

STATEMENT OF COMMON GROUND BETWEEN:

**THE BRISTOL TREE FORUM, GREATER BRISLINGTON TOGETHER,
SAVE BRISLINGTON MEADOWS (THE RULE 6 PARTY)**

AND

THE CITY COUNCIL OF BRISTOL

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	<i>Mark CD Ashdown</i>	Date:	27 January 2023
Name:	Mark CD Ashdown	Position	Rule 6 Party Representative
On behalf of the Rule 6 Party			

Signature	<i>Gary Collins</i>	Date:	27th January 27, 2023
Name:	Gary Collins	Position	Head of Development Management
On behalf of THE CITY COUNCIL OF BRISTOL, City Hall, College Green, Bristol, BS1 5TR			

1. The Planning Application, Agreed Description of Development and Plans and Documents

- 1.1 This document sets out the agreed common ground between the Bristol Tree Forum, Greater Brislington Together and Save Brislington Meadows (hereafter referred to as the Rule 6 Party) and Bristol City Council (BCC).
- 1.2 The parties agree that the planning application, development and plans and documents are as set out in the Statement of Common Ground Between the Council and Homes England, at Section 1.

2. Relevant planning history

- 2.1 The parties agree that the relevant planning history of the Appeal Site is as set out in the Statement of Common Ground Between the Council and Homes England, at Section 2.

3. List of the relevant development plan policies for determining the application

- 3.1 The parties agree that the relevant development plan policies are as set out in the Statement of Common Ground Between the Council and Homes England, at Section 3.
- 3.2 The parties agree that the proposals set out in the Council's Draft Policies and Development Allocation Proposals are relevant to this inquiry.

4. Appeal Site and Surroundings

- 4.1 The parties agree that the Appeal Site is as set out in the Statement of Common Ground Between the Council and Homes England, at Section 4.

5. The Appeal Scheme

- 5.1 The parties agree that paragraphs 3.1 to 3.7 of the Appellant's Statement of Case (September 2022) accurately describe the appeal scheme ('the Appeal Scheme') and development proposals.

6. Matters Agreed between The Rule 6 Party and the Council

- 6.1 This section sets out the matters which are agreed between the parties.
- 6.2 The parties agree that the appeal site is of nature conservation value in a city-wide context, this value residing largely in the species-rich hedgerows, important (including veteran) trees and species-rich grasslands (including marshy grassland).

6.3 The parties agree that the site forms part of the River Avon corridor to Keynsham (13) in the Strategic Green Infrastructure Network as defined in BCS9 of the Core Strategy.

6.3 The parties agree that the biodiversity interest of hedges and trees, and therefore the impact associated with their loss, has not been appropriately assessed by the applicant.

6.4 The parties agree that two veteran oak trees and at least 11 veteran hawthorn trees, three of which are ancient, are present on the Appeal Site and that, had the applicant acted with due care and diligence, these would have been identified before the application was submitted.

6.5 The parties agree that the appellant has not followed the appropriate mitigation hierarchy for biodiversity and that undue reliance has been placed by the appellant on offsite compensation.

6.6 The parties agree that the loss of hedgerows cannot be appropriately replaced by new hedgerow planting on site or elsewhere.

6.7 The parties agree that there are irreplaceable habitat features, in the form of veteran trees, on the appeal site, meaning that NPPF policy (180c) applies regarding the protection of irreplaceable habitats. The Rule 6 Party says that some of the hedgerows on the Appeal site are also irreplaceable habitat features and so NPPF policy (180c) also applies to these features. The Council does not agree.

6.8 The parties agree that the appellant has not complied with the requirement in Site Allocation Policy BSA1201 that important trees and hedges should be retained in any development of the appeal site.

6.9 The parties agree that the details submitted by the applicant do not provide confidence that the Appeal Scheme can achieve a net gain in biodiversity of at least 10%.

7 Matters Not Agreed between the Rule 6 Party and the Council

7.1 Whilst the parties agree that Site Allocation BSA1201 remains part of the Brislington Meadows SNCI, the Rule 6 Party does not agree that Site Allocation BSA1201 supersedes the SNCI status of the appeal site and that the parts of Policy DM19 which relate to SNCIs are therefore not relevant. It is agreed that all other parts of the Development Plan do apply.

7.2 The conclusions of the Historic Environment Desk-Based Assessment, Geophysical Survey and Archaeological Evaluation reports submitted by the appellant are not accepted by the Rule 6 Party.

7.3 It is not agreed by the Rule 6 Party that features of historic importance on the appeal site can be adequately safeguarded through the imposition of planning conditions.

7.4 The Rule 6 Party does not agree that the appeal site is well served by public transport.