

STATEMENT OF COMMON GROUND BETWEEN:

HOMES AND COMMUNITIES AGENCY (trading as HOMES ENGLAND)

AND

**RULE 6 PARTY (o.b.o BRISTOL TREE FORUM, SAVE BRISLINGTON MEADOWS
AND GREATER BRISLINGTON TOGETHER)**

In relation to an appeal by Homes England against the failure of Bristol City Council to determine an application for planning permission (reference. 22/01878/P) for the development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure on land at Broomhill / Brislington Meadows, Broomhill Road, Bristol

Planning Inspectorate Reference: APP/Z0116/W/22/3308537

Bristol City Council Reference: 22/01878/P

Signature	L D A D esign	Date:	27 January 2023
Name:	LDA Design o.b.o Homes England	Position	o.b.o Homes England

On behalf of HOMES AND COMMUNITIES AGENCY (trading as HOMES ENGLAND), One Friargate, Coventry, CV1 2GN

Signature	M ark CD A shdown	Date:	27 January 2023
Name:	Mark CD Ashdown	Position	Rule 6 Party Representative

On behalf of RULE 6 PARTY (BRISTOL TREE FORUM, SAVE BRISLINGTON MEADOWS AND GREATER BRISLINGTON TOGETHER)

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1. Introduction

- 1.1 This Statement of Common Ground between the Appellant and the Rule 6 party focuses on those matters not agreed. This comprises matters that:
 - The Council and Appellant agree in the Main Statement of Common Ground, but the Rule 6 party do not; and
 - Any additional matters the Rule 6 party do not agree.
- 1.2 This Statement of Common Ground should be read in conjunction with the Statement of Common Ground agreed between the Appellant and the Council.

2. Matters Not Agreed with the Rule 6 Party (as different to matters agreed between the Appellant and the Council)

Principle of Development

- 2.1 The Rule 6 party maintain that the Appeal Site comprises the Brislington Meadows Site of Nature Conservation Interest as shown on the Bristol Pin Point mapping and having regard to Bristol Regional Environmental Records Centre. This is not considered to be relevant by the Appellant having regard to development plan policy and the adopted Policies Map.
- 2.2 It is not agreed by the Rule 6 party that Site Allocation BSA1201, under Policy SA1, prevents any SNCI status of the Appeal Site as being an 'in principle' reason for refusal in accordance with the relevant part of Policy DM19 which relates to SNCIs.
- 2.3 It is not agreed by the Rule 6 party that the Appeal Site comprises a sustainable location close to the Broomhill Road / Fermaine Avenue Local Centre and local shops, community facilities, employment areas and public transport infrastructure, as explained under Site Allocation BSA1201.
- 2.4 It is not agreed by the Rule 6 party that the principle of residential development in this location has already been established and is considered acceptable.

Flood Risk and Drainage

- 2.5 Whilst the Rule 6 party agrees that the Appeal site is located within Flood Zone 1, it believes that the risk of downstream flooding within Flood Zone 2 and 3 has not been properly addressed. The Appellant does not agree.

Heritage and Archaeology

- 2.6 It is not agreed by the Rule 6 party that the Appeal Scheme will not give rise to unacceptable impacts in heritage or archaeological terms.

Transport

- 2.7 The findings of the Transport Assessment submitted with the outline application are not agreed in relation to traffic and highways safety impacts and the methodology used by the Transport Assessment not agreed.
- 2.8 The proposed access arrangements are not considered to be acceptable by the Rule 6 party.

Landscape

- 2.9 It is not agreed by the Rule 6 party that in allocating the Appeal Site for development for an estimated 300 homes, there will be some landscape/townscape impacts and loss of existing landscape features.

Biodiversity and Ecology

- 2.10 It is not agreed by the Rule 6 party that in allocating the Appeal Site for development for an estimated 300 homes, the loss of habitats would inevitably arise from the development, and would need to be mitigated and compensated accordingly.
- 2.11 It is agreed between the parties that the scope of the Ecological Impact Assessment (EcIA) and associated technical appendices, submitted with the outline application, is appropriate. The methodology of the EcIA is acceptable. The methodologies used in producing the EcIA and technical surveys in its appendices are also agreed.
- 2.12 The Outline Biodiversity Net Gain measurements, and the calculations for strategic significance are agreed for Area Habitats save that the Rule 6 Party will say that some habitats are Urban tree habitats rather than woodland habitats. There are minor differences between parties for onsite baseline and post-intervention habitats and conditions for area habitats. For linear habitats (hedgerows), parties differ on the assessment and condition for the on-site baseline. It is agreed these differences are calculated as follows:

