum extent of greenspace within the development and fixes the minimum areas of tree retention.

*Damaging activities or proposed land uses*

- 2.7 RH states at Paragraph 3.1.2 that significant earth-moving works are proposed close to several of the retained hedges which would pose significant risk to hedges. It is assumed that RH bases this statement upon the isopachytes drawing (CD2.3b), or upon the evidence of Mr Julian Forbes-Laird (JFL) (CD13.1) (who bases his

evidence upon the isopachytes drawing). The isopachyte drawing was supplied by the Appellant to the Council for the purpose of providing some assistance with estimation of level changes on the site. However, this drawing is not for determination and its purpose is to assist estimation of the cut and fill balance. Contrary to JFL's paragraph 5.33 (CD13.1), the isopachyte drawings do not provide a detailed design for finished levels. They can be used to identify possible conflicts between RPA's and future earthworks (e.g. as presented by the Tree Conflict Plan (CD2.3c)), but such conflicts can be designed out at later stages e.g. by changing gradients, use of retaining structures, use of no-dig technology. Further evidence for the protection of retained trees is presented in Mr Tom Popplewell's (TP) rebuttal proof of evidence (Ref 7507.43.041) on veteran trees. A series of new (illustrative) sections are also presented with CC's proof (CD12.6, refer to paragraph 5.29 and CD12.7, refer to Appendix 4, Sections A and B which demonstrate that the earthworks would occur outside of the RPA for the hedgerows).

- 2.8 RH claims at paragraph 3.1.2 of his proof that domestic gardens would abut retained hedges. However, the Inspector is reminded that the Illustrative Masterplan (CD1.10) on which the 'proposed habitats' plans contained within the Outline BGNA and EcIA reports (CD1.22 and CD1.21, respectively) are based was submitted with the application for informative purposes only and is not subject to determination under this Outline Application. Within these illustrative plans, however, only a short section of retained H3 would lie adjacent (side-on) to private gardens and this section would still be situated within public realm.

### Vegetation

- 2.9 RH claims at paragraph 3.2.3 the importance of the hedgerows is downplayed by the Outline EcIA, despite the assessment of all hedges by the Outline EcIA to be Habitats of Principal Importance (HPI) (CD1.21, refer to e.g., paragraphs 1.4 and 5.33) and most to be 'important' under the wildlife criteria of the Hedgerow Regulations (CD1.21c, CD1.21 paragraph 4.22). The species-richness of hedges H1, H3 and H4 is contested by RH. RH agrees differences in species counts of sampled sections is likely to be a

result of minor deviations between samples but RH contends that H1, H3 and H4 are species rich.

- 2.10 RH states at paragraph 3.2.3 that hedges are defined by the Hedgerow Regulations to be species-rich if it contains four or more species. This is in fact incorrect and the correct threshold, as evidenced by Appendix 4 of RH's proof of evidence, is five woody species per 30m sample (averaged for multiple samples according to total hedge length).
- 2.11 The Hedgerow Assessment (CD1.21c) presents detailed comparison against this threshold for species richness. None-the-less, the assignation of H1, H3 and H4 as species rich has no material bearing on the conclusions of the Outline EcIA. NPPF and Policy DM19 are of relevance to HPI and the definition of hedgerow HPI does not rely on species richness but upon content of native species. Hedges H1-H6 are confirmed by the Outline EcIA to qualify as hedgerow HPI.
- 2.12 RH states at paragraph 3.2.4 that the hedgerow assessment was only dealt with under the Hedgerow Regulations. However, this is not the case as evidenced by, for example, inclusion of the hedgerows within the Site Wide Target Note report (CD1.21b) which demonstrates more extensive sampling was completed than asserted by RH. Further, hedgerows and all other ecological features within the site were evaluated in accordance with CIEEM guidance for EcIA<sup>1</sup>.
- 2.13 RH disputes the condition assessment for hedgerows at paragraph 3.2.8, although does not clearly identify which hedgerows or which condition criteria are contended. RH only remarks at this point that none of the hedges on the appeal site demonstrate attributes that would make categorisation as being in unfavourable status. RH states later in his proof, at paragraph 7.2, that he has assessed the condition of hedgerow H4 to be 'moderate' rather than 'poor'.

---

<sup>1</sup> CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* version 1.2. Chartered Institute of Ecology & Environmental Management, Winchester

- 2.14 Habitat condition assessment was completed in accordance with the guidance set out for Biodiversity Metric 3.0. Reference is made to the Habitat Condition Assessment report (CD1.21e, refer to page 12 onwards) wherein habitat condition assessment criteria for hedgerows is set out (CD1.21e, Tables 10 and 11) and the condition assessment of each hedgerow is presented against these criteria (CD1.21e, Table 12). Cross-reference is made to Target Notes TN11 to TN18 in the Target Note Report (refer to pages 18-24) and supporting information held therein.
- 2.15 Furthermore, the hedgerow assessment is made of the hedgerow component i.e. the central linear core (where this is <5m in width) of the vegetated boundary. Condition assessment of outgrowth dominating the hedgerows is made separately in accordance with the appropriate 'area habitat' categorisation. Scrub losses associated with the hedgerows comprises a majority of bramble and an estimated 1.17ha scrub habitats would be retained as a minimum (refer to paragraphs 5.31 and 5.32 and Table 5 of the Outline EcIA). While bramble is recognised a valued resource for pollinators, it is not a specific larval food plant for the species highlighted by RH and is readily replaceable within short timeframes.

### Birds

- 2.16 RH contends at paragraph 3.3.5 that the assessment of the habitat squeeze and loss of two pairs upon local willow warbler populations would be significant impacts. RH supports his conclusion by evidencing an apparent decline in sites at which in willow warbler populations have been recorded by the Avon Bird Report in Bristol (concluding that this species is known from 2021 records to breed at only two other sites in Bristol) and, in light of this decline, a likely inability of the species to recolonise.
- 2.17 Willow warbler populations are known to be declining in the south and increasing in the north of the UK. The current Birds of Conservation Concern (BoCC) report (Stanbury et al., 2021<sup>2</sup>)

---

<sup>2</sup> Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., Win, I., 2021. The status of our bird populations: the fifth Birds of Conservation



classifies willow warbler as an amber listed BoCC species. Analysis of long-term monitoring data in research undertaken by the BTO (Martay et al., 2022<sup>3</sup>) revealed that willow warbler numbers across the UK fell by 41% between 1994 and 2018. Conversely in Scotland, willow warblers increased by 77%. The spatial trends are largely associated with temperature rises on the breeding grounds.

- 2.18 The declines in southern Britain are most likely to be due to poor breeding productivity in the south relative to the north of the UK (Morrison et al., 2016<sup>4</sup>, Martay et al., 2022). Climate change impacts are more likely to be driven by changes in factors such as food availability or predation rather than being direct responses to climatic variables (Ockendon et al. 2014<sup>5</sup>). This may include rapid changes in invertebrate phenology due to the recent increased temperatures, leading to mismatch between timing of food availability and requirements (e.g. Pearce-Higgins 2010<sup>6</sup>). The findings of Martay et al., 2022 (that climate warming has reduced willow warbler breeding success in southern Britain, contributing to strong declines in the south, relative to the north) are further supported by findings in another study that found strong spatial patterns in warbler productivity are linked to temperature (Eglington et al. 2015).
- 2.19 As stated by the lead author of the Martay et al., 2022 research, the trends suggest that conservation interventions, such as habitat

---

Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds*, 114, pp.723-747.

3 Martay, B, Pearce-Higgins, J W, Harris, S J, & Gillings, S. 2022. Breeding ground temperature rises, more than habitat change, are associated with spatially variable population trends in two species of migratory bird. *Ibis*. DOI: <https://doi.org/10.1111/ibi.13101>

4 Morrison, C.A., Robinson, R.A., Butler, S.J., Clark, J.A. & Gill, J.A. 2016a. Demographic drivers of decline and

recovery in an Afro-Palaearctic migratory bird population. *Proc. R. Soc. B* 283: 20161387

5 Ockendon, N., Baker, D.J., Carr, J.A., White, E.C., Almond, R.E., Amano, T., Bertram, E., Bradbury, R.B., Bradley, C., Butchart, S.H., Doswald, N., Foden, W., Gill, D.J., Green, R.E., Sutherland, W.J., Tanner, E.V. & Pearce-Higgins, J.W. 2014a. Mechanisms underpinning climatic impacts on natural populations: Altered species interactions are more important than direct effects. *Glob. Chang. Biol.* 20: 2221– 2229

6 Pearce-Higgins, J.W., Dennis, P., Whittingham, M.J. & Yalden, D.W. 2010. Impacts of climate on prey abundance account for fluctuations in a population of a northern wader at the southern edge of its range. *Glob. Chang. Biol.* 16: 12– 23

creation should be targeted at the cooler parts of the UK<sup>7</sup>.

Therefore, as habitat availability or management of habitats to provide foraging or nesting resources for the species is not likely to be the limiting factor. It is likely that even if large amounts of habitat were to be created for this species, they would continue to decline in this area as the population moves further north to cooler areas.

- 2.20 Due to even higher temperatures recorded during the breeding seasons in recent years, especially over the last two years since the 2020 breeding bird survey was undertaken, it is possible that willow warbler are no longer using the Brislington Meadows site.
- 2.21 It is therefore concluded that our initial assessment in the Outline EcIA (CD1.21, paragraph 5.50, that the effective impact of habitat squeeze anticipated for willow warbler is unlikely to be significant upon the local population) remains correct in this context of a national shift if population distribution being attributed to climate change responses, rather than habitat availability.

### Invertebrates

- 2.22 RH asserts at paragraph 3.1.1 that hedgerow loss would remove features such as the only mature field maple tree on the appeal site. At paragraph 3.4.3, RH then draws attention to the record of maple pug moth, a species suffering large decline nationally and the larvae of which feed on the flowers of field maple; and also of the beautiful knot-horn butterfly which is uncommonly recorded in the Bristol City region and the larvae of which feed on the leaves of elm, especially within hedgerows. Paragraph 3.4.4 draws attention to the record of Lesne's earwig, a Nationally Scarce species which is associated with Old Man's Beard (otherwise known as Traveller's joy *Clematis vitalba*).
- 2.23 RH asserts at paragraph 3.4.5 that the loss of hedges and scrub would result in the loss of these species from the site and that due to their scarcity they would not be likely to recolonise newly created habitats given the time that would elapse before suitable

---

<sup>7</sup> <https://www.birdguides.com/articles/ornithology/warming-climate-linked-to-uk-willow-warbler-decline/>

conditions are available. At paragraph 3.5.7 RH concludes that it cannot be guaranteed that the full range of such species will be able to colonise or survive in a newly planted hedge.

- 2.24 However, Drawing 2 of my proof of evidence (CD12.5) confirms that a minimum of 55% retention of hedgerows and other vegetated field boundaries (most too outgrown to be strictly classified as a linear habitat feature). In addition to habitat retention and enhancement (CD1.21, refer to e.g. paragraphs 6.32-6.33 and 6.40), the Outline EcIA and BNGA reports recommend species and habitat specific method statements to be drawn up to be approved at reserved matters, in addition to phasing of vegetation removal, advance provision of new habitats where possible and long-term management planning (refer to CD1.21 paragraph 1.5 for a summary of detail recommended to support reserved matters). These method statements and plans would be secured by the proposed planning conditions (mitigation method statements, Project Implementation Plan (PIP) and (long-term management plan) (LEMP)).
- 2.25 Additional mitigation measures are recommended in Section 6 for consideration which, although not specific to invertebrates but as part of the wider package of measures for botany include, for example, turf translocation and hedge or hedge specimen translocation. Woodland and hedgerow planting are both recommended to include field maple, elm and other species known to be of value for the invertebrate assemblage. These measures would reduce the impact of habitat losses during the construction phase and habitat establishment periods.
- 2.26 Advance habitat creation can be expedited through proven measures such as translocation of existing vegetation/habitat features and planting of more mature specimens. It is achievable through detailed design and phasing to incorporate a range of planting sizes for target species such as maple to deliver net habitat gain in retained areas in advance of habitat loss of the single mature maple present in H4, for example. Furthermore, there are extensive areas of hedgerow, woodland and scrub on the adjacent areas of Brislington Meadows SNCI and further afield within the BWNS.

- 2.27 Contrary to RH assertions, therefore, the mitigation and compensation recommended for species or species groups recorded in association with hedgerows is not solely reliant upon new hedgerow creation, nor would new hedgerow creation be solely reliant upon young planting.
- 2.28 RH concedes at paragraph 5.1 that in allocating the site for residential development "*Bristol City Council accepted the loss of most of the existing grassland interest*". However, at paragraph 5.3 RH contests that mitigation and compensation of grassland habitat to provide suitable replacement habitat for invertebrates would enable scarce invertebrates that utilise the existing grasslands, such as small heath, to colonise new habitat. It is therefore questioned, given the acceptance of the loss of the grassland habitat under the allocation, how the Council asserts that the biomass of the wildlife supported by the grasslands would be compensated for other than by creation of replacement habitat.
- 2.29 RH confirms at paragraph 5.3 that advance provision of suitable habitats would be an acceptable solution. Reference is made to the recommendations set out in the Outline EcIA (e.g paragraph 1.5, 6.20, 6.56, 6.65) wherein measures for production of method statements for habitats (protection, enhancement and creation) and species mitigation. Mitigation measures including phased vegetation removal and advance habitat creation, in addition to production of a PIP and long-term management plans are also recommended. These measures will be secured by the proposed planning conditions.

## Conclusions

### *Mitigation hierarchy*

- 2.30 RH accepts at paragraph 3.5.4 that "*the allocation of the site makes it inevitable that there will be a degree of hedgerow loss once the site is developed*" but contends that the "*the loss associated with the current proposal is excessive and greater than necessary to allow development of the site*". RH claims in paragraph 3.5.5 that "*it is clear the mitigation hierarchy required...has not been fully applied*". RH contends the "*current proposal has not sought to minimise the loss of hedgerows. In*

*particular avoidance would require the retention of a much greater proportion of the site's hedges".*

- 2.31 Despite the recognition of the need for "some" loss of hedgerow, RH and other experts for the Council do not present evidence of thresholds for what would be acceptable loss. The allocation is for residential development for an estimated 300 units. The proposed development is for up to 260 new residences. The mitigation hierarchy has been applied to this proposal in accordance with CIEEM guidance for EcIA (2018, version 1.2, refer to Sections 1.19, 5 and 6).
- 2.32 Drawing 2 attached to my proof of evidence (CD12.3) and paragraphs 2.2 to 2.4, above, provide additional clarification on the degree of loss and the precautionary assumptions made for the purposes of adopting a 'reasonable worst case' for the Outline BNGA. Appendix 2 of CC's proof of evidence (CD12.7) presents a detailed account of design evolution and the decision process taken. This confirms the balance of design and planning issues considered at each stage where conflicts arose.
- 2.33 I also direct the Inspector to Appeal Decision APP/D0121/W/21/3286677 concerning Land at Rectory Farm, Yatton (Annex A, refer to paragraphs 83 and 84) wherein it was determined that applying the mitigation hierarchy must require judgement to be made about the particular development being considered, not comparison against some alternative, materially different development. This particular development for up to 260 new residences is consistent with the allocation of the site for an estimated 300 homes. Applying the mitigation hierarchy wherein avoidance measures eluded to by RH to retain 'a much greater proportion of hedgerows' would, as a consequence of combined geophysical and environmental constraints and planning balance considerations, result in a materially different development.
- 2.34 The Inquiry is also reminded that much of the detail upon which the Council rests their argument, for example the isopachytes plan, the illustrative masterplan, are not matters subject to determination but are provided for informative purposes. Both the Outline EcIA and BNGA reports confirm that the detail upon which

both assessments and their conclusions are based is illustrative and are applied to present a 'reasonable worst case' for the purposes of the Outline Planning Application. As confirmed in CC's proof of evidence (CD12.6, paragraph 5.2.3), the Landscape Parameter Plan (amended version in Appendix 1 of CC's evidence) shows trees and hedgerows required to be retained and that this does not preclude others being retained when a detailed design for the development is produced at Reserved Matters stage.

- 2.35 For the proposed development being considered for Outline Planning Permission, the evidence presented by the Appellant demonstrates that the design has applied the mitigation hierarchy and habitat losses have been minimised as far as possible within the design balance. Requirement for the Reserved Matters stage to apply the mitigation hierarchy when developing detailed designs is built-in to the principles for developing the scheme, for example at section 3.0 of the Design Code. Control mechanisms are proposed (the Design Code (CD1.14), updates to the EcIA and BNGA, and production of detailed mitigation methods statements would be secured by the proposed planning conditions) that will enable the Council to enforce this position.

*Associated factors – cultural significance*

- 2.36 Cultural value of landscape assets within the application site is a topic considered separately to ecology. Evidence is presented in the Historical Environmental Assessment (CD1.18a). Further information is presented by CC in his proof of evidence (CD12.6). It is CC's conclusion (paragraph 6.3.7 of his proof) that the features identified within the Appeal Site are valuable assets to the existing environment and character of the Appeal Site and its setting, they are important locally and should be valued as such.
- 2.37 While separate considerations, this conclusion is consistent with the ecological evaluation that the hedgerows are ecologically important at the local level.

*Associated factors – supported species*

- 2.38 RH asserts at paragraph 3.5.6 to 3.6.1 that the appellants have failed to fully assess the hedges' value as habitats and as features

of cultural significance or the importance of the range of wildlife known to be associated with the hedges.

- 2.39 These claims fail to recognise the ecological assessment in full, which considers each valued ecological feature – habitat, species or species group – separately in the Outline EcIA report in Section 5. The assessment was completed in accordance with EcIA guidance (CIEEM, 2018 version 1.2).
  
- 2.40 Within the Biodiversity Metric (CD2.2) the outgrowth habitat associated with the hedgerows was also considered as a separate ecological feature for the purposes of and in accordance with the technical parameters of the Biodiversity Metric. Hedgerows must, by the nature of their classification as a hedgerow, be considered as a linear feature within the metric separate to area habitats. The outgrowth associated with the hedgerows was, where present, considered as an area habitat within the EcIA and BNGA (scrub habitats in the majority of instances). Species and species assemblages are not covered by the Biodiversity Metric but are subject to considered evaluation and assessment within the Outline EcIA.
  
- 2.41 RH concludes at paragraph 3.6.1 that the significance of the impacts associated with their loss is under-estimated.
  
- 2.42 The EcIA values the hedgerows within the site as being of Local importance (CD1.21, paragraph 1.4).
  
- 2.43 The hedgerows are not cited in the 'features' or 'description' boxes of the SNCI form provided by BRERC for Brislington Meadows (CD1.21a, Annex C or CD11.3b).
  
- 2.44 The 2010 Score Card for the SNCI designation does not identify hedgerows as a habitat feature of elevated value or rarity within the SNCI. Hedgerows are simply listed as one of a range of habitats present in the SNCI under criterion 3b 'diversity – habitats'. Hedgerows are not included under criteria 4b 'rarity – habitats', 6 'irreplaceability' or 10b 'BAP habitats'. Under criterion 7 'typicalness' the site is described to provide "*reasonable examples of degraded semi-natural habitats*". Under criterion 17



'area lacking natural habitats' the site is described as one of only a few semi-natural areas "*within the wider Brislington area*".

- 2.45 The valuation of the hedgerows within the site as being of Local value within the EcIA, informed by detailed habitat and botanical survey, is therefore also supported by this wider contextual information considered as part of the evaluation process.

## Trees

- 2.46 RH notes at paragraph 4.2 notes that no surveys have been completed for fungi or saproxylic insects. However, there has been no requirement for such surveys raised by the Council at any point during pre-application (refer to CD1.21 paragraphs 2.28-2.29 and CD1.21a Annex A for evidence of confirmation of survey scope pre-submission) or post-submission. The invertebrate survey completed at the site was undertaken by Homes England in response to the emerging and developing evaluation of the site. It is agreed that the scope of ecological surveys completed at the site is acceptable to enable determination of the Outline Application, as evidenced by RH in his proof and as agreed within the Statement of Common Ground (paragraph 8.77).
- 2.47 RH raises the topic of veteran trees and cross-references to the evidence of JFL at paragraphs 3.2.9, 4.4 and 4.5. TP's rebuttal proof of evidence (ref 7507.43.041) responds to the evidence of JFL separately. I agree with TP's conclusions that no additional veteran trees are present within the application site.

## Grassland

- 2.48 As noted at paragraph 2.28 above, the Council does not contest the scale of grassland loss. However, RH suggests at paragraph 5.2 of his proof (CD13.3) that the grasslands contain species indicative of unimproved grassland, which is a Habitat of Principal Importance and also refers to the small area of wetter grassland (CD1.21, refer to paragraph 4.12 for the description of field area F3a) as 'rush pasture', also a Habitat of Principal Importance.
- 2.49 Two separate botanical surveys following National Vegetation Classification methodology have been carried out in June 2020 and



in May and July 2021 by experienced botanists from two different ecological consultancies (CD1.21d). None of the grassland habitats within the site were found by either survey to qualify as grassland HPI (CD1.21d, e.g. Table 1). Field area F3a was noteworthy as one of the grassland areas closest to qualifying (CD1.21, paragraph 5.20).

- 2.50 RH highlights this wet grassland type in field area F3a at paragraph 5.2, suggesting it is a habitat scarce in Bristol. Design parameters are set out in the Outline EcIA for the dry and wet meadows, the latter across the SUDS basin floors (refer to CD 1.21 paragraphs 5.22 and 6.20-6.28). The proposed development would deliver net gain for this wet grassland type within the application boundary both in terms of extent and condition (CD1.21, Table 6, refer to rows for 'g3c8 Holcus-Juncus grassland'). Enhancement of condition would be achieved through implementation of a long-term management plan (CD1.21 e.g. paragraphs 6.10 and 6.20), which will be secured by the proposed planning condition and which would potentially enable the wet grassland to achieve priority habitat status.

## **Green Infrastructure**

- 2.51 At paragraphs 6.1 to 6.3, RH discusses the principles of the GI link proposed from W2 to Broomhill Road. RH provides, at Paragraph 6.2, an inset of Drawing 1 and erroneously describes this as illustrating 'the appellant's proposal for this part of the site'. Drawing 1 presents a spatial assessment of temporary and permanent habitat impacts likely to arise as a consequence of development. This plan does not illustrate the final proposals. The final proposals for this GI link are a matter for detail design but the Land Use and Landscape Parameter Plans (CD1.2 and CD1.5, respectively) illustrate minimum extents proposed for green links, further supported in the Design Code (e.g. Design Code 5.1 Ecological corridors – primary corridors 'Bonville Glade' and 'the Greenway'). The Illustrative Masterplan presents an example of how this corridor could be set out in a manner compliant with the allocation policy and accounting for pre-application advice.

