

Brislington Meadows --- Appeal Ref. 3308537

1. This note is prepared on behalf of the Rule 6 Party in response to the undated Note prepared on behalf of the Appellant (received on 7 March 2023) to address matter (a) 'the Rule 6 Party's late proposed amendments to conditions 19 and 20 concerning biodiversity net gain ("BNG").'
2. In the first instance the Rule 6 Party's proposal is not 'late'. The Appeal remains adjourned. The proposed Conditions remain in draft until such time as they are agreed by the Inspector. Accordingly, any party is at liberty to make proposals for changes to the draft Conditions which the Inspector may accept or reject at their discretion.
3. Our proposal merely invites the Inspector to take it into consideration. Had this proposal been made at the time of the Roundtable Discussion, especially give that the Appellant's proposed Conditions were only made available at the start of the discussion, it is reasonable to conclude that the Inspector would have considered it.
4. This is all we ask now, so the Appellant cannot be prejudiced by the Rules 6 Party's invitation to the Inspector to take the proposal into consideration.
5. The guidance prepared by Natural England when Metric 3.1 was introduced in July 2022, is, in terms, identical to that prepared by Natural England when Metric 3.0 was introduced on 29 July 2019, namely that *'Projects currently using biodiversity metric 2.0 or version 3.0 are advised to continue to do so unless requested otherwise by their client or consenting body as the biodiversity units values generated by metric 2.0 and metric 3.0 can differ from each other and may differ from the more current version 3.1 of the metric.'*¹

¹ <http://nepubprod.appspot.com/publication/5850908674228224>

6. Whether or not the Secretary of State or Natural England have published any guidance about transition arrangements, it is reasonable to assume that similar guidance will be published when the further iterations of the Biodiversity Metric are published, whether or not they become mandatory.
7. BNG 3.1 has already gone through a number of iterations – see the change log published alongside metric 3.1.² it is possible that it will go through more whether or not the mandatory biodiversity net gain version is published.
8. In the meantime, the differences between BNG 3.0 and BNG 3.1 will continue to diverge so that, more and more, it no longer reflects best practice.
9. A refusal to allow our proposed amendment will therefore result in the LPA having no discretion whether or not to require the Appellant to follow best practice as circumstances may dictate and BNG 3.0 will continue to be used throughout the lifetime of the development of the Appeal Site (should it be allowed) because it will never become 'mandatory'.
10. Our proposal merely seeks to preserve the status quo.

**On behalf of the Rule 6 Party:
Bristol Tree Forum
Greater Brislington Together
Save Brislington Meadows Group**

7 March 2023

² <http://publications.naturalengland.org.uk/publication/6049804846366720>