

## **Brislington Meadows Appeal - 3308537**

### **Rule 6 Party Opening statement**

I appear on behalf of the Rule 6 Party

- Bristol Tree Forum
- Greater Brislington Together
- Save Brislington Meadows Group

1. Of the 745 public comments posted on the Council's planning portal, only five support the application upon which this appeal is based.
2. Since 2014, when the Appeal Site, which forms part of the Brislington Meadows Site of Nature Conservation Interest (SNCI),<sup>1</sup> was allocated for development, the extent of our climate and ecological crisis has become even more apparent. As a result, the Council has now declared both climate and ecological emergencies and developed plans to address these emergencies ([CD8.14](#) & [CD8.15](#)). It has also resolved to protect Bristol's remaining green spaces ([CD8.1](#)).
3. The Council has also now published the latest iteration of its emerging Local Plan ([CD5.12](#)). This proposes, quite rightly, that 'it would now be more appropriate for the existing site allocation [of the Appeal site] to be discontinued and for the site to be retained as open space with nature conservation interest' (page 72). We doubt that many will disagree with this proposal.
4. Initially, the Council also contended that the site's SNCI status had lapsed, but it has now been obliged to admit that this is not the case. The basis upon which SNCIs are designated and de-designated sits outside the Development Plan and is managed by the Local Site Partnership in accordance with Defra guidance ([CD11.5 \(a\)](#)) and local protocols that the Council has adopted ([CD11.5 \(b\)](#)).

---

<sup>1</sup> The Appeal Site is just one of the nine 2014 Site Allocations on SNCI land.

5. Instead, the Appellant and Council argue that the adoption of the Site Allocations and Development Management Policies ([CD5.2](#)) and the annex to it ([CD5.3](#) – page 154), together with the Policies Map ([CD5.4](#) – page 32) - which omitted to recognise the continuing existence of the SNCI on the site - in July 2014, effectively nullifies the SNCI protection put in place under DM19, which was adopted at the same time. DM19 makes it clear that 'Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.'
6. The effect of this stance is to make a nonsense of one purpose of the Development Plan, which is to protect SNCIs. SNCIs are also an integral part of the Strategic Green Infrastructure Network and Wildlife Corridors, which are also protected under BCS9 of the Development Plan ([CD5.5](#) from page 73).
7. The Appellant and the Council also fail to address the purpose of [s38\(5\) of the Planning and Compulsory Purchase Act 2004](#), which states that 'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.' How can it be that the Site Allocation takes precedence over some parts of DM19, when both policies 'become part of the development plan' at the same time?
8. In the 2022 Silverthorne decision ([CD6.1](#)), the concept of 'permission in principle' was accepted for the allocated site and a balancing exercise was undertaken setting the allocation policy against other competing policies, including heritage. Whilst there is an explicit requirement in paragraph 203 of the NPPF to make a balanced judgement when 'weighing applications that directly or indirectly affect non-designated heritage assets', this requirement does not apply to the NPPF in relation to conservation and enhancement of the natural environment.

9. Despite all this, the parties agree that all the ecology and habitat criteria which qualify Brislington Meadows to be designated as an SNCI still exist on the Appeal site, irrespective of the status of either the site allocation or DM19.
10. Meanwhile, nearly all the qualities which justify the continuing designation of the Appeal Site as an SNCI – the rich diversity and profusion of fauna and flora ([CD11.5](#) & [CD11.6 \(b\)](#)), the presence of mature and veteran trees and ancient hedgerows (protected as Habitats of Principal Importance under paragraph 179 b) of the NPPF ([CD5.1](#)) and DM19) and the virtually undisturbed grasslands – will be swept away under the Appellant’s proposals. All that will remain are the trees and hedgerows on the site boundaries and one token, vestigial hedgerow in the middle of the site, cut off and isolated in an environment that will not be managed for its ecological importance but for the amenity of the housing estate and the convenience of its residents.
11. If this appeal is allowed and the site is developed as proposed, then the criteria upon which the Appeal site was designated as part of the Brislington Meadows SNCI will no longer apply, and the site will need to be de-designated as an SNCI. There are no plans to identify a new, potential SNCI location (even if one could be found) to bring it up to the standards required for SNCIs to compensate for this loss.
12. The parties accept that the Appellant’s proposals will result in a net loss of biodiversity. The degree of loss is disputed, mainly because of disagreements about the types of hedgerow habitats found on the site.
13. These losses have been reduced to a set of Biodiversity Metric habitat units, which the Appellant says will form the basis of plans to enhance offsite grassland habitats (and a small pond) in the remainder of Brislington Meadows to the south, and so offset the onsite losses.
14. The fact that the lost habitat also comprises ecologically valuable scrub and woodland has not been considered, even though Principle 5 of the