- 2.52 RH describes the GI link provision at paragraph 6.3 as “narrow and lacking continuous connection to other parts of the corridor”. At paragraph 6.6 RH asserts that Figure 1 in his proof (referencing the extract of Drawing 1, an impact plan) shows significant breaches to the corridor along Bonville Road which, RH concludes, effectively isolate the habitats in the north-eastern part of the site.
- 2.53 This assertion of a fragmented corridor along Bonville Road to Broomhill Road is not supported by the provisions set out in the Land Use and Landscape Parameter Plans (CD1.2 and CD1.5, respectively) or the Design Code (CD1.14 e.g. at 5.1 ecological corridors), which show continuous greenspace along the east of the site. The corridor is 12m wide minimum but for most of its length is considerably greater. It is crossed only by the existing PROW cutting through W2 to Bonville Road and existing pedestrian access (formerly agricultural access) off Bonville Road, which that would be upgraded for emergency access.
- 2.54 RH cites at paragraph 6.2 the north-eastern limb of the site to be ‘crucial’ to the GI link to Broomhill Road, across which lies Eastwood Farm Open Space SNCI/LNR. Paragraph 6.5 asserts that the inclusion of residential buildings along this route narrows the width of the green corridor to such an extent that the requirement of BSA1201 is not met.
- 2.55 However, the 2010 Score Card described the link with Eastwood Farm as ‘weak’. This section of the site was formerly almost entirely spanned by the police station, otherwise referred to as Sinnott House. The extent of building and hard standing of this former development, situated immediately off Broomhill Road, occupied the width of this area and though the building has since been demolished, the extent of hard standing remains.
- 2.56 Furthermore, street lighting is situated along Broomhill Road adjacent to this part of the site (and Eastwood Farm Open Space SNCI/LNR opposite). Column lighting extended into the site beyond the footprint of the former building to the yard area beyond. Green connectivity up to Broomhill Road has been and remains currently very limited in this north-eastern limb of the site.

- 2.57 It can therefore be demonstrated through the submitted plans that the GI Link provided for in the Land Use and Landscape Parameter Plans (CD1.2 and CD1.5 respectively) represent an improvement upon the former (and current position). While lighting remains an issue for detailed design (the Outline EcIA recommends lighting mitigation to be informed by a lighting impact assessment), the link was previously lit when occupied and Broomhill Road remains lit.
- 2.58 The widening of the vegetated corridor along the south boundary on the approach to Broomhill Road and the inclusion of street trees as suggested on the Illustrative Masterplan would provide more extensive opportunities for screening the retained boundary vegetation link. Recommendations are also made in the EcIA with regards to habitat composition of the green corridor in addition to mitigation measures such as the requirement for lighting impact assessment and lighting mitigation. The Design Code also sets out design parameters for function, layout and planting considerations (CD1.14 e.g. at 5.1, 5.7, 6.2, 9.1, 9.2, 10.3).
- 2.59 RH asserts at paragraph 6.7 that connectivity between H3 and W2 is not provided. The Design Code (CD1.14) at 5.1 and 5.2 illustrates this link as well as Drawing G7507.20.061 presented in the Outline EcIA and Outline BNGA. New hedge planting and tree planting is proposed and landscaping around the proposed 'Brislington Green' wherein TPO trees are to be retained (and the existing hedge may be retained and potentially enhanced through detailed design – see Drawing 1 which shows indicative loss only as a precautionary approach for the BNGA), in addition to brown roofs to the apartments recommended to be designed in accordance with Buglife guidance to maximise opportunities for invertebrates (and in turn bat and bird species that may forage on invertebrates) and which also present opportunities for new nest habitat creation for certain bird species.

## **Biodiversity Net Gain**

- 2.60 RH asserts at paragraph 7.2 that hedges H1, H3 and H4 should be considered species rich hedgerows with trees and that the condition of H4 should be moderate. An informal recalculation of

the Biodiversity Metric 3.0 has been run, without prejudice, to incorporate these parameters for hedgerows within the baseline (refer to Annex B 'BNG Metric Calculator Position Note'). The onsite hedgerow baseline value is increased to 8.26 units. Adopting a similar approach explained in Appendix C of Mr Hesketh's proof and applying the original post-development hedgerow unit score of 10.26, this still results in +2.0 hedgerow units, representing a net gain of c24%.

- 2.61 RH provides at paragraphs 7.3 to 7.10 and supported by Appendix 6 a helpful commentary regarding potential capacity within other areas of Brislington Meadows SNCI to deliver offsetting, particularly in regards grassland. RH concludes that approximately 2.8ha modified grassland has capacity for enhancement. This excludes the area of grazing land referred to by RH as 'area 7' which was inaccessible to RH at the time of his visit and which he presumed to comprise semi-improved grassland with limited capacity for enhancement. This is true of the northern compartments, but the TEP survey of the grazing land (refer to Annex C for detailed survey results) identified the southernmost field areas to comprise modified grassland (g4) with capacity for enhancement.
- 2.62 RH accepts at paragraph 7.11 that the finer details of compensation schemes are not finalised at this stage in the planning process but asserts that this application has not demonstrated that the principle of BNG (as well as other mitigation requirements) is achievable prior to approval of the outline scheme.
- 2.63 The Outline BNGA, updated at Appendix C of my proof of evidence (CD12.5), clearly sets out the commitment and a breakdown of habitat unit offset requirements to deliver at least 10% net gain. Options for offsetting mechanisms are identified in the Outline BNGA but the terms of the land agreement preclude details of offsetting to be discussed until outline planning consent is granted. The application therefore determines what is required but has been unable to confirm cooperative working with BCC to deliver the offsetting. If, as asserted by RH at paragraph 7.1, that BCC is in agreement that areas within Brislington Meadows SNCI can be used

for biodiversity enhancement, it would remain then to demonstrate how any remaining shortfall would be compensated for.

- 2.64 Annex D sets out the method and conclusions of a high-level run of the BNG metric calculator including offsetting within the Brislington Meadows SNCI areas identified by RH and TEP in combination to have potential capacity for habitat enhancement. It is estimated from the combined evidence from RH and TEP survey that the offsite grassland compensation requirements identified by the Outline BNGA could potentially be accommodated within the SNCI adjacent to the site. The revised Outline BNGA (CD12.5, Appendix C) calculated a total of 23.05 habitat units (HU), including an estimated 14.61 HU grassland, was needed offsite to achieve the target 10% BNG on and offsite. The high-level run of the BNG metric calculator including offsetting within the Brislington Meadows SNCI presented at Annex D estimates 21.11 habitat units (HU) could potentially be delivered through grassland enhancement, with a further 0.1HU delivered through pond restoration.
- 2.65 While further detailed survey would be required to verify and finalise offsetting delivery, this exercise demonstrates that provision of grassland offsetting within the Brislington Meadows SNCI would deliver the majority of the habitat unit shortfall needed to achieve 10% net gain target.
- 2.66 Subject to survey and technical practicalities, to be confirmed through detailed design, any remaining shortfall in habitat units would be delivered within the BWNS in land owned or under the control of BCC – paragraph 7.5 of RH’s proof asserts that this would be feasible.
- 2.67 Otherwise it can be demonstrated that Homes England has offers in principle with alternative biodiversity offsetting partners to deliver any remaining shortfalls. This is evidenced at Annex E by offer letters dated 16<sup>th</sup> January 2023 from Belmont Estate and dated 20<sup>th</sup> January 2023 from Wanderlands confirming that these organisations would, in principle, have capacity within their BNG projects to deliver the full quantum of habitat credits identified by

the updated Outline BNGA (Appendix C to FH's proof of evidence) to achieve a 10% net gain outcome.

- 2.68 While not within the same LPA, this would deliver offsetting within the same Natural Character Area (NCA) (Bristol, Avon Valleys and Ridges) and Local Nature Partnership area (West England) as the application site. In accordance with the 'spatial risk' categories specified by the Biodiversity Metric calculator, offsetting within the same LPA or NCA would be of the lowest spatial risk category the Biodiversity Metric. Accordingly, this is an appropriate approach.
- 2.69 Thus these offset options demonstrate that the principle of BNG is achievable, even should offsetting within the adjacent SNCI south of the site prove at detailed design stages to have insufficient capacity for offsetting, in full or part.
- 2.70 A proposed planning condition requires the BNGA to be updated for the Reserved Matters stage (to be informed by updated surveys as relevant and detailed design). Proposed conditions also include requirements for the production of a BNG strategy, a Project Implementation Plan and a LEMP, all to be submitted and approved at the Reserved Matters stage. These planning conditions in combination would ensure the development is brought in accordance with the approved BNG strategy on and offsite. Such planning conditions would ensure the BNG commitment is met in an acceptable way.
- 2.71 I direct the Inquiry to Appeal Decision APP/D0121/W/21/3286677 concerning Land at Rectory Farm, Yatton (Annex A, particularly paragraphs 53 and 62). Paragraph 53 concluded that securing details of BNG offsite provisions by means of planning condition or obligation was appropriate to address disagreement between the Appellant and Council regarding net gain calculations and offsetting methods. At paragraph 62, it was concluded in regard to the required level detail of mitigation for an outline application that it was acceptable to leave details of how mitigation will be achieved for submission and approval under a planning condition. While this latter instance related to protected species, rather than BNG specifically, the principle of detail being reserved for future determination is relevant.

- 2.72 To further clarify on the Appellant's commitment to achieving 10% biodiversity net gain for the scheme. While this commitment was voluntarily adopted in early design stages as best practice. As recognised in pre-application planning advice and confirmed in Mr Paul Connelly's proof of evidence (ref, paragraph 4.40), this commitment exceeds current policy requirements.

## 3.0 Conclusions

- 3.1 All ecological issues raised by the LPA are addressed above, or with my proof of evidence, or may be further addressed through cross examination at enquiry.

## Annex A

Appeal Decision APP/D0121/W/21/3286677 concerning Land at  
Rectory Farm, Yatton





---

## Appeal Decision

Inquiry Held on 1-4 March, 8 and 9 March 2022

Site visit made on 13 April 2022

**by Harold Stephens BA MPhil Dip TP MRTPI FRSA**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> June 2022**

---

**Appeal Ref: APP/D0121/W/21/3286677**

**Rectory Farm, Chescombe Road, Yatton, Bristol BS49 4EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mead Realisations Ltd against the decision of North Somerset Council.
  - The application Ref 21/P/0236/OUT, dated 22 January 2021, was refused by notice dated 12 May 2021.
  - The development proposed is outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval.
- 

### Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval at Rectory Farm, Chescombe Road, Yatton, Bristol BS49 4EU in accordance with the terms of the application, Ref 21/P/0236/OUT, dated 22 January 2021, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. The following Statements of Common Ground (SoCG) were submitted to the Inquiry:
  - Five Year Housing Land Supply SoCG;
  - Highways and Transport SoCG;
  - General SoCG and
  - Biodiversity Net Gain SoCG
3. The application was supported by a number of plans, reports, and technical information. A full list of the drawings and supporting documents which accompanied the application is set out at paragraph 1.2 of the General SoCG. Further, it was agreed at the Inquiry that the plans on which the appeal is to be determined are as follows:
  - Site Location Plan - Reference number 1037-PL03A

- Topographical Survey Drawing Number 14730-TS01
- 14730-HYD-XX-XX-DR-TP-0201-P05 Site Access General Arrangement Priority Cross-Roads and Pedestrian Access
- 14730-HYD-XX-XX-DR-TP-0303-P01 Swept Path Analysis of Refuse Vehicles
- 14730-HYD-XX-XX-DR-TP-0304-P01 Swept Path Analysis of Large Car
- 14730-HYD-XX-XX-DR-TP-0305-P01 Swept Path Analysis of Fire Tender
- Travel Plan – Reference number 14730-HYD-XX-XX-RP-TP-6001 Rev P01

It was also agreed that Site Masterplan Drawing Number 1037-PL01/A was submitted for illustrative purposes.

4. I held a Case Management Conference (CMC) online on 13 January 2022. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry, conditions, planning obligations, core documents, plans, the timetable for submission of documents and other procedural matters. I prepared and distributed a summary note of the proceedings.
5. At the CMC I indicated that the fourth reason for refusal (RfR) relating to highways would be considered as a main issue. However, since then, a Highways and Transport SoCG was agreed between the main parties which indicates that there are no residual matters in dispute in relation to highways, transport and travel and therefore this matter is no longer being pursued by the Council subject to agreement on planning conditions and obligations.
6. At the Inquiry a Planning Obligation was submitted.<sup>1</sup> The Planning Obligation is made by an Agreement between the Appellant, North Somerset Council (NSC), the First and Second Owners of the land, and Lloyds Bank PLC under s106 of the TCPA 1990. The s106 Agreement secures a number of planning obligations that are required to make the appeal proposal acceptable. The s106 Agreement is signed and dated 22 March 2022 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement<sup>2</sup> was also submitted in support of the Planning Obligation.
7. A separate s106 Unilateral Undertaking (UU) was submitted by the Appellant.<sup>3</sup> As a result of additional recreational pressure on the Biddle Street SSI, the UU secures contributions for the provision of waste bins, litter picking and bin emptying on the Strawberry Line, to mitigate the impact from littering and dog fouling. The UU is signed and dated 22 March 2022 and is a material consideration in this case. The contributions in the UU are justified in a separate document.<sup>4</sup> I return to both the Planning Obligation and the UU later in this decision.
8. The appeal proposal was screened for Environmental Impact Assessment (EIA) by the Council, and it was determined that EIA was not required. I agree with the negative screening that was undertaken by the Council.

---

<sup>1</sup> APP5

<sup>2</sup> LPA2

<sup>3</sup> APP6

<sup>4</sup> APP7

## Main Issues

9. In the light of the above I consider the main issues are:

- (i) Whether the Council can demonstrate a five year housing land supply and the extent of any shortfall;*
- (ii) Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy;*
- (iii) The impact of the proposed development on Ecology and Biodiversity;*
- (iv) The effect of the proposed development on the character and appearance of the area;*

## Reasons

### *Planning Policy context*

10. The appeal site comprises some 4.15 hectares of land including a residential dwelling, a complex of agricultural buildings and areas of outdoor storage and hardstanding to the north and undeveloped land to the south. The site is located to the south-west of Yatton directly adjacent to the settlement boundary and to the east of the Strawberry Line. Existing residential development lies to the east with pasture and fields adjoining the remaining boundaries.
11. The appeal proposal seeks outline planning permission for residential development comprising up to 100 dwellings and associated infrastructure. All matters are reserved for future consideration except for access, details of which form part of the appeal proposal. The proposal includes a main vehicular access to the site off Chescombe Road to the northern and southern parcels. The Illustrative Site Masterplan demonstrates how internal access to individual plots could be achieved.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal, the development plan comprises the following documents:
  - North Somerset Core Strategy (2017) (CS)
  - Sites and Policies Part 1: Development Management Policies (2016) (DMP)
  - Sites and Policies Plan Part 2: Site Allocations Plan (2018) (SAP)
  - Yatton Neighbourhood Plan (2019) (YNP).
13. The development plan policies that are relevant to this appeal are agreed by the main parties and are set out in the General SoCG.<sup>5</sup> The most important policies for determining the appeal are set out in the Notice of Decision, save for Policy DM8, which is plainly relevant and important but appears to have been omitted from the latter category by mistake. The most important policies are: CS4, CS5, CS9, CS14, CS32, DM8, DM9, DM10, DM24 and DM25. Policy

---

<sup>5</sup> Paragraph 3.2

CS13 is agreed not to be one of the most important policies in this appeal. There is no need for me to repeat these policies here.

14. The Council is preparing a new Local Plan, which will include strategic and non-strategic policies, for the period 2023-2038. A Regulation 18 'Preferred Options' document is expected to be agreed for consultation in 2022. The Local Development Scheme indicates that the Regulation 19 Pre-submission document will be approved in late 2022, followed by submission for examination in early 2023 and adoption by the end of 2023. Limited weight can be afforded to the policies and proposals of the draft plan at this time.
15. The Council refers to the YNP in the first RfR. The YNP was made in July 2019 and covers the period 2017-2026. The YNP sets out a number of business, environment, transport and housing objectives which I have taken into account in this case. In relation to housing objectives the Plan includes one small allocation on a brownfield site under policy HP1. The YNP does not contain policies and allocations to meet its identified housing requirement.
16. The Supplementary Planning Documents relevant to this appeal are agreed by the parties and are set out in the General SoCG.<sup>6</sup> I have considered these documents and taken them into account in coming to my decision in this case.
17. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration. As to whether the basket of most important policies as a whole is out-of-date in the context of paragraph 11 d) of the NPPF and the weight that should be attached to each policy are matters that I shall return to later in this decision.

***First Issue - Whether the Council can demonstrate a five year housing land supply and the extent of any shortfall***

18. Paragraph 74 of the NPPF sets the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
19. For the purpose of this appeal it is agreed that the period for consideration of the 5YHLS is from 1 April 2021 to 31 March 2026. According to Policy CS13 of the Core Strategy the current adopted housing requirement is 20,985 dwellings for the plan period 2006-2026. On the basis that more than 5 years have passed since adoption of the Core Strategy and in accordance with paragraph 74 of the NPPF, the 5YHLS position should be assessed against the local housing need figure, calculated using the standard method. The standard method housing requirement of 1,323 dwellings per annum applies.
20. Since the Council published their Five-Year Housing Land Supply Initial Findings Statement (April 2021),<sup>7</sup> the fourth Housing Delivery Test results were published on the 14 January 2022. The Council reported that it delivered 2,563 dwellings against a requirement of 2,877 in the 3-year period 2018-21. This was 89% of the requirement which means that a 5% buffer should now be applied. Including a 5% buffer the annual requirement is 1,389 dwellings per annum (6,946 over 5 years).

---

<sup>6</sup> Paragraph 3.4

<sup>7</sup> CD51

21. At the outset of the Inquiry a Five Year Housing Land Supply SoCG was provided. The table attached at Appendix 3 of the SoCG provides the Council's and the Appellant's position in relation to the supply and identifies those sites which are disputed by the Appellant. The Council considers that the evidence listed at Section 2 of this SoCG provides clear evidence that the disputed sites are deliverable in accordance with the definition of 'deliverable' contained at Annex 2 of the NPPF. The table at paragraph 1 of the SoCG indicates the respective positions of the Council (5.6 years) and the Appellant (3.2 years) at the outset of the Inquiry.
22. The Council accepts that in recent years it has struggled to secure a 5YHLS. Reference is made to the difficulties stemming from reliance that is placed on large, predominantly brownfield sites within the Weston Urban Area and the Weston Villages, which account for 30% and 31% respectively of the land allocated to meet the requirements of Policy CS13.<sup>8</sup> Whilst this may be so, it is clear from the Council's latest AMR (2020) and the Residential Land Survey Headline Findings April 2021 that in the period from 2006/07 to 2020/21 the Council only delivered 12,273 dwellings against the annualised Core Strategy requirement of 15,735 dwellings; a shortfall of 3,462 dwellings.<sup>9</sup> Even up to the point of the Council's determination of the appeal proposal at application stage, the Council accepted that it did not have a 5YHLS.<sup>10</sup>
23. The Council's poor track record resulted in a series of appeal decisions all of which confirmed the absence of a 5YHLS,<sup>11</sup> and have required it to produce an action plan each year since 2019. The North Somerset Housing Delivery Test Action Plan July 2021 includes a table of past performance which establishes the failure to achieve the required delivery in any of the years back to 2010/11.<sup>12</sup> There are no specific targets or timescales set out in the Action Plan and Mr Jewson was clear that he was not aware of any evidence that it has resulted in an increase in the supply of housing over and above what would have occurred anyway.<sup>13</sup>
24. Moreover, since the Action Plan was first prepared in 2019, the preparation of a new local plan has been delayed.<sup>14</sup> Though there was a re-examination of the Core Strategy during which Policies CS28, CS31 and CS32 were amended to provide flexibility to help boost the supply of housing by allowing development outside certain settlement boundaries, including the Service Villages, Mr Jewson confirmed that very few sites have been approved by the Council under these circumstances;<sup>15</sup> he noted just two – one for 56 dwellings and one for 24 dwellings.<sup>16</sup>
25. Following the 5YHLS Roundtable Session on day one of this Inquiry, the parties' witnesses compiled a Scott Schedule<sup>17</sup> and a Final 5YHLS Position Statement<sup>18</sup> setting out their most up-to-date positions. The parties disagreed about the supply of deliverable sites.

---

<sup>8</sup> LPA4 paragraph 13

<sup>9</sup> Paragraph 4.8 and Table 1, 5YHLS PoE of Ian Jewson

<sup>10</sup> Paragraph 4.9, 5YHLS PoE of Ian Jewson

<sup>11</sup> Paragraph 4.10, 5YHLS PoE of Ian Jewson

<sup>12</sup> Page 3, CD50

<sup>13</sup> Paragraph 4.15, 5YHLS PoE of Ian Jewson. EIC and XX of Ian Jewson

<sup>14</sup> Paragraph 4.14, 5YHLS PoE of Ian Jewson

<sup>15</sup> Paragraph 4.16, 5YHLS PoE of Ian Jewson

<sup>16</sup> In XX

<sup>17</sup> APP10

<sup>18</sup> APP9

26. The definition of 'deliverable' is set out within Annex 2 of the NPPF, which states:

*"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- (a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- (b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years".*

27. The PPG guidance on 'Housing supply and delivery' provides guidance as to what constitutes a 'deliverable' housing site in the context of plan-making and decision-taking and notes<sup>19</sup> that *"to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."* The PPG is clear on what is required. It provides examples of what clear evidence *"may include,"* namely:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- firm progress with site assessment work; or*
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

28. The burden of including in the supply sites other than those which do not involve major development and have planning permission, or have detailed planning permission, is placed on the Council who must provide the clear evidence to meet the realistic prospect test. The Scott Schedule<sup>20</sup> and the Final 5YHLS Position Statement<sup>21</sup> helpfully set out the main sites where the parties differ. I have assessed the respective positions in light of the

---

<sup>19</sup> Paragraph 007 Reference ID: 68-007-20190722

<sup>20</sup> Ibid

<sup>21</sup> Ibid



definition of 'deliverable' as set out within Annex 2 of the NPPF and the PPG guidance as to what constitutes a 'deliverable' housing site.