		Appellant		R6 Party	
On-site Development Position Post-development (net change)	Habitat Area Units / % BNG	-16.88	-27.37%	-15.64	-24.65%
	Habitat Hedgerow Units / % BNG	+5.64	+122.08%	-2.35	-10.18%
Offsite Offsetting Requirements	Grassland Units	14.61		13.26	
	Scrub Units	8.37		8.40	
	Woodland Units	0.07		0.52	
	Totals	23.05	10.0%	22.18	10.27%
	Hedgerow Units	N/A	122.08%	4.71	10.29%

- 2.13 It is agreed that offsite offsetting will be required for area habitats. There are minor differences between parties regarding the total unit offset required to deliver 10% gain for area habitats, but it is agreed that offset area habitats will need to comprise grassland,

scrub and woodland habitat types. It is not agreed by the Rule 6 party that hedgerow offsetting is not required.

- 2.14 It is agreed that the indicative habitat areas likely to be needed to provide offsite offsetting is between 3.0 - 3.2 hectares but that this will depend upon the offset location chosen and its baseline state and viability. It is the Rule 6 Party's case that a further inductive offsetting hedgerow habitat of about 0.42 kilometres would be required. This is not agreed.
- 2.15 It is not agreed that compensatory improvements to the adjacent retained SNCI is an appropriate place for delivery of BNG.
- 2.16 It is not agreed that open space across the site has been designed to be largely multi-functional, to be managed and mitigated through the preparation and submission of, and compliance with, a detailed Landscape and Ecological Management Plan (as agreed in the suggested planning conditions in this statement).
- 2.17 The Rule 6 party consider that the Appellant's proposals, if realised, will result in any SNCI status of that part of the development site within BSA1201 being removed.

Arboriculture

- 2.18 It is not agreed by the Rule 6 party that any loss of existing trees and hedgerows is acceptable.
- 2.19 It is agreed that the illustrative masterplan submitted would result in the loss of three TPO trees only (BCC TPO ref. T10, T15 and T16). The Rule 6 party considers that the loss of these trees and of other trees on the Appeal Site is not acceptable.

3. Additional Matters not agreed by the R6 Party

- 3.1 The Rule 6 Party adopt the matters not agreed between the Appellant and the Council (as set out in Section 9 of the SOCG between the Council and the Appellant), subject to the following:
- 3.2 At 9.29 the Rule 6 party consider that greater weight should be given to the emerging plan than the Council concedes. See our Statement of Case at para 9.5.
- 3.3 At 9.31, The Rule 6 party say that the Appellant is bound to set out detailed proposals for any offsite mitigation before this appeal can be decided, to include identifying the site where it is proposed to deliver the offsite mitigation, providing a full Biodiversity Metric calculation supported by ecological and biodiversity evidence. Without this it will not be possible to:
 - 3.3.1.1 Establish whether or not the proposed offsite mitigations are practicable or viable.
 - 3.3.1.2 Agree the conditions or value of any S106 Agreement required.
 - 3.3.1.3 Devise a meaningful or enforceable Landscape and Ecological Management Plan or secure the funding required to deliver it.
- 3.4 Whether or not it is accepted that there are ancient hedgerows on the Appeal Site (and the Rule 6 party say there are), the Rule 6 party say that many or all are also irreplaceable.
- 3.5 The Rule 6 party accept that, under the the Appellellant's current proposals, 250 replacement trees will be required to be planted (whether or not on site) under the Council's Planning Obligations SPD (Bristol Tree Replacement Standard). If it is necessary to plant replacement trees offsite, then the Appellant is required under DM17 to identify the specific sites where each replacement tree will be planted.

Brislington Meadows

Position Note – BNG Metric Calculator

Project	Brislington Meadows	Author	Dr Rachel Roberts
Date	24/01/2023	Checked	Francis Hesketh
Doc Ref	7507.43.049	Approved	Francis Hesketh
Version	2.0	Purpose	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 and 3.

Table 1: Summary of Net Gain Requirements

		Appellant	Council
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	<i>Habitat units</i>	61.66
	<i>Hedgerow units</i>	8.26
	<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>	11.56
	<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>	40.05%
	<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>	3.31
	<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>	40.05%
	<i>River units</i>	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.