Biodiversity Metric expects that 'habitat created to compensate for loss of natural or semi-natural habitat should be of the same broad habitat type...' ([CD11.6 \(g\)](#), page 15).

15. No new habitats will be created under the Appellant's plans.
16. The sites identified are already in use either as a public park or as tenanted grazing land, and yet it seems that the current users have not been consulted and no consideration has been given to the potential for conflict between these existing uses and the Appellant's plans. We question whether these plans are viable.
17. It is depressing to imagine that this richly diverse, untidy and complex biome, which has been evolving for at least two millennia, has been reduced to a set of numbers which will be used to convert the site into a bland, neat and over-managed backdrop in yet another housing estate, albeit scattered about with a few token bat and bird boxes etc. One wonders how many of these will ever be occupied, given the inevitable loss of local forage.
18. This richly diverse habitat in which the current wild residents of the Meadows live will be lost for ever, along with the inevitable loss of its sequestered carbon. It has taken centuries to build this complex biodiversity. This cannot be replaced, as it were, in a day. It is unlikely that this can even be achieved in the 30 years proposed.
19. And who will enjoy this new housing if it is ever built? Given that the areas around the Appeal Site are some of the most deprived in Bristol ([CD11.9 \(c\)](#)), it is unlikely that many locals will be able to afford to buy.
20. Those without access to a car (some 21% of Brislingtonians) and those for whom cycling or walking is a challenge, or who depend on our failing bus service (only 11% of residents use buses), may also find themselves excluded (43% of the local community have to use a car or van to commute to work) ([CD11.9](#) & [CD11.9 \(a\)](#)).

21. In addition to this, the Appeal site contains exceptional cultural and heritage assets:
- a. There is evidence of pre-enclosure medieval ridge and furrow ploughing in at least two of the five large open fields in the heart of the site ([CD11.4 \(i\)](#)).
  - b. Many of the hedgerows which run east to west (along the contours) though the site, as well as some other hedgerows, are associated with banks or Lynchet rises ([CD11.4 \(c\)](#)).
  - c. The veteran hawthorns found in these hedgerows form the highest-quality cohort of trees on the site and are important components of hedgerows of agreed historic importance. The parties agree that these hedgerows probably predate the parliamentary enclosures.
  - d. When the common on which they stand was enclosed in the 1778 Enclosure Act ([CD11.4 \(e\)](#) & [CD11.2 \(b\)](#)), the map which was produced ([CD11.2](#)) described the adjacent area to be enclosed as 'Brislington *Old* Enclosures', thereby indicating that, even in 1778, they had been enclosed since 'time immemorial'.
  - e. These veteran trees and the hedgerows in which they grow are a biography in wood of the field layout and management practices of Bristolian agriculture over at least the past three centuries. These veteran trees, especially the oldest ones, have exceptional cultural and heritage value.
  - f. The recent archaeological survey undertaken by Cotswold Archaeology on behalf of the Appellant ([CD1.18 b](#)) found an 'assemblage, including pottery sherds, iron nails and worked stone, was indicative of domestic and industrial activity dating to the Roman period. The recovery of small fragments of glass waste, vessel glass, and an assemblage of glass beads indicated the possible presence of glass-working activity either on the site or in the surrounding area. This needs to be investigated further.

22. These heritage assets, together with the stock/waggon pond in the south-west of the site ([CD11.4 \(g\)](#)) and the other ancient artefacts found across the site, make it clear that each of these features demonstrate that the site deserves to be protected as at least non-designated heritage assets under paragraph 203 of the NPPF, BCS22 and DM31 of the Development Plan.

**Mark CD Ashdown**

**For the Rule 6 Party**

**31 January 2023**