29. With regard to Land north of Youngwood Lane, Nailsea (Site Ref: 4/596), outline permission for the whole site was granted on appeal for 450 dwellings in 2019 and Reserved Matters for 168 dwellings was granted in 2021 but included under Site Ref: 4/596a. In relation to the remaining 282 dwellings the Council has provided no clear evidence of delivery in relation to the planning status, firm progress towards a detailed planning application/site assessment or site constraints which would justify inclusion in the 5YHLS. I accept that the detailed alignment of the link road has now been confirmed. However, there is no detailed permission for the 200 units in Phase 2 and the delivery rate of 100dpa is not based on any evidence. In my view 200 dwellings should be deducted from the Council's estimate.
30. With regard to Weston Villages, Locking Parklands (Site Ref: 4/558a-c), the Council has provided no clear evidence of delivery in relation to planning status, firm progress towards planning application, site assessment or site constraints which would justify inclusion of all the dwellings included in the 5YHLS. A total of 559 dwellings (309+250) out of a total of 1,450 have detailed permission of which 467 have been completed leaving 92 left to complete. In addition, 124 dwellings are likely to be delivered from the Curo Homes Reserved Matters application. In total 216 dwellings can be included in 5YHLS. There is no clear evidence to support further delivery at this time so 424 dwellings should be deducted (640-216=424).
31. With regard to Weston Villages, Land south of Churchland Way (Site Ref: 4/558d) again the Council has provided no clear evidence of delivery in relation to planning status, firm progress towards planning application, site assessment or site constraints which would justify the Council's 5YHLS assumptions. Outline planning permission for 1,150 dwellings was granted in April 2015. This site is linked to Weston Villages, Parklands, Mead Fields, south of Wolverhill Road, (Site Ref: 4/558g) where an outline for up to 250 dwellings was granted in October 2017. A total of 674 (586+88) dwellings has detailed consent across both sites and 91 of those have been completed leaving 583 to be constructed. Up to date build rates are provided by Bellway Homes and Taylor Wimpey and are used in the Appellant's figures. Taylor Wimpey have detailed consent for 88 dwellings on Site Ref: 4/558g but these will be constructed in one phase with one outlet so are included in this supply source. The remaining dwellings in Site Ref: 4/558g do not have detailed consent and there is no clear evidence of delivery. As such 508 units (258+250) should be deducted from the Council's trajectory for the two sites when taken together.
32. With regard to Weston Villages – Winterstoke, Haywood Village (Site Ref: 4/568) the Council has provided no clear evidence of delivery in relation to planning status, firm progress towards planning application, site assessment or site constraints which would justify inclusion of the remaining dwellings within the 5YHLS. Outline planning permission for up to 900 dwellings was granted in August 2012 and 898 dwellings approved at Reserved Matters stage. A further outline consent was approved in January 2018 for 1,650 dwellings and 729 dwellings approved at Reserved Matters stage. Persimmon have provided an up-to-date trajectory including explanation of no dual branding and this has been used in the Appellant's figures. It follows that 371

- dwellings are assumed in the 5YHLS as Persimmon figures are based on their year-end rather than April start date. The Council relies on a much higher build rate to justify its future assumptions. However, based on information provided by the developer the number of dwellings that will be delivered from this site should be reduced by 710 dwellings from the Council's trajectory.
33. With regard to Station Gateway, Weston-super-Mare (Site Ref: 4/645) the Council has provided no clear evidence of delivery in relation to planning status, firm progress towards planning application, site assessment or site constraints which would justify inclusion in the 5YHLS. The site is allocated for 300 dwellings in the SAP. The proposal requires a flood risk and sequential test assessment. I accept that this is a key site which the Council wishes to bring forward and is in the process of acquiring. However, no details of constraints, planning application process or Network Rail consultation are provided. The Council refers to a Commissioning Plan for the procurement of a developer, but this can be a slow and complicated process. No developer has been identified and land acquisition has yet to be completed. In my view 200 dwellings should be deducted from the Council's estimate.
  34. It is not necessary for me to go through all of the disputed sites in paragraph 3 of the Final 5YHLS Position Statement<sup>22</sup> and the Scott Schedule.<sup>23</sup> I am satisfied that the Council's supply evidence is conspicuously weak and severely lacking in substance. There is no clear evidence before me that would suggest that the Council's assumptions would deliver the completions suggested in its trajectory in the next five years and meet the realistic prospect test. Much of the Council's evidence constitutes mere assertions and does not come anywhere close to what is envisaged by the PPG.
  35. At paragraph 4 of the Final 5HLS Position there is an up-to-date table of the deliverable supply which replaces that at paragraph 5.1 of the Housing Land Supply SoCG. The difference between the main parties now comes down to the Council's position that it has a 5.5 year supply of deliverable housing sites and the Appellant's position that instead it is a 3.2 years' supply. The updated 5YHLS figures include four scenarios which include different reductions from the small sites source. However, in reality, these reductions make little difference to the final position calculations. Plainly, from all the evidence that is before me, the Appellant's position is preferred. Although the Council maintains there is a 5.5 years' land supply, in my view, there is only a housing land supply equivalent to **3.2 years**.
  36. In the absence of being able to demonstrate a 5YHLS, the most important policies for determining the application are irrefutably deemed to be out of date under paragraph 11(d) of the NPPF and the tilted balance applies subject to any protective policies in the NPPF which provide a clear reason for refusal. The YNP does not alter this position, firstly, because there is no conflict with it (and no specific policy conflict is even alleged) and secondly, because it does not seek to meet an identified housing requirement through its sole allocation.
  37. If no 5YHLS exists, case law suggests that it is important to gauge how large it is at least in broad terms. The Council agreed that extent of the shortfall is relevant to weight.<sup>24</sup> In *Hallam Land Management Ltd v Secretary of State* for

<sup>22</sup> APP9

<sup>23</sup> APP10

<sup>24</sup> Neil Underhay in XX



Communities and Local Government [2018] EWCA Civ 1808,<sup>25</sup> the Court made plain that the extent of any such shortfall will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. In a 5YHLS shortfall scenario two things are relevant; (i) the extent of the shortfall and (ii) retrievability i.e., how likely or quickly it will be made up. I return to these legal consequences in the planning balance later in this decision. I conclude on the first issue that the Council cannot demonstrate a five year housing land supply and that the extent of the shortfall is significant.

***Second issue - Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy***

38. This issue relates to RfR1 and the Council's assertion that the appeal proposal would deliver a scale of development that conflicts with the spatial strategy of the development plan. The Council states in RfR1 that the proposed development would be contrary to policies CS14 and CS32 of the Core Strategy and the made YNP.
39. However, at the Inquiry, the Council seemed to abandon the position taken in RfR1 that the development is not in accordance with the YNP. In cross examination Mr Underhay confirmed that there was in fact no conflict with any specific YNP policy. He argued that the scale and location of the proposal would be in conflict with the environmental objectives of the YNP. However, he accepted that the development plan is made up of its policies and the supporting text cannot impose criteria which are not contained in the policies themselves.<sup>26</sup> He also confirmed that the Inspector is not looking at a three-year threshold for housing land supply because there is no conflict with the YNP and therefore NPPF paragraph 14 is not engaged here. I agree that there is no conflict with the YNP.
40. Policies CS14 and CS32 are agreed to be most important policies for the purpose of determining this appeal.<sup>27</sup> Based on the minimum housing requirement set out in Policy CS13 of the Core Strategy, Policy CS14 provides for a broad distribution of housing based on an identified settlement hierarchy which includes nine Services Villages. 'Service' villages include a wider range of services and facilities than the smaller 'infill' villages, but significantly less than smaller towns. The appeal site is in Yatton, one of the nine 'Service' villages in North Somerset. There are no development plan limits for the number of new dwellings at individual service villages. Policy CS32 of the Core Strategy seeks to guide new development "*within or adjoining the settlement boundaries of the Service Villages.*"
41. The appeal site adjoins the Yatton settlement boundary. It is not allocated for development in the SAP or YNP. Policy CS14 supports small-scale development within or abutting service village settlement boundaries. However, it does not place a complete bar on development beyond the settlement boundary of Yatton. Development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which, in the case of Yatton,

---

<sup>25</sup> CD69

<sup>26</sup> R (Cherkley Campaign Ltd) v Mole Valley District Council [2014] EWCA Civ 567

<sup>27</sup> Paragraph 3.2, General SoCG

accords with Policy CS32. That policy confirms that “*sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans*”. Mr Underhay confirmed<sup>28</sup> that the policy objection which really founds RfR1 is that the proposed development would be outside the settlement boundary and above 25 dwellings thus not plan led.

42. Plainly, as most important policies, where there is no 5YHLS, neither Policy CS14 nor CS32 can be given full weight. Mr Underhay argued that at least significant weight is appropriate, noting the policy purpose to direct housing to more sustainable settlements according to the hierarchy which in his view remained a “*sound principle to uphold*.”<sup>29</sup> However, in my view, only limited weight can be afforded to these policies given that there is no 5YHLS and the extent of the shortfall is significant at 3.2 years.
43. Moreover, I note that there is nothing in Policy CS32 that would prevent, subject to appropriate compliance with the bullet points therein, four schemes of 25 units coming forward over time. There is “*no numerical target to aim for or be constrained by*” in Policy CS32 as to the number of 25 dwelling schemes which might be granted permission,<sup>30</sup> and the policy applies to individual applications such that there could be a series of applications coming forward.<sup>31</sup> At the Inquiry Mr Underhay acknowledged<sup>32</sup> that if there is a need for 100 units somewhere in Yatton, in principle one single scheme may cause less harm and deliver more cumulative benefits than four scattered ones. Although the correct approach would be to pursue these proposals through the Local Plan process, Mr Underhay agreed<sup>33</sup> that if there is no 5YHLS there may be more scope in terms of numbers to be permitted in a scheme pursuant to Policy CS32.
44. It must also be relevant that the appeal proposal performs well against the rest of the criteria set out in Policy CS32. It:
  - includes an Illustrative Site Masterplan and Design and Access Statement which demonstrates how the form, design and scale of development respects and enhances the local character, contributes to place making and reinforces local distinctiveness. The Council did not raise concerns in relation to general design matters;
  - includes a range of dwellings to meet local needs. The Council did not raise concerns in relation to the size, type, tenure or overall range of housing;
  - would not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development. Where necessary planning obligations will be secured via a legal agreement to provide necessary contributions and infrastructure;
  - would result in a high-quality sustainable scheme which is appropriate to its context and would make a positive contribution to the local environment and landscape setting;

---

<sup>28</sup> In XX

<sup>29</sup> In EIC

<sup>30</sup> Neil Underhay in EIC

<sup>31</sup> Neil Underhay in XX

<sup>32</sup> In XX – depending on the cumulative effects and merits of the case

<sup>33</sup> In EIC

- would not result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area;
  - maximises opportunities to reduce the need to travel and encourages active travel modes and public transport;
  - and demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.<sup>34</sup>
45. The Council also accepted that subject to agreement on conditions and obligations proximity to services was probably not an objection. Mr Hutcheson gave unchallenged evidence as how there is a good connectivity to and from the site by different modes of transport.<sup>35</sup> The Council also accepted that if there is only about 3.2 years' supply, then that would be regarded as a significant shortfall and probably the balance weighs in favour of the scheme.
46. Drawing these threads together it is clear to me that the appeal proposal of up to 100 dwellings would deliver a scale of development that is in conflict with the spatial strategy of the development plan which permits sites of up to around 25 dwellings adjoining the settlement edges of services villages. The proposed development is therefore contrary to Policies CS14 and CS32 of the Core Strategy. There is no conflict with YNP policies. However, there is no 5YHLS in this case and indeed there is a significant shortfall and therefore Policies CS14 and CS32 cannot be given full weight - rather these policies can only be afforded limited weight. It must also be relevant that the appeal proposal performs well against the rest of the criteria set out in Policy CS32. I need to assess the Council's concerns in terms of ecology and landscape in the third and fourth issues before assessing the overall planning balance. On the second issue I conclude that the scale and location of the development would be in conflict with the Council's Spatial Strategy.

### ***Third Issue - The impact of the proposed development on Ecology and Biodiversity***

47. RfR2 indicates that the proposed development would have a significant effect on the North Somerset and Mendip Bats SAC and result in operational impacts and increased recreational pressure on the Biddle Street SSSI. It also alleges that the proposed development fails to demonstrate that a biodiversity net gain (BNG) can be achieved on site and the proposal is contrary to Policies CS4 and DM8, the North Somerset and Mendip Bats SAC SPD and the NPPF.<sup>36</sup>

### **The SSI and Reptiles**

48. With regard to the impacts of the proposed development upon the Biddle Street SSSI it is clear that these have been considered by Mr Clarkson. Though the development has potential to contribute towards increased levels of pressure upon the Strawberry Line, positive and appropriate measures are proposed to both help manage the existing and increased levels of

---

<sup>34</sup> Paragraph 7.5 of PoE of Ian Jewson

<sup>35</sup> See revised TA at Appendix A to his PoE

<sup>36</sup> In RfR2 reference is made to paragraphs 175 and 177 of the NPPF. The current references for these paragraphs are 180 and 182 of the NPPF 2021

recreational impact such that adequate protection of the SSSI could be maintained during both the construction and operation of the development.<sup>37</sup>

49. The Council agreed that the risks to the SSSI could probably be tackled by condition.<sup>38</sup> Additional measures, including the installation of bins and litter picking, have been proposed and would be secured via the Appellant's UU. The Council also confirmed that planning conditions could avoid any risk to protected species such as slow worms, grass snakes and badgers.<sup>39</sup> There is no mention in RfR2,<sup>40</sup> which deals with ecological concerns, of any alleged impact on these considerations.

### **Biodiversity Net Gain (BNG)**

50. Since the experts provided their proofs on ecology matters, further common ground was reached as set out in the BNG SoCG. That makes clear that the fundamental difference of approach between the Council and Appellant is now how the habitats required to compensate for impacts on bats are used in contributing to a net gain calculation.<sup>41</sup>
51. The Appellant's view is that all BNG provided within the bat mitigation area can be used against the whole development to a point of no net loss with the urban habitats (and others not accessible to bats) providing net gain.<sup>42</sup> Indeed, their BNG assessment demonstrates how the proposal would deliver a substantial gain (103% gain in area-based habitats and a 56% gain for linear habitats – considerably more than what is required by law or policy).<sup>43</sup>
52. The Council disagrees and considers that biodiversity gain secured within the bat mitigation habitats should be discounted. Even if the Council is right, the Appellant argued that the appeal scheme remains consistent with paragraph 180c of the NPPF (which, unlike the Environment Act 2021, which does not apply to this appeal, does not require a particular percentage BNG).
53. As I perceive it, BNG can be dealt with either by conditions or within the s106 obligations. That is agreed between the parties, as confirmed in the Council's opening.<sup>44</sup> The difference between the parties is essentially one of methodology. If the Council is right, the Appellant could overcome the issue by providing BNG off site under the terms of a planning condition.<sup>45</sup> Accordingly, BNG no longer amounts to a reason to dismiss this appeal.

### **Habitats**

54. Given the above position, the Council accepted in opening that its principal ecological issue is the impact of the development on bats.<sup>46</sup> It was the Council's position at the opening of the Inquiry that development on the scale

---

<sup>37</sup> Paragraphs 4 and 7, Summary PoE of Tom Clarkson.

<sup>38</sup> Paragraph 8, Council's Opening, LPA 1 and Dr Carpenter PoE paragraphs 4.2.17 and 4.2.18

<sup>39</sup> Paragraph 8, Council's Opening, LPA 1

<sup>40</sup> Accepted by Dr Carpenter in XX

<sup>41</sup> See paragraph 11, BNG SoCG

<sup>42</sup> See paragraph 12, BNG SoCG

<sup>43</sup> Paragraph 4.1.71, PoE of Tom Clarkson and Policy CS4 2 in CD1

<sup>44</sup> Paragraph 7, Council's Opening, LPA1

<sup>45</sup> Paragraph 7, Council's Opening, LPA1

<sup>46</sup> Paragraph 9, Council's Opening, LPA1

that is proposed would amount to a clear RfR in terms of such resultant impact.<sup>47</sup> However, matters moved on during the Inquiry.

55. The Appellant argued that there were no obstacles under the Habitat Regulations which prevented the grant of planning permission, rather, the proposals represented an “*exemplar*” of how ecological impact assessment could be used to identify, safeguard and enhance key ecological habitats.<sup>48</sup> The Council maintained that the proposed development, due to its close proximity to the North Somerset and Mendip Bats SAC, would have a significant effect on this habitat site, a European protected site. Moreover, it is argued that the survey evidence and consultation with Natural England (NE) suggest that SAC bats would be adversely affected by the development. It is also claimed that the proposed mitigation measures do not prioritise on-site mitigation and that the proposed off-site mitigation is unsuitable.

### **The Habitats Regulations**

56. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires a competent authority – in this case the Inspector – before deciding to give planning permission for a project which is “*likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects)*” and “*is not directly connected with or necessary to the management of that site*” to make an appropriate assessment of the implications of the project for that site in view of that site’s conservation objectives. Regulation 63(6) is clear that “*in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given*”.
57. Regulation 70 deals with the grant of planning permission and at (3) states that “*where the assessment provisions apply, outline planning permission must not be granted unless the competent authority is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters*”.
58. Accordingly, the real issue between the parties is whether or not, subject to conditions, adverse effects on the integrity of the North Somerset and Mendip Bats SAC can be ruled out.

### **The Imposition of a Grampian Condition**

59. Before carrying out the Habitats Regulation Assessment (HRA) it is important to consider relevant case law cited in evidence by the Appellant which refers to the imposition of a Grampian Condition. The Abbotskerswell Parish Council v Secretary of State for Housing, Communities and Local Government and others [2021] EWHC 555 (Admin)<sup>49</sup> is a helpful authority in assessing the extent to which detailed information is required at outline stage to comply

---

<sup>47</sup> Paragraph 9, Council’s Opening, LPA1

<sup>48</sup> Paragraph 8.1.5, PoE of Tom Clarkson

<sup>49</sup> APP3



with Regulation 70(3).<sup>50</sup> The Court was clear that any suggestion that all details of matters which could affect site integrity has to be provided at outline stage is a misunderstanding of the Regulations. Paragraphs 152 and 159 of the Judgment, in particular, are noteworthy.<sup>51</sup>

60. The Council relied on paragraph 99 of Circular 06/05.<sup>52</sup> However, it seems to me that this must be read through the lens of paragraph 98. Circular 06/05 is intended to provide guidance on how to comply with the legal obligations under Habitats Regulations, as opposed to providing additional hurdles that go above and beyond (or 'gold plate') the tests under the Regulations. The Council did not challenge this interpretation. Under the subheading 'Purpose of the Circular',<sup>53</sup> it sets out that "*this Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England*". It goes on to set out that law, as it stood at the date of the Circular, in the Introduction and Context section at paragraph 3.<sup>54</sup> Were it the intention of the Circular to supplement or add to the statutory position, it would be clearly stated as a purpose or in the introductory paragraphs.
61. This is critical because Dr Carpenter agreed that: (a) a condition such as Condition 18<sup>55</sup> could ensure that adverse effects on site integrity could be ruled out – because it would provide for only two options: no development commencing, or development commencing in accordance with a survey-informed mitigation plan which would avoid adverse effects on site integrity; (b) such a condition would therefore ensure that the Habitats Regulations test is met; and (c) there would be at least some prospect of it being discharged during the lifetime of the permission which would satisfy the PPG test for a Grampian Condition. Therefore there is no tenable basis for saying that

<sup>50</sup> See Ground 5 from paragraph 148 of the Judgment, APP3

<sup>51</sup> "152. In my judgment, it was apparent from the way in which the Claimant presented its submissions that essentially its case was that all details of matters which could affect site integrity had to be provided at outline stage. I accept the Secretary of State's submission in response that the Claimant has misunderstood regulation 70(3) of the Habitats Regulations 2017 as it expressly provides that the role of conditions and limitations in contributing to the avoidance of adverse effects to integrity can be taken into account when considering applications for outline planning permission. The approach contended for by the Claimant, whereby all details of matters which may affect site integrity have to be assessed at the outline stage, would effectively require an application for a full planning permission. This would render the role of outline planning permissions in relation to development requiring appropriate assessment nugatory and would mean that the wording in regulation 70(3) is meaningless.

159. The Secretary of State's decision imposed a framework of planning conditions relating to GHBs (condition 6 (Masterplan and Design Code), condition 7 (ecological mitigation strategy), and condition 12 (lighting)) which set out clearly defined parameters for the approval of reserved matters, which enabled the Secretary of State to conclude, with sufficient certainty, that the proposed development would not adversely affect the integrity of the SAC. The GHB Mitigation Plan was tied to the Masterplan and Design Code and the ecological mitigation strategy, which would require approval prior to the submission of reserved matters and/or prior to any development taking place. Under condition 6, the Masterplan and Design Code was to be formulated broadly in accordance with the submitted Design and Access Statement and Illustrative Masterplan, and specific requirements were set out at (a) to (k). The careful way in which the conditions were drafted ensured that all developers at all phases would have to comply with the Masterplan and Design Code and the ecological mitigation strategy. Under condition 15, the Construction Environment Management Plan (CEMP) and Ecological Construction Method Statement protected GHB corridors and minimised light spill during the construction phases".

<sup>52</sup> APP2

<sup>53</sup> See paragraph 1, page 4, APP2

<sup>54</sup> On page 5, APP2. Text states: *The UK is bound by the terms of the EC Birds and Habitats Directives<sup>5</sup> and the Ramsar Convention<sup>6</sup>. The Regulations (Natural Habitats &c.) Regulations 1994<sup>7</sup> (the 'Habitats Regulations') provide for the protection of 'European sites'<sup>8</sup>, which are candidate Special Areas of Conservation (cSACs) and Special Areas of Conservation (SACs) designated pursuant to the Habitats Directive, and Special Protection Areas (SPAs) classified under the Birds Directive. The Regulations apply specific provisions of the Habitats Directive to cSACs, SACs and SPAs which require special considerations to be taken in respect of such sites.*

<sup>55</sup> LPA3

Circular 06/05 would prohibit such a condition. The Circular adds nothing to the Habitats Regulations test, which would be met.

62. The wording of paragraph 99 is clear that: (a) it only relates to the extent to which protected species may be affected by the proposed development and not their habitats. There is no suggestion in this case of any direct harm being caused to any protected species; (b) even ignoring that, the first sentence requires two things to be established before planning permission is granted – whether there are protected species present on site (the answer to that is known to be yes here) and the extent to which they may be affected by the development (the answer to that is also known here even if Dr Carpenter’s view about the need for more survey is accepted: Condition 18 would have the effect of ensuring that no development may happen unless the survey-informed mitigation plan demonstrates that adverse effects on site integrity can be ruled out). Even if some details of *how* that will be achieved are left over for submission and approval under the condition, there is nothing unlawful about that: as the judgment in ***Abbotskerswell***<sup>56</sup> makes clear having regard to Regulation 70(3) of the Habitats Regulations, what matters at the outline stage is certainty of outcome not certainty of details.

## **Habitats Regulations Assessment (HRA)**

### *Assessment of Likely Significant Effects*

63. There are no European Sites that lie within or adjacent to the appeal site. The North Somerset and Mendip Bats SAC is located within 1.87kms of the appeal site at its nearest point and has been identified by the Appellant as requiring consideration under this HRA.<sup>57</sup>
64. The conservation objectives of the European sites identified by the Appellant are available on the Natural England (NE) website at the following link:

<http://publications.naturalengland.org.uk/publication/6252034999189504?category=5374002071601152>

I have had regard to these objectives in undertaking my duties in accordance with the Conservation of Habitats and Species Regulations 2017.

65. The Appellant acknowledges that the appeal site is of ‘Regional’ level importance for *Greater Horseshoe Bats* and *Lesser Horseshoe Bats*. Its particular attraction to these Annex 1 species arises from its proximity to the King’s Wood and Urchin Wood SSSI, which forms a component part of the SAC. I note that the appeal site lies within the Consultation Zone B of the North Somerset and Mendip Bats SAC SPD reflecting the likely importance of the area to SAC bats. As such the development may result in adverse impacts on the SAC Annex 1 species through the loss of foraging habitat on the site, the fragmentation of commuting routes and cumulative impacts.
66. Bat surveys were undertaken by the Appellant on both fields and the farmyard which cover the wider site between April and October 2020. This included undertaking static detector surveys to meet the minimum survey standards

---

<sup>56</sup> APP3

<sup>57</sup> Tom Clarkson’s PoE, Appendix B: Shadow HRA Assessment page 62

set out in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development.<sup>58</sup>

67. With regard to *Greater Horseshoe Bats* the static detector surveys recorded high levels of activity for this species which indicates portions of the appeal site are of significant value to foraging and commuting greater horseshoe bats particularly during the maternity season. Overall across all detectors and all months the survey recorded a total of 991 passes by greater horseshoe bats accounting for 2% of the total bat calls recorded from all detectors.<sup>59</sup> With regard to *Lesser Horseshoe Bats* the automated static bat detector surveys undertaken recorded a total of 1,834 passes by lesser horseshoe bats representing 3.7% of the overall calls recorded by the static detectors. High levels of activity from lesser horseshoe were recorded particularly along the southern hedgerows of the southern field which indicates portions of the site are of value to foraging and commuting lesser horseshoe bats particularly during the late summer and autumn months. The site appears to be of significant value to lesser horseshoe bats.<sup>60</sup>
68. Generally, recorded horseshoe bat activity was the highest on the south-western boundary which bounds the Biddle Street SSSI and Strawberry Line (H4) and south-eastern hedgerow (H3) across all of the surveys completed to date. These hedgerows have the best structure and are likely to be sheltered from the prevailing winds. They are considered to be the most important hedgerows for horseshoe bats within the appeal site.<sup>61</sup>
69. The survey data suggests that H4 forms part of an important commuting route for both greater and lesser horseshoe bats, with static detector and bat activity data suggesting that the hedgerow is used consistently throughout the year. This consistent use suggests it forms a key commuting route for horseshoe bats moving from north to south in the local area. This hedgerow contributes to a corridor which links the King's Wood and Urchin Wood portion of the SAC and suitable foraging habitat to the north and east of Yatton and the Strawberry Line.
70. *Greater Horseshoe Bats* are likely to utilise the grazed pasture that sits in between the ditches associated with the Biddle Street SSSI for invertebrates including dung beetles. *Lesser Horseshoe Bats* are likely to utilise the ditches themselves to forage for emerging aquatic invertebrates. Both species also forage within the appeal site, with H3 and H4 appearing to support the most foraging activity. Generally, all of the hedgerows supported at least low levels of activity by greater and lesser horseshoe bats, and together, they are likely to significantly contribute to the connectivity of the local landscape for commuting bats.
71. The appeal proposal comprises up to 100 dwellings and associated infrastructure. The scheme would remove a large area of the improved grassland from both the northern and southern fields and result in the removal of all of the farmyard buildings of Rectory Farm, Yatton and the hardstanding areas associated with the farmyard to facilitate construction.

<sup>58</sup> See CD7, Tom Clarkson's PoE Appendix B Shadow HRA Assessment page 65 and CD22

<sup>59</sup> Tom Clarkson's PoE Appendix B: Shadow HRA Assessment page 66

<sup>60</sup> Tom Clarkson's PoE Appendix B: Shadow HRA Assessment pages 66-67

<sup>61</sup> Ibid



Hedgerows and ditches would largely be retained and protected; although some impacts from lighting on these features are anticipated. The layout of the access road and buildings' orientations have been designed to reduce light spill onto retained mitigation habitats as far as is possible.

72. Short sections of hedgerows would require removal from H1, H5, H6 and H9 to create safe visibility surrounding the access road. The ditch to the north of H1 may require removal and recreation to allow the access road to be constructed. The Landscaping Masterplan shows the proposed wildlife mitigation, and a Phase 1 habitat plan shows the hedgerows affected.<sup>62</sup> It is acknowledged that the scheme has the potential to result in likely significant effects which are summarised in the Shadow HRA Assessment.<sup>63</sup>
73. The Appellant has proposed mitigation designed to fulfil the requirements of the North Somerset and Mendip Bat Habitat Evaluation Procedure (HEP), the details of which are provided within the Ecological Impact Assessment Report<sup>64</sup> to address the likely significant effects from the proposals. However, the *People Over Wind* judgment established that the assessment of likely significant effects on the European sites cannot take into account measures to avoid or reduce the effects of a proposed development. Therefore, it is necessary for the competent authority (the Inspector) to undertake an Appropriate Assessment (AA) under the Habitats Regulations.<sup>65</sup>

#### *Appropriate Assessment*

74. The AA is necessary to comply with Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017. In undertaking the AA, I must be certain that the proposed development would not result in adverse effects to the integrity of the relevant European site.
75. Several measures are included within the design of the scheme to ensure that impacts associated with *fragmentation and the loss of flight lines* for horseshoe bats would be avoided and mitigated as far as possible. These measures include: supplementary planting to bolster the structure of currently utilised flight lines and to create new suitable commuting routes; the implementation of protective measures during the construction phase to ensure that valuable habitats are not inadvertently damaged during site clearance/construction; and the design of a sensitive *lighting* scheme, which would seek to protect all boundary features and bat mitigation habitats from artificial light spill. In view of the above measures and the careful design of the site layout, I conclude that the development, when considered in isolation, would not have any residual adverse impacts upon flight lines or commuting bats. The risk of adverse effect on the integrity of the SAC can be ruled out, applying the precautionary principle.
76. The Shadow HRA Assessment indicates that the appeal proposal has been carefully designed to avoid the majority of potential impacts. With regard to the *reduction in foraging habitat area*, as can be seen from the HEP, at least 1.02ha of optimal greater horseshoe bat foraging habitat is required to ensure

<sup>62</sup> Tom Clarkson's Shadow HRA Assessment page 58

<sup>63</sup> Tom Clarkson's PoE Appendix B: Shadow HRA Assessment page 68

<sup>64</sup> CD22

<sup>65</sup> Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017

the scheme remains compliant with the SPD. The appeal site also requires this mitigation to provide 0.72ha of optimal foraging habitat for lesser horseshoe bats to achieve foraging equivalence. The appeal scheme has incorporated the equivalent of at least 0.70ha of greater horseshoe bat habitat and 0.71ha of suitable lesser horseshoe bat habitat.

77. This is below what is required to be compliant with the guidance. For greater horseshoe bats the loss of habitat value within the appeal site is equivalent to 0.32ha or 31.38% loss of habitat value within the red line boundary. For lesser horseshoe bats this was a loss of 0.01ha or 1.39% of the foraging value within the red line boundary. Mr Clarkson stated that the mitigation habitat provided was as large in area and of as high a value as was practical to provide within the constraints presented by the appeal proposal. Habitat retention has prioritised the most valuable areas of habitat to horseshoe bats and has preserved the most valuable foraging and commuting features.
78. To offset the shortfall in habitat value (particularly for greater horseshoe bats) *off-site compensation habitat* has been secured. The development proposes to compensate the shortfall by enhancing suitable off-site land to increase its value to foraging horseshoe bats. A field has been identified within 500m of the red line boundary to the north-east which could be enhanced to fulfil this purpose.<sup>66</sup> This land also sits within Band B of the consultation zone making it suitable for use as off-site compensation being of broadly equivalent distance from the same known SAC sites. Full details of the off-site compensation land are set out in the Shadow HRA.<sup>67</sup> The area of compensation habitat proposed is 0.95ha in area and would be managed through low intensity grazing, cessation of the use of inorganic fertilisers and, if necessary, seeding to establish a botanically diverse wet neutral pasture. The diversification of the flora of the grassland would increase the diversity of invertebrates available to foraging bats and substantially increase its foraging value.
79. Connectivity between the habitats within the red line boundary and the off-site compensation land is excellent with the woody vegetation and ditches associated with the Strawberry Line directly connecting the two land parcels. Taking into account the existing value of the habitat (0.3 for greater horseshoe bats and 0.24 for lesser horseshoe bats) this would provide an additional 0.375ha of equivalent habitat for greater horseshoe bats and 0.21ha of equivalent habitat for lesser horseshoe bats. The quantum of habitat to be provided would thus represent a minor enhancement of the provision of foraging habitats for both lesser and greater horseshoe bats locally. The layout and habitat types of the proposed mitigation within the red line boundary are shown in Mr Clarkson's evidence.<sup>68</sup> I conclude that the development, when considered in isolation, would not have any residual adverse impact upon foraging bats. The risk of adverse effect on the integrity of the SAC can be ruled out, applying the precautionary principle.
80. An assessment of *in-combination effects* with other plans and projects is also provided within the Shadow HRA. When considering the loss of foraging habitat extent at both a local level (within 2km of the SAC components) and more of a landscape level (within 10km of the SAC components), the

<sup>66</sup> Tom Clarkson's PoE Appendix C Figure 2

<sup>67</sup> Tom Clarkson's PoE Appendix B pages 75-76

<sup>68</sup> Tom Clarkson's PoE Appendix C Figure 3

proposed development, in combination with other planning applications and allocated sites would result in the loss of under 1% of the total potential foraging habitat at both geographic scales. This cumulative loss is not significant in the context of the remaining available area of foraging habitat. Applying the precautionary principle, no likely significant effects are anticipated when this assessment is considered alongside other nearby developments. It can similarly be concluded, beyond reasonable scientific doubt, that there would be no adverse effect on the integrity of the SAC.

81. The proposed mitigation measures would minimise any residual adverse impacts and safeguard the favourable conservation status of the population of horseshoe bats recorded on the appeal site. This would be achieved by means of a Construction Environment Management Plan (CEMP); a Landscape and Ecological Management Plan (LEMP) and a Landscape Planting Plan.<sup>69</sup> Additionally, sufficient habitat is to be created in accordance with the HEP guidance to mitigate for proposed foraging habitat losses. The provision of replacement foraging habitat both within the appeal site and habitat in close proximity to the appeal site would maintain foraging capacity of the local area for horseshoe bats. Furthermore, with the implementation of the Planning Obligations and relevant planning conditions and their respective monitoring programmes, it can safely be concluded, applying the precautionary principle, that the risk of adverse effect upon the North Somerset and Mendip Bats SAC can be ruled out beyond reasonable scientific doubt.
82. Plainly, the effect of the wording of Condition 18 would ensure that details of the required mitigation (more bat surveys, final scheme for bat mitigation and habitat management plan for the off-site habitat) would avoid adverse effects from the development on the integrity of the SAC thereby securing compliance with the Habitats Regulations (and thus with Circular 06/05). Development either does not come forward if insufficient surveys are provided, or none at all, and does if the requirement is satisfactorily met.
83. Once it is appreciated that the requirements of the Habitats Regulations are met and in particular that the proposed development would not cause any harm to the SAC, then the mitigation hierarchy in paragraph 180(a) of the NPPF adds nothing for three reasons. Firstly, paragraph 180(a) does not provide that where adverse effects on SAC integrity are avoided through off-site mitigation, permission should still be refused if on-site mitigation could be provided (in either case, mitigation would be needed and once provided would avoid adverse effects on SAC integrity). The Council reads in a requirement which is simply not there. If it were there, the NPPF would be gold-plating the Habitats Regulations by imposing a significantly more onerous test.
84. Secondly, this is a scheme for 100 dwellings, and it is common ground that a scheme for 100 dwellings cannot provide 100% mitigation on-site. Thirdly, comparing it to a scheme for 75 dwellings is illegitimate in this context as a 75-unit scheme is a different scheme altogether. Paragraph 180(a) requires a judgment to be made about this particular development, not a comparison against some alternative materially different development.
85. Fourthly, a 100-unit scheme incorporating some off-site mitigation would have the following material advantages over a 75-unit scheme with 100% on site

<sup>69</sup> Tom Clarkson's PoE Appendix B pages 92-93

mitigation: (i) a materially higher amount of much needed market and affordable housing; (ii) as Mr Clarkson explained the provision of a combination of on-site and off-site mitigation would lead to advantages beyond what could be achieved from on-site only mitigation by providing a greater diversity of additional habitats; for example, by being able to include grazing, which is difficult to create on-site, particularly alongside residential development.<sup>70</sup> The evidence on this point was not challenged.

86. At the Inquiry there was discussion as to whether the imposition of a Grampian condition to deal with any remaining concerns was necessary. Plainly, survey work has already been completed consistent with the SPD guidance which has shown the use of the site by greater horseshoe bats and lesser horseshoe bats.<sup>71</sup> The identified ecological impacts would be mitigated as far as possible within the site, with further appropriate compensatory habitat provision to fully address impacts to horseshoe bats.<sup>72</sup> About two thirds of the required mitigation would be provided on-site.<sup>73</sup> That is as much as is possible to provide and therefore the mitigation hierarchy in the SPD has been followed. That does require the remainder to be provided off-site.
87. I accept that there is flexibility within the blue edged line of the additional land to provide further compensatory habitat if required. I also accept that in calculating the amount of compensatory habitat required, the Appellant has adopted a *worst-case scenario*.<sup>74</sup> This means that whether or not further surveys were to indicate that bats already use the proposed off-site mitigation land, the Appellant is already proposing a sufficient quantity of land to address this. If further surveys indicate that they do, the amount provided is enough, and if they were to find that no bats use it, the Appellant would be over providing which would be a benefit. The Appellant has calculated on the basis of bats foraging, and applied a multiplier which, if they are not, would not have needed to be applied reducing the amount of land required thus further demonstrating the robustness of the mitigation provision. I appreciate that there is an acknowledged risk associated with off-site habitat provision – things may not grow as expected – so a Grampian condition is required.
88. The Council questioned whether or not bats could actually get to the mitigation land and whether or not they might exhibit *territorial behaviour* preventing bats from accessing. It is agreed that the Strawberry Line is a key foraging commuting route for greater and lesser horseshoe bats. Horseshoe bats have been recorded in Mr Clarkson's survey results<sup>75</sup> and his evidence was that recording them is difficult due to directionality such that there is likely to be more present than is recorded. The off-site mitigation is proposed right next to this and is plainly close enough to the appeal site to be a candidate for replacement mitigation. I note that the issue of territoriality is already factored into the SPD multiplier. It is possible to increase habitat and thus increase headroom to combat territoriality. As to other concerns with

<sup>70</sup> EIC of Tom Clarkson. Note too paragraph 4.7 of the SPD at CD7

<sup>71</sup> Paragraph 5, Summary PoE of Tom Clarkson.

<sup>72</sup> Paragraph 8.1.5, PoE of Tom Clarkson.

<sup>73</sup> EIC of Tom Clarkson

<sup>74</sup> Terminology used in EIC

<sup>75</sup> See Appendix B to his PoE – Shadow HRA Assessment. In particular pages 66 to 69. See also the Bat Transect Map in the EIA at page 28, CD22.

regard to access, for example potential climate differences,<sup>76</sup> this has been considered in the design by incorporating a shelter belt.<sup>77</sup>

89. I note the requirement to consult and have regard to NE's representations as the appropriate nature conservation body, where an AA is being carried out. On 28 April 2022 a consultation with NE was undertaken in accordance with the Conservation of Habitats and Species Regulations 2017. The response from NE dated 25 May 2022 confirmed their concerns about the proposal as previously set out in their letter of 10 March 2021.<sup>78</sup> NE, supported by the Council, do not consider that off-site mitigation is appropriate for this proposal due to the significant importance of the site to contributing to the favourable conservation status of the SAC bat populations, largely due to its location. Furthermore, NE do not consider that the off-site mitigation demonstrates any additionality in terms of foraging habitat enhancements and sufficient survey information has not been provided to ascertain if the site is appropriate for off-site habitat enhancements.
90. I have had regard to the representations from NE and taken into account the additional points made by the parties notably the Appellant's letter dated 6 June 2022.<sup>79</sup> I have given weight to NE's views as the statutory nature conservation body, but NE's views do not appear to be a formal objection to the proposal. Importantly, NE's evidence has not been tested by cross examination and therefore it cannot be given greater weight than Mr Clarkson's evidence which was tested at the Inquiry. Moreover, NE's representations must be considered in the context of the Shadow HRA and the detailed evidence provided by Mr Clarkson to the Inquiry which I found to be both cogent and compelling.<sup>80</sup>
91. With regard to NE's views the following points are noteworthy. Firstly, the effect of the prevailing winds in the area would be to blow insects away from the site rather than towards the site. Secondly, the mitigation hierarchy has sought to maintain as much of the bat mitigation habitat on site as possible in the context of housing need. Thirdly, the basis of Mr Clarkson's calculations that the productivity of the off-site habitat would be enhanced to deliver a better foraging habitat to that currently present, accords with the Council's SPD methodology. Fourthly, the off-site compensation land is accessible to horseshoe bats and the need for more survey information on this land can be dealt with via a Grampian style condition. Finally, NE's response fails to grapple with the SPD guidance<sup>81</sup> or the potential use of a Grampian condition.
92. Drawing all of these threads together, the evidence before me demonstrates that sufficient mitigation would be provided such that the development would not be likely to adversely affect the integrity of the SAC with a Grampian condition attached. The conservation objectives of the SAC would not be undermined. Accordingly I conclude on this issue that the proposed development would not have a significant effect on the North Somerset and Mendip Bats SAC, nor would it have unacceptable impacts on the Biddle Street SSSI. The appeal proposal would not conflict with Policies CS4 and DM8, the

---

<sup>76</sup> Though Tom Clarkson was XX on lighting preventing access, this did not form part of the Council's case prior to XX.

<sup>77</sup> In EIC

<sup>78</sup> CD43

<sup>79</sup> APP12

<sup>80</sup> See Appendix B to his PoE

<sup>81</sup> CD7



North Somerset and Mendip Bats SAC SPD and the NPPF. Moreover, in this case, there would be no departure from the policy expectation in the first sentence of paragraph 99 of Circular 06/2005 and therefore no requirement for 'exceptional circumstances' to justify that departure in the manner referred to in the second sentence. Even if there were, the significant shortfall in the 5YHLS would be capable of amounting to exceptional circumstances.

***Fourth Issue - The effect of the proposed development on the character and appearance of the area***

93. This fourth issue relates to RfR3 which alleges that the proposed development, by reason of its protrusion in an area of high landscape sensitivity in close proximity to the Strawberry Line, does not accord with the linear form of the village and would appear as an incongruous projection into open countryside. Further, that it would cause unacceptable harm to the amenity value of the Strawberry Line. The Council's landscape policies include CS5 and CS9 of the Core Strategy,<sup>82</sup> and Policy DM10 of the Sites and Policies Plan Part 1 – Development Management Policies.<sup>83</sup>
94. Policy CS9 seeks to safeguard, improve and enhance the existing network of green infrastructure through *"further provision, linking into existing provision where appropriate, ensuring it is a multifunctional, accessible network which promotes healthy lifestyles, maintains and improves biodiversity and landscape character and contributes to climate change objectives."*
95. Policies CS5 and DM10 deal with landscape.<sup>84</sup> It is noteworthy that Policy CS5 looks to protect and enhance the character, distinctiveness, diversity and quality of North Somerset's landscape and townscape. However, its focus is on both the national character areas and those in the North Somerset Landscape Character Assessment (LCA). It does not look to protect and enhance every individual development site. Provided the landscape and townscape is protected and enhanced, there is policy compliance and that can be so even where there is landscape harm.
96. Policy DM10 links with Policy CS5 on Landscape. It is the policy that relates specifically to development proposals. In the first bullet point it refers to having an *"unacceptable adverse impact"* rather than no adverse impact at all. Neither Policy CS5 nor Policy DM10 are zero harm policies. The litmus test is therefore whether or not there is an unacceptable degree of harm.<sup>85</sup>
97. A Landscape and Visual Appraisal (LVA) was submitted with the application. Figure L3 to Mr Evers' proof of evidence illustrates the published landscape character areas applicable to the site and surrounding area. It is common ground that the North Somerset LCA SPD 2018<sup>86</sup> is the most relevant for this appeal. The site is located in the National Character Area Somerset Levels and Moors character area (No142). At the local level, the appeal site falls within Landscape Type A: Moors and LCA A1: Kingston Seymour and Puxton Moors. The overall character of the LCA is considered to be 'strong' and in 'good

---

<sup>82</sup> CD1

<sup>83</sup> CD2

<sup>84</sup> And the historic environment in respect of CS5.

<sup>85</sup> Confirmed by Kevin Carlton in XX

<sup>86</sup> CD5

condition.’ The landscape strategy for the LCA is to ‘conserve’ the existing landscape. The appeal site is on the edge of the LCA.<sup>87</sup>

98. The positive significant features of the LCA are set out on page 31 of the SPD and are not restated here. I note that these relate to all of the Landscape Type: Moors and not just to LCA A1, the positive characteristics of which are set out elsewhere.<sup>88</sup> LCA A1 is distinguished from the other Moors LCAs.<sup>89</sup>
99. In terms of landscape sensitivity, the Council relies heavily on the North Somerset Landscape Sensitivity Assessment 2018<sup>90</sup> (LSA). This document has not been consulted on externally<sup>91</sup> and should be tempered on that basis. It is a high-level assessment and on a more granular analysis it was agreed that when looking at individual areas of land there would be variations.
100. Map 3 of the LSA<sup>92</sup> shows that the southern part of the site falls within an extensive area around Yatton which is assessed as having high sensitivity, the top level of three levels of susceptibility to change and landscape value used. The LSA defines **High sensitivity** as:  
*“Land with a high susceptibility to change and/or which is of high value, e.g. land adjacent to or visually prominent from the AONB, land outside of the settlement pattern, land which has high visual prominence, land which contributes to heritage or ecological assets.”<sup>93</sup>*
101. Plainly the northern part of the site falls within an area which is assessed in the LSA as having low sensitivity. The LSA defines **Low sensitivity** as  
*“Land with a low susceptibility to change and/or which is of low value, e.g. land within the settlement pattern, land with low visual prominence, land which has no or very limited contribution to heritage or ecological assets.”<sup>94</sup>*
102. Mr Carlton contends that the appeal site is within the open countryside.<sup>95</sup> He sought to suggest<sup>96</sup> that the Appellant agrees with him, pointing to the LVA<sup>97</sup> and the SoCG. However, the LVA does not say that the site is in countryside plainly using the word ‘beyond’. Mr Carlton accepted, when challenged, that this is not the same as saying that the site is in open countryside. The SoCG is a general SoCG, not a landscape one, and the meaning of open countryside in policy terms is not necessarily the same as in landscape terms.
103. At my site visit I saw that the northern part of the appeal site is dominated by development, consisting of the various single storey and large agricultural buildings that comprise the farm complex and the housing off-site to the east, giving it an urban character,<sup>98</sup> whereas the southern field has a more open, rural character.<sup>99</sup> It was not a matter of dispute at the Inquiry that some

<sup>87</sup> CD5 pages 39-40

<sup>88</sup> See pages 36 to 37 of the document

<sup>89</sup> Nigel Evers PoE paragraph 3.9.6

<sup>90</sup> CD6

<sup>91</sup> See paragraphs 3.9.8-3.9.9, PoE of Nigel Evers

<sup>92</sup> CD6

<sup>93</sup> Paragraph 4.1.13, CD6

<sup>94</sup> Paragraph 4.1.13, CD6

<sup>95</sup> See his paragraph 2.1, PoE of Neil Underhay. Confirmed this was the basis for his assessment in XX

<sup>96</sup> In EIC

<sup>97</sup> In particular paragraph 3.1.2, CD30.

<sup>98</sup> Paragraphs 3.9.17 and 3.9.20 and Viewpoints 1 and 2 in Appendix B, PoE of Nigel Evers

<sup>99</sup> Paragraph 3.9.18 and Viewpoints 3 and 4 in Appendix B, PoE of Nigel Evers



development could take place on the northern part of the appeal site. The focus of the Council's evidence was development on the southern field.

104. Nonetheless, as I saw on my site visit, the southern field is not as sensitive as the Council suggests and, in my view, Mr Carlton's assessment of the baseline is plainly overstated. It is influenced by the poorly resolved edge of Yatton which, combined with the farm buildings, the Strawberry Line and the intermittent belt of trees along the southern boundary, separating it from the wider countryside, and giving it an enclosed, semi-rural character.<sup>100</sup> The embankment and the trees and hedgerows along the Strawberry Line provide a strong boundary, separating the site and its context to the north-west and south-east from the wider Levels landscape to the west.<sup>101</sup>
105. Turning to the landscape and visual effects of the proposed development both landscape witnesses agreed that impacts would be localised only, in the context of a non-designated, non-valued landscape which is part previously developed land. Although the development would change the character of the site from open, grassed fields to houses and gardens with open space areas, there are no particular features of particular value within the site. The effect on the wider landscape would not be significant. The scale of the development is such that it is unlikely to have a discernible effect on the extensive national character area. There would be no significant effects on LCA A1; Kingston Seymour and Puxton Moors LCA, with a negligible magnitude of effect.
106. I accept that there would be an adverse effect of moderate significance on the landscape character of the site. There would be change from open, grassed fields to houses and gardens with open space areas. Existing boundary hedges and trees would be supplemented with new planting and water features on the open spaces within the context of existing development along the eastern boundary and within the north-western part of the site. As a result, there would be a moderate and adverse effect over all time periods, but this would be on the site itself and not the wider landscape. For trees and hedges on the site, so few would be removed for construction that the effects during the construction period and on completion would not be significant with an overall magnitude of negligible. However, with the maturing of the landscape scheme and implementation of the management plan, there would be a moderate beneficial effect.
107. The Council refers to a change in landscape character along Chescombe Road/Biddle Street which it says is a valued link to open countryside. It points to the cutting back or reduction in the height of hedgerows at the new junctions (for visibility) and the installation of footways north and south which would require hedgerow and tree removal. The total figures estimated for widening of the accesses north and south, new paths and visibility splays are set out in document APP8. From the evidence submitted, the total length of hedge removed (49m) would be more than compensated by the net hedge increase (601m) and the total number of trees removed (13) needs to be viewed in the context of the overall net tree increase (61).
108. With regard to visual impacts, there are not many views from which the appeal site can be seen and those that exist are short-range, hence the localised nature of any impacts. Even in that context, though Mr Carlton

---

<sup>100</sup> Paragraph 3.9.20, PoE of Nigel Evers

<sup>101</sup> Paragraph 3.9.19 and Viewpoint 3 in Appendix B, PoE of Nigel Evers

suggested that Viewpoints 3-5 of the Appellant's LVA<sup>102</sup> were particularly relevant, he relied heavily<sup>103</sup> on Viewpoint 5. He focused on year one.<sup>104</sup> However, Summer of Year 15 is usually taken as representing the longer term 'average' residual effect, although in practice new planting will not be fully mature until sometime after Year 15.

109. From Viewpoint 3, the new houses and their gardens would be prominent in the view, with those to the west being set back further from Chescombe Road beyond an area of open space. The roadside hedgerow would be strengthened with new tree planting and hedgerow shrubs. Here the overall effects would be of major magnitude with an adverse effect of moderate significance on completion reducing to minor significance after 15 years.
110. As a result of the closeness to the site, Viewpoints 4 and 5, would be of major magnitude, with an adverse effect of major significance which would reduce to moderate significance after 15 years. However, I note that Viewpoint 5 is taken from the Strawberry Line, about 10m from the site boundary, looking north-east across the southern field. Views are filtered and though the new houses would be prominent in the view, they would be set back behind a narrow area of open space and filtered by new tree planting with the effects reduced at Year 15.<sup>105</sup>
111. Mr Carlton accepted that by Year 15 someone walking the Strawberry Line would not have at the forefront of their mind that they had walked past the development. He also accepted that the proposed landscape mitigation measures were realistic and achievable. At my site visit I saw that there would be benefits that would flow from the development in respect of the northern field. That would include the replacement of farm buildings and clutter which I consider would be an improvement.
112. The Council argued that the proposed development would not accord with the *linear development* and form of the village. It claimed that one of the foundation stones of the case is that Yatton is a linear settlement; though Mr Carlton clarified that it is "*predominantly linear*,"<sup>106</sup> acknowledging that it widens to the north where the industrial units sit. But the Council's assertion that the development would not accord with the linear form of the village goes nowhere because the settlement is not in a linear form.
113. That assessment is plainly wrong when one looks at Plan L3 of the LVA<sup>107</sup> which makes clear that there is not a straight line to the development edge but rather it is jagged. To describe the form of Yatton as linear is an oversimplification of the way the settlement has developed and how it is at present.<sup>108</sup> It seems to me from Figure L2 in the LVA<sup>109</sup> the Conservation Area, representing the historic core of the village, is arranged along the B3133 towards the south-eastern edge of modern Yatton.<sup>110</sup> When further development occurred, it has largely comprised housing estates, laid out

<sup>102</sup> Appendix B, CD30

<sup>103</sup> In EIC

<sup>104</sup> Appendix B, CD30

<sup>105</sup> Paragraph 3.10.19, PoE Nigel Evers

<sup>106</sup> Clarified by Kevin Carlton in XX when taken to paragraphs 4.5 and 8.2 of his PoE

<sup>107</sup> CD30

<sup>108</sup> Paragraph 4.3.1, PoE of Nigel Evers

<sup>109</sup> CD30. See also Appendix 1, PoE of Nigel Evers

<sup>110</sup> Even the Conservation Area extends to the south which, before the village grew beyond its historic core, could have been regarded as a projection into open countryside – see paragraph 4.3.2, PoE of Nigel Evers

unimaginatively and without attention to integration or mitigation such that the historic core was completely separated from its rural setting.<sup>111</sup> Plan L2 shows this further where one can see cul-de-sacs and circular drives.

114. Mr Carlton contended<sup>112</sup> that what you see on the linear edge is a consequence of the topography which has influenced how development has come forward. However, he agreed that much of modern Yatton, including on the appeal site side of the settlement, is within the 5-10m contour range when looking at Plan L1 of the LVA<sup>113</sup> as is the appeal site.<sup>114</sup>
115. Importantly, it is not only current development that should be considered but also the land that has been allocated further north and east for housing and, north of the site, for a school shown by way of the purple-coloured plot on Plan L2. If those developments come forward this would only further undermine any suggestion of a linear edge. Plainly there is nothing special about the development pattern, and it is replicated all across the district and the country.<sup>115</sup> It is the quality of a development that is important and how it presents itself such as if it is set back behind appropriate planting, not just if it is in a straight line. The Council said that the existing Titan Ladders development<sup>116</sup> is an acceptable development edge. To my mind that is an undoubtedly prominent development which is entirely insensitive to its surroundings and very different to that proposed at the appeal site.
116. The Council claims that the proposed development would cause unacceptable harm to the amenity value of the *Strawberry Line* making it more suburbanised and less tranquil. I disagree. In my view, its sensitivity is overstated. In the LSA, its only sensitivity arises from its ecological designations; there is no mention of its setting as a concern or limit to development, nor does the Local Plan introduce such a concept.<sup>117</sup> Whilst it is part of National Cycle Route 26, its sensitivity can only be reasonably described as medium adjacent to the appeal site given the value of the views in this part and the consistent presence of the edge of Yatton.<sup>118</sup> The evidence of the Appellant in this regard was not challenged at the Inquiry.
117. The appeal proposal would result in development along part of the southern side of Chescombe Road with extensive open space proposed along the interface with the Strawberry Line and a broad verge either side of Chescombe Road with reinforced hedges and new tree planting. This means that the approach would change to a more developed character. Although there would be development partly on both sides, the overall impression would be of a wide, green lane with dwellings set back on either side.<sup>119</sup> It is also a fact that when considering the impact on the Strawberry Line that it largely follows the route of a disused railway. Given its length, inevitably the experience of using the line is dependent upon the part one uses.
118. At my site visit I saw that in the vicinity of the appeal site, that the views to the west across the open, flat moors are a much more rewarding experience

<sup>111</sup> Paragraph 4.3.2, PoE of Nigel Evers

<sup>112</sup> See 4.5 of his PoE

<sup>113</sup> Appendix B, CD30

<sup>114</sup> He said 'largely' in XX

<sup>115</sup> Paragraph 4.3.25 PoE of Nigel Evers

<sup>116</sup> See Viewpoint 1, Appendix B, CD30

<sup>117</sup> Paragraphs 3.9.16 and 4.4.24, PoE of Nigel Evers

<sup>118</sup> Paragraph 3.10.5, PoE of Nigel Evers

<sup>119</sup> Paragraph 4.4.2, PoE of Nigel Evers

than those across the fields and the relatively short distance to Yatton. As can be seen from the Strawberry Line Figures SL2 to SL7 submitted by the Appellant, much of the view from the route is blocked by lineside vegetation, and where there are views towards Yatton, the site is not always visible.<sup>120</sup> It is only when one travels further south, where lineside vegetation is sparser, that the views across the moors are more open.<sup>121</sup>

119. There are much better views to be seen further along the Strawberry Line from the appeal site; for example, where it runs across part of LCA A4 Locking and Banwell Moors.<sup>122</sup> Mr Carlton accepted that perceiving development is a fundamental part of the Strawberry Line experience - the line passing a number of settlements. Figure L10 shows the route passing along nearly 2km of almost continuous development directly abutting it to the east, as it approaches and passes through Winscombe.<sup>123</sup>
120. Mr Evers sets out the most striking experiences of the Strawberry Line in his evidence,<sup>124</sup> and Mr Carlton did not disagree with his view. Unsurprisingly, views of the appeal site do not make the cut. Given that part of the site is already developed (and land to the north is allocated for a school) and that existing development is visible a single field depth away, the importance of the site to the experience of the Strawberry Line is negligible.<sup>125</sup>
121. The appeal proposal would extend the developed edge of Yatton nearer to the Strawberry Line, but the extensive open space and landscape treatment would integrate the development into its setting.<sup>126</sup> The Strawberry Line would still function as an important route through the Somerset countryside, with glimpsed and more open views either side, across its length and changes to the site would not significantly change the setting to the Strawberry Line.
122. On the fourth issue I consider that the proposed development would have some localised and limited landscape and visual effects. Any harm would be limited to a small area, and significant effects would be limited to the site and its immediate setting. The adverse effects of the proposed development would be localised and limited on a site which is a non-designated, non-valued landscape and part previously developed land. They would be minimised by the implementation of the landscape proposals. There would be a limited degree of conflict with Policies CS5, DM10 and the North Somerset LCA SPD. However, the proposal would be in compliance with other policies including Policies CS9, DM25 and paragraphs 130 (c) and 174 (b) of the NPPF. In my view there would be no conflict with the policies in the YNP. I conclude on the fourth issue that the proposed development would not cause unacceptable harm to the character and appearance of the area.

## Planning Obligations

123. The NPPF indicates that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development

<sup>120</sup> Paragraph 4.4.9, PoE of Nigel Evers

<sup>121</sup> Paragraph 4.4.10, PoE of Nigel Evers

<sup>122</sup> Paragraph 4.4.12, PoE of Nigel Evers

<sup>123</sup> See SL15, SL16 and SL18

<sup>124</sup> Paragraph 4.4.20, PoE of Nigel Evers

<sup>125</sup> Paragraph 4.4.22, PoE of Nigel Evers

<sup>126</sup> Paragraph 4.4.23, PoE of Nigel Evers

acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.<sup>127</sup>

124. The s106 Agreement secures a number of planning obligations that are required to make the appeal proposal acceptable in planning terms. They include: Public Transport Contributions; a Secondary School Transport Contribution; a Sustainable Travel Contribution; Footpaths and Public Rights of Way Contributions; a Fire Hydrant Maintenance Contribution; 30% affordable housing units on site; provisions relating to Neighbourhood Open Space and Play Space. The CIL Compliance Statement<sup>128</sup> sets out the terms of the planning obligations (including the costs) and the planning policies underpinning them. It then assesses the requirements against the CIL tests for planning obligations set out in Regulation 122 of the CIL Regulations and provides a detailed justification for each obligation.
125. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; are directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations. As such I have taken them into account in the decision.
126. A separate s106 Unilateral Undertaking (UU) was submitted by the Appellant.<sup>129</sup> In this Deed the owner covenants with the Council to pay the sum of £16,000 as the Waste Bin and Litter Collection Contribution.<sup>130</sup> This is required as a result of the additional recreational pressure on the Biddle Street SSI. The UU secures contributions for the provision of waste bins, litter picking and bin emptying on the Strawberry Line, to mitigate the impact from littering and dog fouling.
127. In my view, the covenants within the UU are also necessary to make the development acceptable in planning terms; are directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations. As such they are a consideration material to the determination of this appeal. I have taken them into account in the decision.

## Other Matters

128. I have taken into account all other matters raised including the concerns raised on behalf of Yatton Parish Council, Yatton and Congresbury Wildlife Action Group (YACWAG) and the representations made by interested persons who provided written submissions. Many of the matters raised such as the scale of the proposed development, the impact on ecology, biodiversity and landscape are points which I have already dealt with under the main issues.
129. Yatton Parish Council (YPC) opposed the appeal proposals due to concerns relating to development in the countryside; the impact of the development on the Strawberry Line and the Biddle Street SSSI; the sustainability of development in Yatton and the increased traffic generation along Chescombe

---

<sup>127</sup> NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

<sup>128</sup> LPA2

<sup>129</sup> APP6

<sup>130</sup> The Waste Bin and Litter Collection Contribution means the sum of £16,000 being comprised of £1,000 for installation of 2 bins on the Strawberry Line in the vicinity of the development and £500 per year for 30 years for litter picking and bin emptying in the vicinity of the development.



Road and Mendip Road.<sup>131</sup> I have already addressed matters relating to landscape and ecology in the main issues.

130. YPC and a number of representations suggest that Yatton is not a sustainable location and cannot support the level of development proposed. As a result, it is alleged that the proposal would place a strain on local services. As Mr Hutcheson's evidence explains, Yatton is a sustainable location. Furthermore, the potential effects on local services are to be mitigated through the provision of planning obligations set out in the s106 Agreement and through the Council's Community Infrastructure Levy.
131. With regard to concerns raised about increased traffic and highway safety, including construction traffic, this is no longer a matter in dispute.<sup>132</sup> The Council has accepted that the further evidence presented as part of the appeal demonstrates that an appropriate and suitable access can be provided.<sup>133</sup> The proposal is acceptable in highway and transport terms. It complies with Policy DM24 and paragraph 110 and 111 of the NPPF.
132. YACWAG raise concerns about the detrimental impact of the proposal on the landscape, nature conservation and protected species. It is argued that the Ecological Impact Assessment and the off-site mitigation are inadequate.<sup>134</sup> I have already dealt with these matters in the main issues. Yatton Local History Society raised concerns regarding impacts of potential increase in footfall along the medieval Gang Wall. The Gang Wall was considered as part of the Historic Environment Assessment submitted with the proposal and it was considered of low significance. There is no evidence to suggest that the appeal proposal would adversely affect this local feature which is protected as a Local Green Space in the YNP. No objections were raised by the Council's Heritage Officer or Historic England. The Council accepts that the appeal proposal would not result in any heritage harm. I agree.
133. With regard to concerns about flood risk and drainage, I note that the proposals are supported by a flood risk assessment and drainage strategy which demonstrate that the appeal proposal is acceptable in relation to flood risk and drainage. Notably, there are no objections from the Environment Agency or other drainage consultees and the Council did not include these matters in its RfR.
134. With regard to the noise impact of the proposed development during the construction process, these effects would be temporary in nature and would be controlled via planning condition to ensure that local amenity is not unduly affected. No objections were raised by statutory consultees in relation to noise impact and the Council does not raise the matter in its RfR.
135. It has been suggested that the development would not be able to accommodate sufficient parking. These matters would be addressed at the reserved matters stage although I note that the illustrative layout does demonstrate that an appropriate layout can be achieved to accommodate the proposed level of development.

---

<sup>131</sup> IP2 Statement by Chris Jackson

<sup>132</sup> Paragraph 6.1, General SoCG

<sup>133</sup> Paragraph 5.1.2, PoE of Luke Hutcheson. See Highways SoCG particularly sections 2 and 3.

<sup>134</sup> IP1 Statement by Tony Moulin

136. A number of previous appeal decisions were submitted by the parties. I have taken these into account in coming to my decision in this case. None of the previous appeal decisions submitted were sufficiently closely related to this appeal case. With regard to the Moor Lane, Backwell decision<sup>135</sup> this was a proposal for 9 open market dwellings, separated from the settlement boundary, and assessed under Policy C33 rather than Policy C32 of the Core Strategy. Moreover, the housing land supply was assessed at 4.2 years.
137. With regard to the Former Weston Trade Centre, Knightcott Road, Banwell decision<sup>136</sup> this was a proposal for 47 dwellings situated some distance from the settlement boundary in the open countryside and therefore was assessed under Policy C33 of the Core Strategy unlike the appeal site which adjoins the Yatton settlement boundary. The Banwell decision would have caused unacceptable harm to the character and appearance of the area and was not sustainable development.
138. With regard to the Stowey Road, Yatton decision<sup>137</sup> this was a proposal for up to 60 dwellings which adjoins the settlement boundary. However, the site was recognised as playing an important role in the setting of Yatton and the transition from moorland to village which is perceived most clearly from Cadbury Hill. The appeal before me would have some localised landscape impacts but limited visibility from the wider landscape including Cadbury Hill.
139. Importantly in the current appeal there is a significant housing land supply shortfall equivalent to only 3.2 years. The appeal scheme of up to 100 dwellings would deliver significant social, economic and environmental benefits and would boost the supply of housing. The development would also be located in a sustainable location with regard to services and facilities. There are also material differences between the current appeal site and other appeal decisions in terms of my findings on ecology and the HRA.

## **Planning Balance**

140. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The appeal proposal for up to 100 dwellings would deliver a scale of development that is in conflict with the spatial strategy of the development plan which permits sites of up to around 25 dwellings adjoining the settlement edges of services villages. The proposed development is contrary to Policies CS14 and CS32 of the Core Strategy. However, there is no 5YHLS in this case and indeed there is a significant shortfall. Policies CS14 and CS32 are most important policies but they cannot be given full weight. These policies are out-of-date and can only be afforded limited weight.<sup>138</sup> From the evidence that is before me I cannot agree with the Council's suggestion that significant or moderate weight be given to these policies.
141. Taking the landscape and ecological impacts together, there is no evidence which indicates that any significant harm would arise from the appeal proposal. In truth, very little harm would arise from the appeal proposal.<sup>139</sup> There is no clear ecology reason to refuse the development as any adverse

---

<sup>135</sup> APP/D0121/W/21/3266596

<sup>136</sup> APP/D0121/W/18/3206914

<sup>137</sup> APP/D0121/W/17/3170103

<sup>138</sup> Paragraph 9.12, Planning PoE of Ian Jewson

<sup>139</sup> Paragraph 9.13, Planning PoE of Ian Jewson



impacts on site integrity can be ruled out with the ability to resolve the same via a Grampian condition.

142. The only alleged harm which can be said to remain on the Council's case is landscape harm. I have found that the proposed development would only have some localised and limited landscape and visual effects. Any harm would be limited to a small area, and significant effects would be limited to the site and its immediate setting. The adverse effects of the proposed development would be localised and limited on a site which is a non-designated, non-valued landscape and part previously developed land. They would be minimised by the implementation of the landscape proposals. There would be a limited degree of conflict with Policies CS5, DM10 and the North Somerset LCA SPD.
143. On the basis of the conflict with Policies CS14 and CS32 and the limited conflict with the landscape policies CS5 and DM10, I conclude that the proposals would be in overall conflict with the development plan. However, I have found that the Council cannot demonstrate a 5YHLS and that paragraph 11 d) of the NPPF is engaged. There is a housing land supply equivalent to 3.2 years. The implications of not having a 5YHLS are significant. Not only is there a shortfall of some 2,536 dwellings, but it also means the basket of policies which are the most important for determining the application are out-of-date and the tilted balance applies. Given that there are no policies in the NPPF which, if applied, would provide a "clear reason for refusing the development" under paragraph 11 d), it follows from the "out-of-date" nature of the most important policies that the tilted balance applies.<sup>140</sup>
144. The Appellant argues that the appeal proposals constitute sustainable development and would deliver significant social, economic and environmental benefits and would boost the supply of housing. It is claimed that the significant social, economic and environmental benefits should collectively be weighed against any limited harm that may be identified. I consider these matters in turn.
145. With regard to the delivery of **market housing**, it is clear to me that the Council has a very poor record of housing delivery and has consistently failed to demonstrate a 5YHLS. The shortfall is significant and should be given **very significant** weight.<sup>141</sup> As I perceive it, the Council is not taking any urgent or effective action to address this, and a review of the housing requirement and Local Plan as a whole is now overdue and is unlikely to be completed for the foreseeable future.<sup>142</sup> From the evidence that is before me it is unlikely that the shortfall would be made up quickly.
146. These significant material considerations provide clear justification for reducing the weight to be applied to Policies CS14 and CS32. The appeal proposals would make a significant contribution to addressing that shortfall. It was Mr Jewson's evidence that the delivery of new market housing should be given **significant weight**.<sup>143</sup> Mr Underhay agreed that **very significant weight**<sup>144</sup> should apply where there is no 5YHLS. I have no doubt from the evidence of Mr Jewson that if permission is granted, the appeal scheme would be able to come forward promptly and contribute to the 5YHLS.

<sup>140</sup> APP9 Page 3

<sup>141</sup> Paragraph 6.5, HLS PoE of Ian Jewson

<sup>142</sup> Paragraph 9.5, Planning PoE of Ian Jewson

<sup>143</sup> Paragraph 9.7, Planning PoE of Ian Jewson.

<sup>144</sup> He responded "yes probably" in XX

147. Plainly, **affordable housing** should be properly considered its own standalone benefit separate to market housing provision.<sup>145</sup> The Council accepted that there is a *"significant demonstrable need for further affordable housing in North Somerset including Yatton."*<sup>146</sup> That is the case whether or not there is a 5YHLS. Clearly the appeal proposals would greatly assist by delivering 30% affordable housing in accordance with Policy CS16 of the adopted North Somerset Core Strategy with a range of dwelling sizes, types and tenures. In cross examination Mr Underhay agreed that **very significant weight**<sup>147</sup> should apply to this consideration irrespective of a 5YHLS.
148. To the extent that the Council seek to maintain Mr Underhay's initial argument that the weight to be applied to market and affordable housing could be reduced due to the development being contrary to the Local Plan, that is plainly double counting. In [Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC \[2021\] EWCA Civ 104](#) the Court accepted that one can include conflict to policy when considering the tilted balance. Therefore, as harm flowing from policy conflict is already being considered on the harm side of the balance, to also use it to reduce the benefits before carrying out the balance would be putting the adverse effects of the scheme on both sides.
149. The proposed development would be situated in a sustainable location; the Council's suggestion that it is not is policy based only and they did not seek to challenge any of Mr Hutcheson's evidence as to the connectivity of the site in highways terms. Section 106 contributions are agreed, the agreed contributions would deliver a series of benefits with the scheme. The proposal would also deliver significant economic benefits both during construction and as a result of increased spending from new residents, which should be given **significant weight**.<sup>148</sup> This is supported by paragraph 81 of the NPPF which directs that *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*<sup>149</sup> I note that this is not qualified i.e., only applicable where a benefit is permanent.<sup>150</sup>
150. It is also noteworthy that paragraph 81 of the NPPF does not direct that significant weight should be placed on a particular contribution towards economic growth or productivity no matter how large or small.<sup>151</sup> This does not mean that it allows for less weight to be applied to different contributions. That would be a clear misreading of the paragraph. The NPPF is unequivocal in telling decision makers what weight to apply. The weight to be applied is prescribed and the same; but it is being applied to a bigger or smaller benefit. Just as when great weight is applied to heritage harm, the weight is the same but the level of harm to which it is applied may not be.
151. In any event, even if discretion were to be applied, there is no justification for reducing weight simply because some benefit may be temporary. Mr Underhay agreed<sup>152</sup> that the construction industry plays an important role in

<sup>145</sup> Neil Underhay agreed with this approach in XX

<sup>146</sup> Paragraph 10.5, PoE of Neil Underhay

<sup>147</sup> He responded "yes probably" in XX

<sup>148</sup> Paragraph 9.9, Planning PoE of Ian Jewson.

<sup>149</sup> And which Neil Underhay acknowledged in XX

<sup>150</sup> Neil Underhay acknowledged this in XX

<sup>151</sup> Put by Timothy Leader to Neil Underhay in re-examination

<sup>152</sup> In XX

the UK economy, that it is continually reliant upon a pipeline of projects and that they are therefore all temporary.

152. With regard to the environmental benefits, the illustrative Masterplan has been prepared to demonstrate that known constraints have been taken into account. The proposal includes biodiversity enhancements which would make a positive, permanent contribution to local biodiversity including the provision of significant areas of green infrastructure and open space which incorporate specific bat mitigation areas which should all be given **significant weight**.<sup>153</sup>
153. It is noteworthy that on Mr Clarkson's BNG assessment, there would be a 103% gain in area-based habitats and a 56% gain for linear habitats which is a significant enhancement in terms of biodiversity value achieving the NPPF standard of delivering measurable net gain and the Local Planning Authority's policy standard of requiring developments to avoid a net loss and deliver a net gain in biodiversity where possible.<sup>154</sup>

### Balance

154. Taking all of the above into consideration, applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission plainly would not significantly and demonstrably outweigh the benefits of doing so. The Council cannot demonstrate a 5YHLS and the overall benefits of the appeal proposals clearly outweigh the harm.

### Planning Conditions

155. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 55 and 56 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellant has agreed to all of the suggested conditions. Conditions 1-3 are necessary as the proposal is submitted in outline and approval of reserved matters is required within time limits. Conditions 4 and 5 are necessary for the avoidance of doubt and in the interests of proper planning. Condition 6 is required to reduce environmental impacts and to safeguard the living conditions of nearby residents. Condition 7 is required in the interests of visual amenity. Conditions 8 and 9 are required to reduce the risk of flooding. Conditions 10 and 11 are required in the interests of highway and pedestrian safety. Condition 12 is required to ensure adequate car parking. Condition 13 is required to ensure that electric vehicle charging is provided. Conditions 14 and 15 are necessary to ensure the development is assimilated into its surroundings. Conditions 16 and 17 are necessary to safeguard the trees which are visually important on the site.
156. Condition 18 is necessary to ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Policy CS4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1). Condition 19 is necessary to protect the appearance of the area, the environment and wildlife from light pollution. Condition 20 is necessary to ensure that the biodiversity value of the site is not adversely affected. Conditions 21 and 22 are required to safeguard heritage assets of archaeological interest. Conditions 23-25 are required to ensure that the land is suitable for the intended uses. Condition 26

---

<sup>153</sup> Paragraph 9.11, Planning PoE of Ian Jewson

<sup>154</sup> See paragraphs 4.1.70-4.1.72 and Appendix A, PoE of Tom Clarkson

is required to secure a high level of energy saving by reducing carbon emissions. Condition 27 is necessary in the interests of promoting good design and sustainable construction. Condition 28 is required to ensure that the dwellings provide acceptable standards of accommodation. Condition 29 is necessary to ensure that sufficient accessible housing is provided. Condition 30 is necessary in the interests of protecting the living conditions of neighbouring residents. Condition 31 is necessary to ensure that dwellings are sited outside Flood Zones 2 and 3 which currently affect some outer edges of the site. I have added Condition 32. This is necessary to enable the statutory nature conservation body (NE) to consider any further action.

### **Overall conclusion**

157. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

*Harold Stephens*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS (1-32)**

### **Outline Conditions**

- 1) Approval of the details of the layout, scale, appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced.
- 2) Any application for the approval of reserved matters made pursuant to this planning permission shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan - Reference number 1037-PL03A
  - Topographical Survey Drawing Number 14730-TS01
  - 14730-HYD-XX-XX-DR-TP-0201-P05 Site Access General Arrangement Priority Cross-Roads and Pedestrian Access
  - 14730-HYD-XX-XX-DR-TP-0303-P01 Swept Path Analysis of Refuse Vehicles
  - 14730-HYD-XX-XX-DR-TP-0304-P01 Swept Path Analysis of Large Car
  - 14730-HYD-XX-XX-DR-TP-0305-P01 Swept Path Analysis of Fire Tender
  - Travel Plan – Reference number 14730-HYD-XX-XX-RP-TP-6001 Rev P01.
- 5) The development hereby permitted shall be carried out in broad accordance with the following plans and documents:
  - Design and Access Statement Date 23.12.2020
  - Transport Assessment 14730-HYD-XX-XX-RP-5001
  - Road Safety Audit and associated submissions
  - Flood Risk Assessment - 14730-HYD-PH1-XX-RP-FR-0001 Rev PO2
  - Drainage Strategy - 14730-HYD-XX-XX-RP-D-0002 Rev PO1
  - Landscape and Visual Appraisal – January 2021
  - Ecological Impact Assessment - December 2020
  - Tree Survey - 05476 TCP 04.08.20
  - Tree Constraints Plan - 05476 TCP 4.8.2020

- Arboricultural Impact Assessment Report 05476 RECTORY FARM AIA 02.02.21
- Tree Removal/Retention Plan (Sheet 1-4) Phase 1 Ground Conditions Study (Part 1 - 4) 14730-HYD-XX-XX-RP-GE-1000 S2 P1
- Affordable Housing Statement – January 2021
- Historic Environment Assessment - ACW1271/1/1
- Energy Statement December 2020
- Preliminary Lighting Assessment (Part 1 & 2) Preliminary adoptable and non-adoptable lighting 179-01-S38-201125-CD-LI-A
- Energy and Sustainability Statement December 2020
- Indicative Species List
- Desk Study Report 14730-HYD-XX-XX-RP-GE-1000 S2 P2 1037- PL01A
- Shadow HRA
- Illustrative Site Masterplan Drawing Number PL01/A

### **Construction Environmental Management Plan**

- 6) No phase or component of development shall be commenced, including site preparation or site clearance works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (a) the location where site operatives and visitor vehicle parking will take place on the site
  - (b) the location of the site compound for the loading, unloading and storage of plant and materials including waste materials, and temporary site offices
  - (c) the erection and maintenance of security hoarding
  - (d) the means to reduce mud and debris from the site being deposited on the road network, including details of road cleaning and/or wheel wash facilities
  - (e) measures to control the emission of dust and dirt during construction
  - (f) measures to control noise from works on the site
  - (g) managing complaints
  - (h) Any formal parking restrictions/and or traffic management to enable the works to be carried out
  - (i) details of measures to avoid harm to protected species and their habitats during construction. This shall include the following:
    - (i) Risk assessment of potentially damaging construction activities
    - (ii) Identification of “biodiversity protection zones”

- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features
- (v) The times during construction when specialist ecologists need to be present on site to oversee works
- (vi) Responsible persons and lines of communication
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- (viii) Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out in accordance with the approved CEMP.

### **Finished Levels**

- 7) Details to be submitted under Condition 1 shall include the finished ground levels, finished site slab levels, finished floor levels and the ridge height of the proposed dwellings in relation to existing ground levels within the site, fixed datum points outside the site and the ridge heights of at least two adjoining dwellings. The development shall be carried out in accordance with the approved details.

### **Flood Prevention/Drainage**

- 8) No above groundwork shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30-year event and no internal property flooding for a 1 in 100-year event + 40% allowance for climate change. The submitted details shall:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - (ii) include a timetable for its implementation.
- 9) No above groundwork shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented and thereafter managed and



maintained in accordance with the approved details. The details to be submitted shall include:

- (i) a timetable for its implementation and maintenance during construction and handover; and
- (ii) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

### **Highway Works**

- 10) The highway works shown in the approved drawings list at Condition 4 and as outlined in the Road Safety Audit and associated submissions shall be completed in accordance with the details therein before any dwelling hereby approved is occupied.

### **Visibility Splays**

- 11) The approved visibility splays to the new vehicle accesses hereby granted shall be constructed in accordance with the approved details before any dwelling is occupied. Thereafter, no structure, erection or planting exceeding 600mm in height above ground level shall be placed within the visibility splays.

### **Access, Parking and Refuse Facilities**

- 12) No dwelling shall be occupied until pedestrian and vehicle access to it, together with vehicle and cycle parking and refuse storage facilities serving that dwelling, have been constructed in accordance with details to be approved. Once provided the said elements shall be retained for their intended purpose thereafter.

### **Electric Vehicle Parking**

- 13) No dwellings shall be occupied until one electric vehicle charging point per dwelling has been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This shall include a plan showing the location of each charging point. Charging points shall be 'Office for Low Emission Vehicles' (OLEV) compliant with a minimum of 7kW / 32 amps power capacity. Once installed the approved charging points shall be retained and kept in working order in perpetuity.

### **Landscaping**

- 14) Details to be submitted under Condition 1 shall include a hard and soft landscaping scheme. This shall include details of all public and private landscaping areas, details of the location, equipment and boundary fencing of any play area to be provided at the site, details of all trees, hedgerows, and other planting to be retained; the proposed finished ground levels; a planting specification to show numbers, size, species and positions of all new trees and shrubs to be planted, and details of all hard surfacing. New planting in relation

to the location of any retained or new below ground services such as pipes, cables, manholes and any associated easements shall also be shown. The hard and soft landscaping scheme shall be carried out in accordance with the approved details, specifications, and a programme of implementation.

- 15) All works comprised in the approved details of soft landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.
- 16) Trees, hedges, and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may reasonably specify.
- 17) No development, including site preparation or site clearance shall commence until a plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed tree and hedge protection has been erected around existing trees and hedges to be retained.

Unless otherwise specified, the fencing shall be as shown in Figure 2 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and shall be erected to achieve root protection areas in accordance with BS5837:2012 root protection area calculations and the location of the fencing shall be informed by the recommendations of BS5837:2012.

This fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree or hedge. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

The Local Planning Authority is to be advised prior to development commencing of the fact that the tree and hedge protection measures as required are in place and available for inspection.

## **Biodiversity**

- 18) No development shall take place until bat surveys of the proposed off-site bat mitigation land, which is outlined in blue on the plan (Drawing number 6830 Figure 1), have been carried out, in accordance with the requirements set in the North Somerset and Mendip Bats SAC SPD. Following this, no development shall take place until a final scheme for bat mitigation including a timetable for its implementation which is informed by the results of the Bat Surveys, and an accompanying habitat management plan for the offsite

habitat, which avoids adverse effects from the development on the integrity of the North Somerset and Mendips Bats SAC, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation scheme and habitat management plan shall be carried out in accordance with the approved details.

### **External Lighting**

- 19) No external lighting shall be installed within the site, including external lighting on the outside walls of dwellings or other domestic buildings, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:

- (i) the type, location, and height of the proposed lighting;
- (ii) existing lux levels affecting the site;
- (iii) the proposed lux levels as a result of the light; and
- (iv) lighting contour plans.

All external lighting shall be installed and operated in accordance with the approved details.

### **Landscape and Ecological Management Plan (LEMP)**

- 20) No development, including site preparation or site clearance shall commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens;
- (b) Ecological trends and constraints on site that might influence management;
- (c) Aims and objectives of the management plan;
- (d) Appropriate management options for achieving aims and objectives;
- (e) Prescriptions for management actions;
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- (g) Details of the body or organization responsible for implementation of the plan; and
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the Local

Planning Authority, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

### **Archaeology**

- 21) No demolition or development below ground level shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- (i) The programme and methodology of site investigation and recording
  - (ii) The programme for post investigation assessment
  - (iii) Provision to be made for analysis of the site investigation and recording
  - (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (v) Provision to be made for archive deposition of the analysis and site investigation
  - (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.
- 22) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under the previous condition, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

### **Potential Ground Contamination**

- 23) No phase or component of development below ground level shall take place until an assessment of the nature and extent of contamination on that site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether, or not, it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale, and nature of contamination;
  - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and archaeological sites and ancient monuments.
- 24) Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall take place in accordance with the approved remediation scheme.

- 25) Within 3 months of the completion of measures identified in the approved remediation scheme as set out in Condition 24, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

### **Renewable Energy**

- 26) The dwellings hereby permitted shall not be occupied until measures to generate 15% of the energy required in the use of the development (measured in kilowatt hours) through micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

### **Code for Sustainable Homes**

- 27) All residential units hereby approved shall be constructed to comply with, as a minimum, the equivalent of the requirements of Code Level 4 of the Code for Sustainable Homes. This equates to a 19% improvement on Part L of the Building Regulations. Unless otherwise first agreed in writing by the Local Planning Authority, and prior to the commencement of the development of any dwelling hereby approved, a copy of a Design Stage SAP Assessment for each dwelling, issued by a suitably qualified and accredited energy expert (SAP Assessor), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be constructed in accordance with the approved Design Stage SAP Assessment unless a revised Assessment has first been submitted to and approved in writing by the Local Planning Authority.

### **Technical Housing Standards**

- 28) All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards', unless otherwise authorised by the Local Planning Authority.

### **Accessible Homes**

- 29) A minimum of 17% of the dwellings shall be constructed to comply with 'accessible and adaptable housing standards' contained in The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings. The location of these dwellings shall be provided together with details of how they will comply with the said standards. The approved details shall be fully implemented before these dwellings are occupied.

### **Permitted Development**

- 30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no electricity sub-station or gas governor shall be erected on any part of the development site hereby permitted, without the prior written permission of the Local Planning Authority.

### **Flood Prevention**

- 31) The area of the site within which dwellings are to be developed, that is dwelling houses, private gardens, and residential outbuildings, shall fall wholly on land that is within Flood Zone 1 of the Council's Strategic Flood Risk Assessment.

### **Notification to SNCB**

- 32) The development to which this planning permission relates shall not commence until 21 days after the date of the decision.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Timothy Leader of Counsel

Instructed by Richard Kent, North Somerset Council

*He called:*

Natalie Richards

Principal Planning Policy Technical Officer

Kevin Carlton BA (Hons) Dip LA

S106 and Landscape Officer

Dan Carpenter BSc (Hons) Phd MEnvSc  
CEnv

Associate Director of Ethos Environmental  
Planning

Neil Underhay MA

Principal Planning Officer

### **FOR THE APPELLANT:**

Charles Banner QC  
Leanne Buckley-Thomson of Counsel

Instructed by Walsingham Planning

*They called*

Ian Jewson BA (Hons) Dip TP MRTPI

Planning Consultant

Luke Hutcheson BSc (Hons) MSc CIHT

Principal Transport Consultant with  
Hydrock Consultants Ltd

Nigel Evers Dip LA CMLI

Director of Viridian Landscape  
Planning Ltd

Tom Clarkson BSc MSc MCIEEM

Managing Director of Clarkson and  
Woods, Ecological Consultant

### **Interested Persons**

Tony Moulin

Chair of Yatton and  
Congresbury Wildlife Action Group

Chris Jackson

Vice Chair of Yatton Parish Council

### **DOCUMENTS SUBMITTED AT THE INQUIRY:**

#### **Local Planning Authority's Documents**

LPA1 Opening Statement  
LPA2 CIL Compliance Statement  
LPA3 Draft Planning Conditions  
LPA4 Closing Submissions



## **Appellant's Documents**

- APP1 Opening Statement
- APP2 ODPM Circular 06/2005
- APP3 Abbotskerswell Parish Council v Secretary of State for Housing, Communities and Local Government and others [2021] EWHC 555 (Admin) and SoS decision
- APP4 Email from Mr Jewson with copy of sign from the Strawberry Line
- APP5 Section 106 Agreement
- APP6 Section 106 Unilateral Undertaking
- APP7 Justification for Ecology Obligations
- APP8 Mr Evers' document 7/3/2022 'Effects of Road Layout on trees and hedges'
- APP9 Final HLS Position Statement
- APP10 HLS Scott Schedule
- APP11 Closing Submissions
- APP12 Review of Natural England response dated 25.05.22 by Clarkson & Woods

## **Interested Persons Documents**

- IP1 Statement by Tony Moulin
- IP2 Statement by Chris Jackson

## Annex B

### BNG Metric Calculator Position Note

## Brislington Meadows

### Position Note – BNG Metric Calculator

<b>Project</b>	Brislington Meadows	<b>Author</b>	Dr Rachel Roberts
<b>Date</b>	24/01/2023	<b>Checked</b>	Francis Hesketh
<b>Doc Ref</b>	7507.43.049	<b>Approved</b>	Francis Hesketh
<b>Version</b>	2.0	<b>Purpose</b>	Sets out position between Appellant and LPA regarding BNG Metric

## 1.0 Introduction

- 1.1 This position note sets out the headline results from the BNG metric calculator (v3.0) as applied by the Appellant and the Council.
- 1.2 Table 1 summarises the position. Details are provided at Sections 2, 3 and 4.

*Table 1: Summary of Net Gain Requirements*

		<b>Appellant</b>	<b>Council</b>
On-Site net position post-development	Habitat Area Units / %	-16.88 units -27.37%	-16.88 units -27.37%
	Hedgerow Units / %	+5.64 units +122.08%	+2.0 units +24.2%
Offsetting requirements to achieve 10% Net Gain	Grassland Units	14.61 units	14.61 units
	Scrub Units	8.37 units	8.37 units
	Woodland Units	0.07 units	0.07 units
	Hedgerow Units	N/A	N/A

## 2.0 Appellant

- 2.1 The Appellant's revised Outline BNGA is presented in Appendix C of Francis Hesketh's proof of evidence (CD12.5). This accounts for the SNCI designation remaining in force on the appeal site. In light of this position, the 'strategic significance' of all baseline habitats located within the SNCI area which overlaps with the allocation area was upgraded from medium to high strategic significance. Post-intervention strategic significance was not elevated however, as explained in the revised Outline BNGA (Appendix C of my proof, CD12.5). A screengrab of the headline results from the metric is shown below.

## On Site Headline Results (Appellant):

On-site baseline	<i>Habitat units</i>	61.66
	<i>Hedgerow units</i>	4.62
	<i>River units</i>	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	44.85
	<i>Hedgerow units</i>	10.34
	<i>River units</i>	0.00
On-site net % change (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	-27.27%
	<i>Hedgerow units</i>	123.59%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-16.82
	<i>Hedgerow units</i>	5.71
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-27.27%
	<i>Hedgerow units</i>	123.59%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

- 2.2 The headline result must be manually adjusted downwards slightly because post-development the site is assumed to not be SNCI. This is explained in Appendix C of my proof.
- 2.3 This lowers the 'post-intervention' biodiversity scores for the proposed scheme, to 44.78 habitat units and 10.26 hedgerow units.
- 2.4 This lowers the "on-site" headline results to -27.37% for habitats and +122.08% for hedgerows.

## Off-Site Offsetting Position:

- 2.5 Off-site offsetting is required to achieve 10% net gain targets and comply with the metric's "trading rules".
- 2.6 23.05 habitat units are required in total, comprising the following broad habitats of medium distinctiveness or greater:
- Grassland – 14.61 units (est. 63% of net unit delivery)
  - Heathland and shrub – 8.37 units (est. 36% of net unit delivery)

- Woodland and forest – 0.07 units (est. 1% of net unit delivery)
- 2.7 No offsetting for hedgerows is required.

## 3.0 The Council

- 3.1 The Council has not submitted a BNG metric calculation. However, Mr Rupert Higgins' proof of evidence on ecology (CD13.3 – refer to paragraph 7.2) raises minor disagreement with the Appellant's BNG metric calculations, namely (a) species richness of hedgerows H1, H3 and H4; and (b) condition of hedgerow H4.
- 3.2 The Headline Results presented below represent these changes.

### On Site Headline Results (Council)

On-site baseline	Habitat units	61.66
	Hedgerow units	8.26
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	44.85
	Hedgerow units	11.56
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	Habitat units	-27.27%
	Hedgerow units	40.05%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-16.82
	Hedgerow units	3.31
	River units	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-27.27%
	Hedgerow units	40.05%
	River units	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

- 3.3 Applying the manual adjustment noted at paragraph 2.2 would lower the 'post-intervention' biodiversity scores for the proposed scheme, to 44.78 habitat units and 10.26 hedgerow units.

- 3.4 This lowers the “on-site” headline results totals to -27.37% for habitats and +24.2% for hedgerows.

**Off-Site Offsetting Position:**

- 3.5 Offsetting is required to achieve 10% net gain targets and comply with the metric’s “trading rules”. The requirements are exactly the same as calculated for the Appellant (paragraph 2.6 and 2.7), because the on-site net gain for hedgerows is still over 10%.

## 4.0 Summary

- 4.1 The Appellant’s BNG metric and the Council’s stated differences in the metric (only regards certain hedgerows) result in a BNG outcome that remains broadly aligned: offsetting is required for grassland, scrub and woodland, but no offsetting is required for hedgerows.



## Annex C

### Habitat Survey (2020) in Adjacent Brislington Meadows SNCI

## Brislington Meadows

# Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)

<b>Project</b>	Brislington Meadows	<b>Author</b>	Dr Rachel Roberts
<b>Date</b>	18 January 2023	<b>Checked</b>	Val Gateley
<b>Doc Ref</b>	7507.43.043	<b>Approved</b>	Francis Hesketh
<b>Version</b>	1.0	<b>Purpose</b>	Dissemination of habitat survey data collected during field survey in 2020 in adjacent Brislington Meadows SNCI (Area 7)

## 1.0 Introduction

- 1.1 This briefing note presents the technical findings of the habitat survey completed within fields identified by Mr Rupert Higgins in his proof of evidence as Area 7.
- 1.2 TEP was commissioned by Homes England to undertake a National Vegetation Classification (NVC) survey of a parcel of grassland at Brislington Meadows, Bristol.
- 1.3 The site is known as Brislington Meadows Site of Nature Conservation Importance Site of Nature Conservation Interest (SNCI) and survey area referenced as 'Area 7'.

## 2.0 Methods

### Phase 1 habitat survey

- 2.1 A habitat survey was completed on 8<sup>th</sup> September 2020 by experienced botanist Damian Young (FISC Level 4).
- 2.2 The survey followed the standard JNCC Phase 1 habitat assessment method (2010) recording the habitat types present in and immediately surrounding the site, based on the JNCC descriptions.
- 2.3 Plant species identified at the time of the survey were recorded as target notes (TN) using the DAFOR<sup>1</sup> scale. Plant species were identified in accordance with Stace (2010)<sup>2</sup>.

### NVC survey

- 2.4 The NVC survey was carried out on the floristically diverse land parcels in the north and west that covers the majority of the site. The heavily grazed and poached horse paddock was not subjected to the NVC survey.

---

1 DAFOR = Dominant, Abundant, Frequent, Occasional & Rare

2 Stace, C. (2010) New Flora of the British Isles. 3rd Ed. Cambridge University Press

- 2.5 The NVC survey was undertaken by experienced botanist Damian Young (FISC Level 4) on 8th September 2020 within the optimum survey period for grasslands, when most flowering species are visible.
- 2.6 The vegetation was sampled using quadrats of the recommended size (2m x 2m for grassland according to accepted NVC methodology (Hall et al., 2004). Each quadrat was recorded in the field by listing all plants within it, along with the abundance of each species and the percentage cover of any bare ground using the Domin scale of abundance. Sufficient quadrats were recorded so as to include all community types occurring within each surveyed area and to allow a robust statistical analysis of the data. A search was made for any nationally or locally notable plant species, including protected species or those listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 2.7 Quadrat data was analysed using the computer program TABLEFIT to establish the “goodness of fit” to the NVC community types. The output results from TABLEFIT has been analysed by experienced botanist Damian Young (FISC Level 4) to assess which vegetation types, as defined by the NVC, are represented.
- 2.8 An explanatory note on how quadrat data is recorded and how TABLEFIT analysis is undertaken is provided in Brislington Meadows Ecological Technical Appendix D Grassland Assessment (CD1.21d) Annex 3 Quadrat Data and TABLEFIT Explanation.

## Limitations

- 2.9 The survey was undertaken during the optimum period of the grassland survey season and therefore there are no constraints to the survey.

## 3.0 Results

### Phase 1 habitat survey

- 3.1 A full list of species present including abundance recorded using the DAFOR scale are presented in the Target Notes at Appendix A. Habitats mapped in accordance with JNCC Phase 1 habitat classifications are illustrated in Drawing 1 (Phase 1 Habitat Survey with NVC Quadrat Locations).
- 3.2 Area 7 comprises of two areas of grassland surrounded by and split by dense continuous scrub and scattered trees. In the south east the grassland is heavily grazed and poached by horses and is in poor condition. The grassland parcels in the north and west of the site are lightly grazed and contain a good range of species.

### Quadrat analysis

- 3.3 The quadrat locations are presented in Drawing 1. The raw quadrat data and TABLEFIT analysis for each quadrat is presented in Appendix B.

- 3.4 A summary of the best fit NVC community for each vegetation community parcel and a description of the NVC communities present is provided in Table 1 below.

*Table 1: Summary of best fit NVC communities – combined and per quadrat*

Quadrat Numbers	NVC Community (closest match)	NVC community description (closest match)	Goodness of fit
Combined all quadrats Q1-Q10	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	24 (very poor)
Quadrat Q1	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	37 (very poor)
Quadrat Q2	OV23d	<i>Lolium perenne</i> - <i>Dactylis glomerata</i> – community, <i>Arrhenatherum elatius</i> - <i>Medicago lupulina</i> sub-community	36 (very poor)
Quadrat Q3	OV23d	<i>Lolium perenne</i> - <i>Dactylis glomerata</i> – community, <i>Arrhenatherum elatius</i> - <i>Medicago lupulina</i> sub-community	42 (very poor)
Quadrat Q4	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	51 (poor)
Quadrat Q5	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	43 (very poor)
Quadrat Q6	MG1e	<i>Arrhenatherum elatius</i> grassland community, <i>Centaurea nigra</i> sub-community	41 (very poor)
Quadrat Q7	MG5c	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Danthonia decumbens</i> sub-community	38 (very poor)
Quadrat Q8	U1f	<i>Festuca ovina</i> - <i>Agrostis capillaris</i> - <i>Rumex acetosella</i> grassland community, <i>Hypochoeris radicata</i> sub-community	53 (poor)
Quadrat Q9	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	26 (very poor)
Quadrat Q10	MG5a	<i>Cynosurus cristatus</i> - <i>Centaurea nigra</i> grassland community, <i>Lathyrus pratensis</i> sub-community	33 (very poor)

- 3.5 When all quadrats (Q1-Q10) are analysed together, the best goodness-of-fit (although it is 'very poor') is the grassland type habitat type MG5a - *Cynosurus cristatus* (crested dog's-tail) - *Centaurea nigra* (common knapweed) grassland, *Lathyrus pratensis* (meadow vetchling) sub-community. MG5 grasslands are classified as unimproved neutral grasslands.
- 3.6 Five of the ten quadrats (Quadrats Q1, Q4, Q5, Q9 and Q10) matched this grassland with a "very poor" goodness of fit apart from Q4 which represented a "poor" goodness of fit.
- 3.7 Quadrat Q6 had a best goodness of fit to MG1e - *Arrhenatherum elatius* (false oat-grass) - *Centaurea nigra* grassland community. Again the goodness of fit was "very poor".

- 3.8 Quadrat Q8 had a best goodness of fit to U1f *Festuca ovina* (sheep's fescue) - *Agrostis capillaris* (common bent) - *Rumex acetosella* (sheep's sorrel) grassland community, *Hypochaeris radicata* (common cat's-ear) sub-community. This is classified as an acidic grassland community. The goodness of fit was "poor".
- 3.9 Quadrat Q2 and Q3 had a best goodness of fit to a *Lolium perenne* (Perennial rye-grass) - *Dactylis glomerata* (cock's-foot) grassland, *Arrhenatherum elatius* - *Medicago lupulina* (black medick) sub-community.

## 4.0 Discussion

- 4.1 The areas of grassland subject to NVC survey was classified as species-rich semi-improved neutral grassland. In areas where common bent was abundant in the sward (only limited distribution identified) affinity to more acidic grassland habitat was identified (Q8). However, the remainder of the quadrats sampled had affinity to neutral grassland.
- 4.2 From the quadrats surveyed, the grassland has an affinity to MG5a - *Cynosurus cristatus* - *Centaurea nigra* grassland community, *Lathyrus pratensis* sub-community. MG5 grasslands are classified as unimproved neutral grasslands. When the analysis is combined however the goodness-of-fit is 'very poor.'
- 4.3 This grassland is considered to be of moderate quality with respect to botanical species diversity and structure and although it has some limited affinity to MG5 it is not considered unimproved neutral grassland.

## 5.0 References

Joint Nature Conservation Committee (1991) British Plant Communities Volume 2: Mires and heaths. Cambridge University Press, Cambridge.

Joint Nature Conservation Committee (1992) British Plant Communities Volume 3: Grasslands and montane communities. Cambridge University Press, Cambridge.

Joint Nature Conservation Committee (1995) British Plant Communities Volume 4: Aquatic communities, swamps and tall-herb fens. Cambridge University Press, Cambridge.

Joint Nature Conservation Committee (2000) British Plant Communities Volume 5: Maritime communities and vegetation of open habitats. Cambridge University Press, Cambridge.

Hall J.E., Kirby K.J. and Whitbread A.M. (2004) National Vegetation Classification: Field guide to woodland. Joint Nature Conservation Committee, Peterborough.

## **Brislington Meadows**

# **Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)**

## **Appendix A**

### **Target Notes**



## Brislington Meadows

### Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)

#### Target Note 1

Area of species rich semi-improved grassland. Floristically diverse. Good invertebrate community.



<i>Achillea millefolium</i>	Yarrow	A
<i>Agrostis capillaris</i>	Common Bent	A
<i>Centaurea nigra</i>	Knapweed	A
<i>Lotus corniculatus</i>	Bird's-foot Trefoil	A
<i>Plantago lanceolata</i>	Ribwort Plantain	A
<i>Ranunculus acris</i>	Meadow Buttercup	A
<i>Trifolium pratense</i>	Red Clover	A
<i>Hypochaeris radicata</i>	Common Cat's-ear	F
<i>Jacobaea vulgaris</i>	Common Ragwort	F
<i>Leucanthemum vulgare</i>	Oxeye daisy	F
<i>Prunella vulgaris</i>	Selfheal	F
<i>Succisa pratensis</i>	Devil's-bit Scabious	F
<i>Taraxacum officinale</i> agg.	Dandelion	F
<i>Bellis perennis</i>	Daisy	O
<i>Cerastium fontanum</i>	Common Mouse-ear	O
<i>Dactylis glomerata</i>	Cock's-foot	O
<i>Festuca rubra</i>	Red Fescue	O

<i>Holcus lanatus</i>	Yorkshire-fog	O
<i>Lolium perenne</i>	Perennial Ryegrass	O
<i>Odontites verna</i>	Red Bartsia	O
<i>Plantago major</i>	Greater Plantain	O
<i>Poa annua</i>	Annual Meadow-grass	O
<i>Poa trivialis</i>	Rough Meadow-grass	O
<i>Potentilla anserina</i>	Silverweed	O
<i>Rumex acetosa</i>	Common Sorrel	O
<i>Rumex obtusifolius</i>	Broad-leaved Dock	O
<i>Scorzoneroide autumnalis</i>	Autumn Hawkbit	O
<i>Trifolium repens</i>	White Clover	O
<i>Urtica dioica</i>	Nettle	O
<i>Agrimonia eupatoria</i>	Agrimony	R
<i>Cirsium vulgare</i>	Spear Thistle	R
<i>Fragaria vesca</i>	Wild Strawberry	R
<i>Hordeum secalinum</i>	Meadow barley	R
<i>Hypericum perforatum</i>	Perforate St John's-wort	R
<i>Lathyrus pratensis</i>	Meadow Vetchling	R
<i>Malva moschata</i>	Musk Mallow	R
<i>Phleum pratense</i>	Timothy	R
<i>Pimpinella saxifraga</i>	Burnet-saxifrage	R
<i>Potentilla reptans</i>	Creeping Cinquefoil	R
<i>Primula veris</i>	Cowslip	R
<i>Ranunculus repens</i>	Creeping Buttercup	R

## Target Note 2

Dense continuous scrub dominated by hawthorn with some mature trees



<i>Crataegus monogyna</i>	Hawthorn	D
<i>Prunus spinosa</i>	Blackthorn	A
<i>Rubus fruticosus</i> agg.	Bramble	A
<i>Calystegia sepium</i>	Hedge Bindweed	F
<i>Cirsium arvense</i>	Creeping Thistle	F
<i>Urtica dioica</i>	Nettle	F
<i>Asplenium scolopendrium</i>	Hart's-tongue	O
<i>Buddleja davidii</i>	Buddleia	O
<i>Fraxinus excelsior</i>	Ash	O
<i>Geranium robertianum</i>	Herb-Robert	O
<i>Geum urbanum</i>	Wood Avens	O
<i>Quercus robur</i>	English Oak	O
<i>Rosa canina</i> agg.	Dog Rose	O
<i>Rumex sanguineus</i>	Wood Dock	O
<i>Salix fragilis</i>	Crack Willow	O
<i>Sambucus nigra</i>	Elder	O
<i>Tamus communis</i>	Black Bryony	O
<i>Acer pseudoplatanus</i>	Sycamore	R
<i>Arum maculatum</i>	Lords-and-Ladies	R
<i>Circaea lutetiana</i>	Enchanter's Nightshade	R
<i>Corylus avellana</i>	Hazel	R
<i>Dryopteris filix-mas</i>	Male-fern	R
<i>Epipactis helleborine</i>	Broad-leaved Helleborine	R
<i>Hedera helix</i>	Ivy	R
<i>Hypericum androsaemum</i>	Tutsan	R
<i>Ilex aquifolium</i>	Holly	R
<i>Salix cinerea</i>	Grey Willow	R
<i>Silene dioica</i>	Red Campion	R
<i>Stachys sylvatica</i>	Hedge Woundwort	R
<i>Ulmus</i> sp.	Elm species	R



## Target Note 3

Heavily grazed and poached area of species poor semi-improved grassland.



<i>Lolium perenne</i>	Perennial Ryegrass	A
<i>Potentilla anserina</i>	Silverweed	A
<i>Ranunculus repens</i>	Creeping Buttercup	A
<i>Trifolium pratense</i>	Red Clover	A
<i>Bellis perennis</i>	Daisy	F
<i>Jacobaea vulgaris</i>	Common Ragwort	F
<i>Plantago major</i>	Greater Plantain	F
<i>Poa annua</i>	Annual Meadow-grass	F
<i>Rumex obtusifolius</i>	Broad-leaved Dock	F
<i>Achillea millefolium</i>	Yarrow	O
<i>Agrostis capillaris</i>	Common Bent	O
<i>Polygonum aviculare</i>	Knotgrass	O
<i>Prunella vulgaris</i>	Selfheal	O
<i>Tripleurospermum inodorum</i>	Scentless Mayweed	O
<i>Urtica dioica</i>	Nettle	O

## **Brislington Meadows**

# **Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)**

## **Appendix B**

### **Quadrat Data and Analysis**

## Brislington Meadows

# Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)

## Quadrat and Analysis Combined Report

### Quadrat Q1

#### Species List

Centaurea nigra	6
Trifolium pratense	6
Hypochaeris radicata	5
Lolium perenne	4
Ranunculus acris	4
Agrostis capillaris	3
Scorzoneroides autumnalis	3
Leucanthemum vulgare	2
Lotus corniculatus	2
Prunella vulgaris	2
Taraxacum officinale agg.	2
Achillea millefolium	1
Jacobaea vulgaris	1

#### TableFit Results

MG 5a 37 | 60 94 15 87| Cynos cris-Centaur nigr Lath pratensis  
 MG 5 34 | 57 89 12 84| Cynos cris-Centaur nigr  
 OV23d 29 | 53 50 31 33| Loli-Dactyl weedy grass Arr ela-Med lup

### Quadrat Q2

#### Species List

Centaurea nigra	8
Succisa pratensis	7
Trifolium pratense	6
Achillea millefolium	3
Ranunculus acris	3
Agrostis capillaris	2
Holcus lanatus	2
Lolium perenne	2
Lotus corniculatus	2
Plantago lanceolata	2
Taraxacum officinale agg.	2
Jacobaea vulgaris	1
Leucanthemum vulgare	1

#### TableFit Results

OV23d 36 | 75 68 11 28| Loli-Dactyl weedy grass Arr ela-Med lup  
 MG 5a 36 | 63 99 9 70| Cynos cris-Centaur nigr Lath pratensis  
 MG 1e 35 | 57 68 24 56| Arrhenatherum elatius Centaurea



### Quadrat Q3

#### **Species List**

Trifolium pratense	8
Achillea millefolium	6
Ranunculus acris	6
Lolium perenne	4
Agrostis capillaris	3
Centaurea nigra	3
Jacobaea vulgaris	3
Holcus lanatus	2
Hypochaeris radicata	2
Succisa pratensis	2
Lotus corniculatus	1
Taraxacum officinale agg.	1

#### **TableFit Results**

OV23d 42 | 66 66 38 44| Loli-Dactyl weedy grass Arr ela-Med lup  
MG 5a 35 | 56 95 15 84| Cynos cris-Centaur nigr Lath pratensis  
OV23 35 | 74 47 31 38| Loli-Dactyl weedy grass

### Quadrat Q4

#### **Species List**

Centaurea nigra	6
Trifolium pratense	6
Plantago lanceolata	5
Achillea millefolium	4
Odontites verna	4
Agrostis capillaris	3
Festuca rubra	3
Ranunculus acris	3
Holcus lanatus	2
Hypochaeris radicata	2
Leucanthemum vulgare	2
Lolium perenne	2
Prunella vulgaris	2
Ranunculus repens	2
Scorzoneroidea autumnalis	2
Succisa pratensis	2
Taraxacum officinale agg.	2

#### **TableFit Results**

MG 5a 51 | 76 90 28 85| Cynos cris-Centaur nigr Lath pratensis  
MG 5 49 | 72 85 28 84| Cynos cris-Centaur nigr  
MG 4 40 | 56 80 29 71| Alopec pra-Sangui offi  
MG 5b 39 | 62 75 22 79| Cynos cris-Centaur nigr Galium verum

### Quadrat Q5

#### **Species List**

Centaurea nigra	6
Trifolium pratense	6
Agrostis capillaris	4
Plantago lanceolata	4

Achillea millefolium	3
Hypochaeris radicata	3
Odontites verna	3
Succisa pratensis	3
Holcus lanatus	2
Jacobaea vulgaris	2
Leucanthemum vulgare	2
Lolium perenne	2
Prunella vulgaris	2
Ranunculus acris	2
Scorzoneroides autumnalis	2
Taraxacum officinale agg.	2

**TableFit Results**

MG 5a 43 | 66 84 22 81| Cynos cris-Centaur nigr Lath pratensis

MG 5 42 | 63 80 23 82| Cynos cris-Centaur nigr

MG 5b 35 | 56 73 19 75| Cynos cris-Centaur nigr Galium verum

OV23 35 | 93 44 32 28| Loli-Dactyl weedy grass

**Quadrat Q6****Species List**

Centaurea nigra	6
Agrostis capillaris	4
Lotus corniculatus	4
Dactylis glomerata	3
Holcus lanatus	3
Ranunculus acris	3
Succisa pratensis	2
Scorzoneroides autumnalis	1

**TableFit Results**

MG 1e 41 | 45 83 39 84| Arrhenatherum elatius Centaurea nigra

MG 5c 35 | 40 100 30 99| Cynos cris-Centaur nigr Danth decumbens

MG 5 33 | 42 100 23 98| Cynos cris-Centaur nigr

**Quadrat Q7****Species List**

Lotus corniculatus	7
Agrostis capillaris	6
Trifolium pratense	5
Centaurea nigra	4
Ranunculus acris	3
Dactylis glomerata	2
Hypochaeris radicata	2
Jacobaea vulgaris	2
Rumex acetosa	2
Scorzoneroides autumnalis	1
Succisa pratensis	1

**TableFit Results**

MG 5c 38 | 45 98 32 91| Cynos cris-Centaur nigr Danth decumbens

MG 5 38 | 51 90 27 100| Cynos cris-Centaur nigr

MG 5a 36 | 48 88 24 100| Cynos cris-Centaur nigr Lath pratensis

## Quadrat Q8

### Species List

Agrostis capillaris	8
Achillea millefolium	5
Lotus corniculatus	4
Trifolium pratense	4
Centaurea nigra	3
Jacobaea vulgaris	3
Dactylis glomerata	2
Plantago lanceolata	2
Ranunculus acris	2
Ranunculus repens	2
Hypochaeris radicata	1
Leucanthemum vulgare	1

### TableFit Results

U 1f 53 | 67 39 98 53| Fes ovi-Agr cap-Rum acl Hypoch radicata  
 MG 5a 41 | 59 100 22 88| Cynos cris-Centaur nigr Lath pratensis  
 MG 5 40 | 57 92 24 89| Cynos cris-Centaur nigr

## Quadrat Q9

### Species List

Trifolium pratense	7
Agrostis capillaris	4
Ranunculus acris	4
Centaurea nigra	3
Achillea millefolium	2
Jacobaea vulgaris	2
Leucanthemum vulgare	2
Odontites verna	2
Prunella vulgaris	2
Succisa pratensis	2
Plantago lanceolata	1

### TableFit Results

MG 5a 26 | 44 81 10 86| Cynos cris-Centaur nigr Lath pratensis  
 MG 5c 26 | 37 81 16 78| Cynos cris-Centaur nigr Danth decumbens  
 MG 5 25 | 42 75 10 82| Cynos cris-Centaur nigr

## Quadrat Q10

### Species List

Trifolium pratense	6
Plantago lanceolata	4
Prunella vulgaris	4
Ranunculus repens	4
Agrostis capillaris	3
Plantago major	3
Ranunculus acris	3
Centaurea nigra	2
Holcus lanatus	2
Hypochaeris radicata	2

Jacobaea vulgaris 2  
Leucanthemum vulgare 2

### TableFit Results

MG 5a 33 | 52 88 16 77| Cynos cris-Centaur nigr Lath pratensis  
MG 5 31 | 48 79 16 72| Cynos cris-Centaur nigr  
U 1f 27 | 75 44 15 20| Fes ovi-Agr cap-Rum acl Hypoch

### Overall Quadrat Tablefit Analysis Output

MG 5a 24 | 43 92 5 95| Cynos cris-Centaur nigr Lath pratensis  
MG 5 23 | 42 87 5 94| Cynos cris-Centaur nigr  
MG 5c 20 | 34 86 6 87| Cynos cris-Centaur nigr Danth decumbens  
OV23d 19 | 47 55 2 37| Loli-Dactyl weedy grass Arr ela-Med lup

## **Brislington Meadows**

# **Habitat Survey in Adjacent Brislington Meadows SNCI (Area 7)**

## **Drawing 1**

G7507.20.008

Phase 1 Habitat Survey with NVC Quadrat Locations

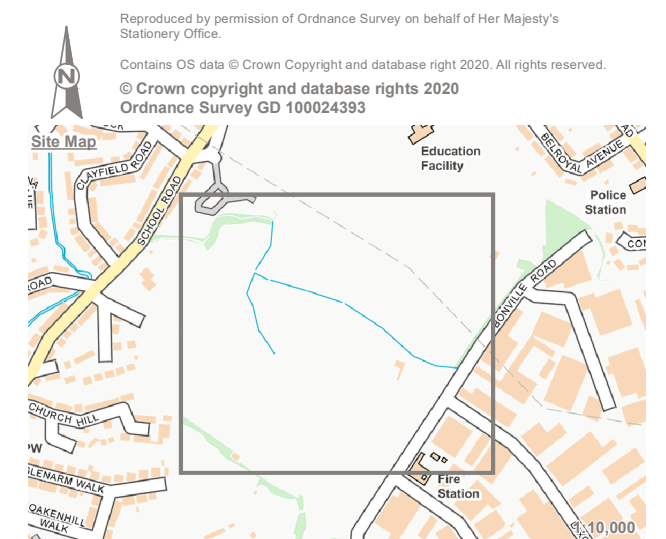


### KEY

- Survey area
- NVC Survey**
  - Quadrat location
- Phase 1 Habitat Survey**
  - Target note
  - Scattered scrub
  - Scattered broad-leaved tree
  - Running water
  - Dense/continuous scrub
  - Semi-improved neutral grassland
  - Poor semi-improved grassland
  - Building
- Species Code**
  - Qu Oak

### Note:

The locations of habitats and habitat features are indicative.



Rev	Description	Drawn	Approved	Date



Genesis Centre, Birchwood Science Park, Warrington WA3 7BH  
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project  
Brislington Meadows, Bristol

Title  
Phase 1 Habitat Survey with NVC Quadrat Locations  
SNCI Survey Area

Drawing Number  
G7507.20.008

Drawn	Checked	Approved	Scale	Date
AP	CW	DY	1:1,500 @ A3	02/10/2020

## Annex D

### Technical Note – Outline BNG Offsetting Delivery



## Brislington Meadows

### Technical Note – Outline BNG Offsetting Delivery

<b>Project</b>	Brislington Meadows	<b>Author</b>	Dr Rachel Roberts
<b>Date</b>	11 January 2023	<b>Checked</b>	Francis Hesketh
<b>Doc Ref</b>	7507.43.036	<b>Approved</b>	Francis Hesketh
<b>Version</b>	1.0	<b>Purpose</b>	High level run, without prejudice, of the Outline BNG Biodiversity Metric 3.0 incorporating offsetting within Brislington Meadows SNCI south of the Application Site

## 1.0 Introduction

- 1.1 This briefing note presents a high level BNG calculation for offsetting capacity within areas of the Brislington Meadows SNCI south of the Application Site.
- 1.2 Further survey and refinement of the BNG assessment would be required to finalise offsetting parameters, once development design is fixed.
- 1.3 This summary review of the BNG Metric with offsetting is provided without prejudice to evidence presented.

## 2.0 Offset Areas

- 2.1 Areas 2, 5, 6 and 9 (see Figure 1, aerial map below) were identified in RH proof of evidence (CD13.3) to have potential capacity for grassland enhancement.
- 2.2 Area 7 could not be accessed by RH during the time of his visit. Area 7 was subject to survey by TEP in 2020 (refer to Appendix A). The southern extent of Area 7 is identified from this TEP survey to have potential for grassland enhancement.
- 2.3 A relic pond situated between Areas 6 and 9 was assessed by TEP (refer to Annex 1 of the Outline EcIA, CD1.21) to have capacity for restoration and enhancement. This would provide additional biodiversity benefit, in accordance with BNG best practice principles (Principle 7, 'be additional').
- 2.4 These areas (2, 5, 6, 7, 9 and the pond) have been incorporated into the metric for off site habitat baseline and offsite habitat enhancement to test the offsetting capacity within the Brislington Meadows SNCI.

## Brislington Meadows

### Technical Note – Outline BNG Offsetting Delivery

Figure 1: Aerial map identifying indicative extents of areas with potential capacity for enhancement



## 3.0 Biodiversity Metric Inputs

- 3.1 The following tables summarise the details of how the grassland areas identified between TEP and RH as having potential offsetting capacity have been categorised and inputted into the Biodiversity Metric 3.0 calculator tool.
- 3.2 The 'Assessor comments' in the 'Off Site Baseline Habitats' table, below, provide a brief commentary on habitat categorisation and assumptions made for the purposes of this high level review.

# Brislington Meadows

## Technical Note – Outline BNG Offsetting Delivery

### Off Site Baseline Habitats

Area	Broad habitat	Habitat type	Area (ha)	Distinctive-ness	Condition	Strategic significance	Baseline unit value
2	Grassland	Other neutral grassland	0.96	Medium	Moderate	High	8.83
Assessor Comments	RH Proof of evidence Appendix 6 "Area 2" described as mown grassland - some likely g3c and some g4 - moderate condition assumed (likely to fail e.g criterion 1 spp per m2)						
5	Grassland	Other neutral grassland	0.32	Medium	Moderate	High	2.94
Assessor Comments	RH "Area 5". Described as 'tall grassland' - assumed g3c moderate condition (likely to fail criteria 4 scrub cover and/or 5 undesirable spp)						
6	Grassland	Modified grassland	0.31	Low	Moderate	High	1.43
Assessor Comments	RH "Area 6". Described as improved grassland - g4 moderate condition assumed (likely to fail e.g criterion 1 spp per m2)						
7	Grassland	Modified grassland	1.46	Low	Moderate	High	6.72
Assessor Comments	RH "Area 7" - not accessed by RH. TEP survey 2020 confirmed g4 pasture (poor semi-improved)						
9	Grassland	Modified grassland	0.44	Low	Moderate	High	2.02
Assessor Comments	RH "Area 9" described as rough grassland likely spp poor - g4 moderate condition assumed (likely to fail e.g criterion 1 spp per m2)						
Pond	Lakes	Ponds (Non-Priority Habitat)	0.01	Medium	Poor	High	0.05
Assessor Comments	Located in area 6 on boundary with area 9. Heavily poached by ponies, virtually no water at the time of HSI, banks undefined, no aquatics - opportunity for pond restoration.						

### Off Site Habitat Enhancement

Area	Broad habitat	Proposed type	Area (ha)	Distinctive-ness	Condition	Strategic significance	Post-intervention unit value
2	Grassland	Lowland meadow	0.96	VHigh	Good	High	15.77
5	Grassland	Lowland meadow	0.32	VHigh	Good	High	5.26
6	Grassland	Other neutral grassland	0.31	Medium	Good	High	3.10
7	Grassland	Other neutral grassland	1.46	Medium	Good	High	14.59
9	Grassland	Other neutral grassland	0.44	Medium	Good	High	4.40
Pond	Lakes	Ponds (Priority Habitat)	0.01	High	Moderate	High	0.10

3.3 The 'Spatial Risk' for all habitat areas in the 'Off Site Habitat Enhancement' table, above, is assigned as 'Low'. All habitat areas are confirmed to deliver "Compensation inside LPA or NCA, or deemed to be sufficiently

## Brislington Meadows

### Technical Note – Outline BNG Offsetting Delivery

local, to site of biodiversity loss” in terms with the three grades of spatial risk identified by the Biodiversity Metric 3.0 calculator tool.

#### Metric Calculations – Headline Results

3.4 The table below presents the ‘Headline Results’ from the Biodiversity Metric 3.0 calculator tool:

On-site baseline	Habitat units	61.66
	Hedgerow units	4.62
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	44.85
	Hedgerow units	10.34
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	Habitat units	-27.27%
	Hedgerow units	123.59%
	River units	0.00%
Off-site baseline	Habitat units	21.99
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	43.20
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	4.40
	Hedgerow units	5.71
	River units	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	7.13%
	Hedgerow units	123.59%
	River units	0.00%
Trading rules Satisfied?	Yes	

#### Metric Calculations – Adjusted Headline Results

3.5 As raised in TEP’s revised Outline BNG Assessment (Appendix C of my proof of evidence, CD12.3) the uplift in ‘strategic significance’ of the baseline habitats within the application site to reflect the SNCI designation remaining in force across the allocation area elevates the post-intervention biodiversity scores. This is due to any habitat identified as being retained without enhancement keeping its ‘high’ strategic significance post-intervention i.e. still retaining SNCI status.

## Brislington Meadows

### Technical Note – Outline BNG Offsetting Delivery

- 3.6 While this may be appropriate for some areas within the application site (e.g. the meadows in the south of the application site), it is considered a more precautionous approach to adopt a post-intervention score wherein lower strategic significance is applied in recognition of the changes to habitat setting and function of retained habitats likely to be wrought by the development.
- 3.7 The table below summarises the adjustments made to the metric's headline results, adopting the lower 'on-site post-intervention' biodiversity score originally submitted (i.e. before the change is applied to strategic significance of baseline habitats).

*Adjusted 'Headline Results' (asterisk identifies where a value change is made and strikethrough text indicates where the metric headline results value is replaced by the adjusted value):*

On-site baseline	Habitat units	61.66
	Hedgerow units	4.62
	River units	0.00
On-site post-intervention* (Including habitat retention, creation & enhancement)	Habitat units	44.85 44.78
	Hedgerow units	<del>10.34</del> 10.26
	River units	0.00
On-site net % change* (Including habitat retention, creation & enhancement)	Habitat units	<del>-27.27%</del> -27.37%
	Hedgerow units	<del>123.59%</del> 122.0%
	River units	0.00%
Off-site baseline	Habitat units	21.99
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	43.20
	Hedgerow units	0.00
	River units	0.00
Total net unit change* (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	4.40 4.33
	Hedgerow units	<del>5.71</del> 5.64
	River units	0.00
Total on-site net % change plus off-site surplus* (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	<del>7.13%</del> 7.02%
	Hedgerow units	<del>123.59%</del> 122.0%
	River units	0.00%
Trading rules Satisfied?	Yes	



## Brislington Meadows

### Technical Note – Outline BNG Offsetting Delivery

#### 4.0 Conclusion

- 4.1 This review of offsetting capacity determines that the grassland areas within Brislington Meadows SNCI south of the application site identified by RH and TEP have potential, in combination, to deliver 21.11 habitat units (HU) for grassland habitats. A further 0.1HU might be delivered by pond restoration.
- 4.2 This offsetting would result in an estimated +7% BNG for the overall scheme (on and offsite) with trading rules satisfied.
- 4.3 However, net loss of scrub habitat is still anticipated from the findings of the Outline EcIA. As best practice, additional scrub creation or enhancement would be sought, either within Brislington Meadows SNCI, or potentially other local wildlife sites or BWNS within the local network.
- 4.4 RH indicates in his proof of evidence that additional offsetting within land under the control of the Council is considered feasible and practical.
- 4.5 Considering the relatively small shortfall remaining from the above BNG calculations with offsetting south of the application site, there is high confidence that the target 10% net gain commitment can be readily delivered in cooperation with the Council, with trading rules satisfied.
- 4.6 Where practical, advanced enhancement of grassland within the southern areas of SNCI would deliver additional gains in the metric. For example, delivering the enhancement of grassland within Area 7 one year in advance of habitat losses within the application site would increase the unit value delivered by 0.28HU, equivalent to +0.46% BNG.
- 4.7 Advanced habitat enhancement would also facilitate mitigation strategies for species such as slow worm and small heath.

## Annex E

### Biodiversity Partnership Offset Offers





# Wanderlands®

EST. FOR GENERATIONS TO COME

**Homes England**

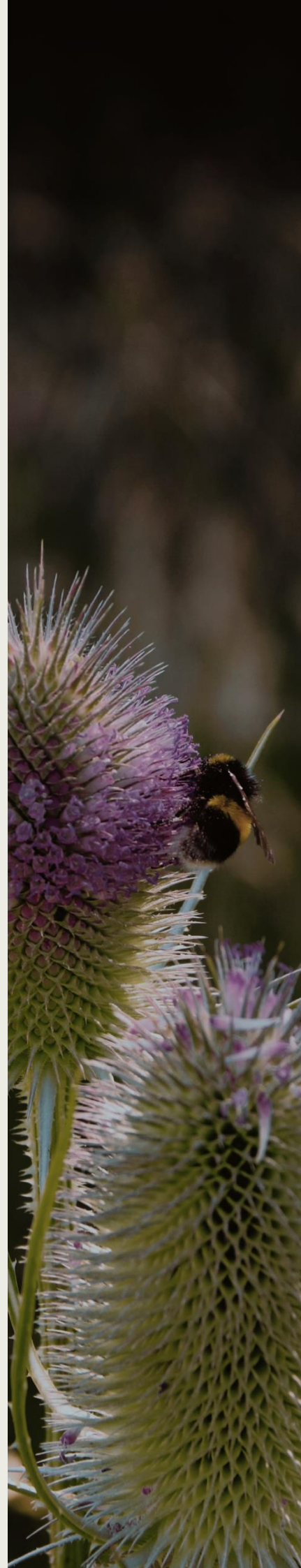
**Brislington Meadows  
Development, Bristol**

**Biodiversity Net Gain Off-Site  
Options**

Telephone 0117 374 6585 Website [www.wanderlands.earth](http://www.wanderlands.earth)

Address St Brandon's House, 29 Great George Street, Bristol, BS1 5QT

Registered no: 12854610. Registered office: Bishopbrook House, Cathedral Avenue, Wells, Somerset, England, BA5 1FD



John Boutwood  
Senior Planning and Enabling Manager  
Homes England  
2 Rivergate, Temple Quay  
Bristol, BS1 6EH

20<sup>th</sup> January, 2023

Dear John,





## **Brislington Meadows Development - Biodiversity Net Gain**

It was a pleasure to meet with both Francis and yourself last week and gain a better understanding of your proposed development project at Brislington Meadows and the requirements identified for off-site solutions to support the delivery of your Biodiversity Net Gain strategy.

As we discussed, Wanderlands environmental consultancy offers full-service sustainability solutions for business, landowner and developer clients to deliver cohesive, practical solutions in line with UK legislation and regulatory requirements underpinning both the carbon (net-zero) and biodiversity net gain (BNG) markets.

Wanderlands' comprehensive approach underpins our mission to educate, plant and restore nature through the enhancement and or creation of new habitats.

### **Our comprehensive approach is guided by four pillars:**

-  **1: Provide strategic advice:** We feel it's important to understand the key challenges, navigate the policy context and provide a clear biodiversity strategy to support the project through its planning and development process.
-  **2: Develop biodiversity strategy:** We support the planning and design stages in line with the BNG mitigation hierarchy to ensure a robust strategy for the development project that is commercially viable and deliverable.
-  **3: Delivering the 10% net gain:** Where the 10% uplift requires an offsite solution, we can source land to deliver bespoke schemes and or provide access to established habitat banks, where BNG units can be purchased.
-  **4: Manage & maintain:** We adopt long term monitoring and maintenance programme's for our sites to maximise carbon, biodiversity, wildlife, and community benefits; arranging regular independent verification to produce environmental credits for sale to developers.

## **YOUR BNG REQUIREMENTS**

It is understood that an outline planning application for the development of 260 new homes at Brislington Meadows has been submitted to Bristol City Council. The application is yet to be determined and the proposals will be considered at a Planning Appeal Inquiry in late January.

We understand that the technical studies and assessment work carried out in support of the planning application submission has identified a requirement for off-site solutions to support the delivery of your Biodiversity Strategy. This requires a total of 23 Biodiversity Units comprising grassland, scrub and woodland to compensate for the habitat loss on-site and meet Homes England's commitment to deliver 10% net gain in respect of the development.

## POTENTIAL SITES

As discussed in our meeting, we currently have three potential sites within the local catchment area of your Brislington Meadows development project which could be suitable to deliver the quantity of BNG units required. A summary of each site is provided below.

### **Winford Rocks, Bristol**

Circa 8 hectares – Winford Rocks is predominantly a native broadleaf woodland creation project, alongside areas of wildflower meadow, open space, retained hedgerows and bordering woodland. Worth noting is the geological SSSI present on site. The groundwork was completed onsite in December 2022 and planting is set to commence in February 2023.

### **Somerdale, Keynsham**

Circa 40 hectares – Options under consideration for the Somerdale project include grassland enhancement, woodland, and hedgerow creation/enhancement to improve the existing habitat from poor to good condition. Parts of the site are labelled as Priority Habitat, specifically Coastal Floodplain Grazing Marsh Habitat.

### **Queen Charlton, Keynsham**

Circa 8 hectares – The Queen Charlton site is to undergo areas of grassland enhancement, improving the condition of Tall Herb Community Grassland in particular, as well as sowing wildflower meadows and pockets of new woodland.

We trust that the above provides you with sufficient information at this outline planning stage.

Should you wish to explore the site options outlined in more detail, we would be pleased to make the necessary landowner introductions and schedule a meeting with you in due course.

Kind regards,

*Matt Whiston*

**Matt Whiston**

Consulting & Land Management Services Director

+44 (0) 7776 237270

matt@wanderlands.earth

www.wanderlands.earth

Telephone: 0117 374 6585 Website: [www.wanderlands.earth](http://www.wanderlands.earth)

Address: St Brandon's House, 29 Great George Street, Bristol, BS1 5QT

Registered no: 12854610. Registered office: Bishopbrook House, Cathedral Avenue, Wells, Somerset, England, BA5 1FD



Homes England  
2 Rivergate  
Temple Quay  
Bristol  
BS1 6EH

FAO John Boutwood

*16<sup>th</sup> January 2023*

Dear John,

Biodiversity Net Gain Project

I write further to our recent discussions to confirm that Belmont Estate has a long-term rewilding project which will be generating biodiversity units in grassland, wetland, scrub and woodland categories.

Belmont Estate in Wraxall, some 4km West of Bristol, is a family-owned estate comprising of mixed farmland and woodland. The estate's purpose is to manage land in a highly sustainable manner. This commenced with our approach to organic farming which has been in place for over 10 years. About four years ago we began our re-wilding project which covers 140 acres of former arable land that had in the past been subject to unsympathetic cultivation and over-drainage which had depleted the soil and biodiversity. Please see the maps attached outlining where the rewilding project area delivering the units is located.

We can offer developers and corporate partners a means of delivering biodiversity net gain. We have had professional ecological surveys and advice on habitat creation. Overall we have 200 biodiversity units available (under Defra's Biodiversity metrics 3.0 and 3.1). We understand the proposed development has a maximum estimated requirement as follows:

23.05 habitat area units (using Metric 3.0), broken down as follows:

- Grassland (medium or low distinctiveness): 14.61 units
- Scrub (medium or low distinctiveness): 8.37 units
- Woodland (medium or low distinctiveness): 0.07 units

We can make these units available to Homes England. We would be content to enter into an appropriate legal agreement to ensure delivery and monitoring of an agreed scheme demonstrating the required net gain. Like all habitat providers, we await Government's formalisation of conservation covenants which may be another way of demonstrating compliance with the Environment Act's requirements.





I should also like to add that our re-wilding project is carried out as part of our overall commitment to nature recovery and community engagement. We have a community volunteering programme which draws people from Bristol and includes citizen science and habitat management skills. We also have an educational programme, which is offered free of charge and has different learning experiences suitable for ages 2 up to 21. We currently offer 3,000 free visits per year, with a view to expand this. If your proposed development is granted permission and you enter a biodiversity partnership with us, we would make contact with Broomhill Primary School and invite their staff and pupils to join our free educational programme.

Our website contains more details of our mission (new website to go live on Jan 31<sup>st</sup> that will expand more thoroughly on the above)

Your sincerely

Henry Rossiter

HM Land Registry  
Official copy of  
title plan

Title number ST368801  
Ordnance Survey map reference ST5070SW  
Scale 1:2500  
Administrative area North Somerset



© Crown copyright and database rights 2022. Ordnance Survey 100029516.  
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



This official copy issued on 4 January 2023 shows the state of this title plan on 4 January 2023 at 14:41:01.

It is admissible in evidence to the same extent as the original (s 67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Durham Office.



Notes:

- Utility routes shown are approximate only.
- Other services may exist, above and below ground, that are not identified by this drawing.
- Drawing information taken from PDF by others. Scale approximate only. All dimensions to be checked and confirmed on site.
- This drawing is a progress (further utility routes to be added/ amended when further info becomes available).

DRAFT

Rev: /

Issue Draft - For Comment

Date: 28th January 2021  
Project: Watress Farm  
Bristol Road, Wraxall  
BS48 1NF

Title: Site Services Record at  
Watress & Orchard  
Farms

Drawn: SI Checked: BB

Scale: 1:2500 at A1 (1:5000 at A3)

Drawing: 1247-003

ASKEW CAVANNA

14 Backfields Lane,  
Bristol BS2 8OW  
T. 0117 9244606



### Key - Site Services

Ownership Site Boundary

#### Electricity Supply

- Electric (National WPD) General
- Electric (National WPD) HV Overhead
- Electric (National WPD) LV Overhead
- Electric (National WPD) LV Underground
- Electric (National WPD) Service, Overhead
- Electric (National WPD) Service, UG
- Electric (Private) Cabling, 230V in ducting
- Electric (Private) Cabling, 230V no ducting
- Electric (Private) Cabling, constant current in ducting
- Electric (Private) Cabling, constant current no ducting

#### Drainage

- Foul Drainage (Wessex Water/ Shared)
- Foul Drainage (Private)
- Surface Water Drainage (Private)
- Surface Water Drainage (Shared)

#### Comms

- BT Phone Line
- Fibre Optic
- CCTV
- Data

#### Other

- Water Supply
- Irrigation (see separate drawing for details)
- Lamp post (with camera)
- Big Inspection Chamber
- Small Inspection Chamber
- Trench section line





---

**HEAD OFFICE**

Genesis Centre,  
Birchwood Science Park,  
Warrington  
WA3 7BH

Tel: 01925 844004  
E-mail: [tep@tep.uk.com](mailto:tep@tep.uk.com)

**MARKET  
HARBOROUGH**

The Reynard Suite,  
Bowden Business Village,  
Market Harborough,  
Leicestershire,  
LE16 7SA

Tel: 01858 383120  
E-mail: [mh@tep.uk.com](mailto:mh@tep.uk.com)

**GATESHEAD**

Office 26, Gateshead  
International Business  
Centre,  
Mulgrave Terrace,  
Gateshead  
NE8 1AN

Tel: 0191 605 3340  
E-mail: [gateshead@tep.uk.com](mailto:gateshead@tep.uk.com)

**LONDON**

8 Trinity Street,  
London  
SE1 1DB

Tel: 020 3096 6050  
E-mail: [london@tep.uk.com](mailto:london@tep.uk.com)

**CORNWALL**

4 Park Noweth,  
Churchtown,  
Cury,  
Helston  
Cornwall  
TR12 7BW

Tel: 01326 240081  
E-mail: [cornwall@tep.uk.com](mailto:cornwall@tep.uk.com)

---