

Home Builders Federation (HBF) Response to Matters, Issues and Questions (MIQs) for the Bristol Local Plan- Matter 10

HBF is the principal representative body of the housebuilding industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

We have not commented on every policy on those of interest to our members.

We have not repeated our Regulation 19 concerns which remain outstanding but have referred them where we feel this is helpful. This response should therefore be read in tandem with our Regulation 19 comments.

Matter 10: Biodiversity and Green Infrastructure

Issue 10.1: Whether the Plan's policies on biodiversity are positively prepared, justified, effective and consistent with national policy.

General matters

Q10.1: Is the Plan's overall approach to biodiversity justified, consistent with national policy? In particular:

- a) As required by paragraph 179a of the NPPF, does the plan identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation?**

HBF have provided detailed comments on BNG and the nature conservation chapter in our Reg 19 response (see para 114-139). We do not believe the Plan is coherent on this issue, and as such is unjustified and unsound. It is also not consistent with national policy.

- b) As required by paragraph 179b of the NPPF, does the plan promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity?**

HBF do not believe the Plan is coherent on this issue, and as such is unjustified and unsound.

Policy BG1: Green infrastructure and biodiversity in new development

Q10.2: Is Policy BG1 justified, consistent with national policy and effective? In particular:

- a) Is the policy sufficiently clear as to what developers would be expected to deliver?**
- b) Are requirements to meet Natural England Green Infrastructure Standards and Urban Greening Factor target scores justified? In allowing the potential use of other standards, is the policy clear and unambiguous for decision makers on what would be acceptable?**
- c) How do the Green Infrastructure Standards requirements relate to the issue of Biodiversity Net Gain?**
- d) Would it always be the case the artificial grass within proposals would be resisted, even where other biodiversity net gain requirements are met? Is this justified?**

HBF have provided detailed comments on policy BG1 and the nature in our Reg 19 response (see para 114-116). We do not believe the policy is coherent or consistent with national policy, and as such it is unjustified and unsound. It is not clear from the policy what would be acceptable. We are particularly unclear about how BNG policy links into and if complements or conflicts with urban greening factor policies.

Policy BG2: Nature conservation and recovery

Q10.3: Is Policy BG2 justified, consistent with national policy and effective? In particular:

- a) Is the policy effective in protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality, as required by paragraph 174 of the NPPF?**
- b) Is the assessment of harm and approach to mitigation consistent with paragraph 180a of the NPPF? Is reference to Biodiversity Net Gain clear in this regard?**
- c) Is the specific approach to irreplaceable habitats consistent with paragraph 180c of the NPPF? With regard to the Council's response to PQ129, would it be misleading to omit reference to the "wholly exceptional reasons" which are referred to in paragraph 180c of the NPPF?**
- d) In terms of impacts on local designations, is it consistent with national policy to only resist development which has a 'significantly harmful impact' on local wildlife and geological sites, comprising Sites of Nature Conservation Interest (SCNI) and Regionally Important Geological Sites (RIGS)?**

HBF have provided detailed comments on policy BG2 and the nature in our Reg 19 response (see para 117-118). We remain concerned how this policy interacts and potentially conflicts and/or creates confusion with Policy BG3. If they are to be retained the wording of Policy BG2 and BG3 need comprehensively reviewing an updating to ensure clarity within and between

policies and to properly reflect the national policy and guidance on mandatory BNG, including the advice and guidance in the statutory metric.

Q10.4: Are areas or sites identified as SCNI justified and based on robust and up-to-date evidence?

Policy BG3: Achieving biodiversity gains

The PPG14 states that there is no need for policies which duplicate the detailed provisions of the statutory framework in relation to Biodiversity Net Gain. The Council's response to PQ130 on this matter concludes that the Council consider a policy is still beneficial.

Q10.5: Is Policy BG3 justified, consistent with national policy and effective? In particular:

- a) **Does the policy unnecessarily duplicate the detailed provisions of the statutory framework in relation to Biodiversity Net Gain? If so, are those provisions consistent with the statutory framework?**

As set out in Reg 19 response HBF do not believe it is necessary to repeat national policy on this issue. Signposting to the national policy and guidance is all that is needed. Although HBF welcome the proposed Modification to BG3 which removes the inaccurate wording "which is required to be submitted alongside a planning application" (as set out in EXA002 - Local Plan – Schedule of Suggested Main Modifications. Version 1 – Published 05/07/24 and EXA002.1 - Local Plan – Schedule of Suggested Main Modifications. Version 2 – published 25/09/2024) no further changes are proposed to policy. The proposed change is not accompanied with additional wording to explaining what a BNG Plan and when one would be needed. As BNG plans are post-permission submissions, and this is new mandatory process, the Local Plan should refer to the new process, although this should be done by reference to the national policy and guidance, so cross referencing rather than lots more policy wording is what is needed.

HBF are disappointed that the Council has not reviewed this policy, and indeed the whole chapter, to bring it up to date which is necessary for soundness so that the plan reflects current national policy. For example, it should be clear that the use of the BNG Metric is mandatory where it is required, but that the small sites metric is also an option for sites of lower impact and BNG risk. There is confusion between the metric which calculate the pre-and post-development values and the BNG gain plan that sets out how the 10% net gain will be achieved. It should also be noted that BNG delivered in gardens is not required to be secured for 30 years through the BNG Plan.

- b) **How does the section on the biodiversity gain mitigation hierarchy relate to Policy BG2 and is this section consistent with national policy, in particular paragraph 180 of the NPPF?**

This remains unclear. As mentioned above HBF are disappointed that the Council has not reviewed all the policies and text in the whole Biodiversity Chapter to bring it up to date which is necessary for soundness so that the plan reflects current national policy.

- c) Is the policy justified and effective in seeking to “encourage” development to secure more than the minimum 10% requirement? How would this be expected to be achieved and how would it affect the decision-making process?**

No. HBF have seen no evidence to seek to go beyond 10% national mandatory national BNG, or that the viability implications of doing so have been properly considered. Indeed, the viability assessment already suggests some of the development proposed is unviable (see for example, HBF response to MIQs Q6.1). The wording of the policy is currently unclear and unsound as it will be ineffective.

- d) In paragraph 6, is reference to avoiding harm “where possible” to existing designated and non-designated habitat and species features of conservation value consistent with national policy on the protection of biodiversity assets?**

No. The wording of the chapter, especially around BNG is unclear ineffective and unjustified. As we requested in our Reg 19 response the whole chapter needs revisiting to ensure it properly reflects the latest national policy and guidance on BNG.

- e) Is the main modification suggested to the third paragraph of the policy, as set out in EXA002.1 necessary to make the Plan sound?**

Although, the deletion of the erroneous wording is needed, but the Plan would still be unsound as further revisions to the policy and text are needed. It is important for the Plan to be effective that the Plan properly reflects the intentions of the mandatory BNG process, and the environmental mitigation, and BNG hierarchies. The intention is for BNG to be considered at the earliest opportunity, ideally right back at the site selection phase of plan-making (informed by LNRS once it has been published), and then site design. However the mechanism for securing the BNG delivery and its monitoring and maintenance is via the post-permission condition requirement to submit a BNG plan and for this to be agreed by the LPA.

Policy BG4: Trees

Q10.6: Is Policy BG4 justified, effective and consistent with national policy, including:

- a) Is reference to the loss of ancient woodland or ancient and veteran trees consistent with paragraph 180c of the NPPF and/or Policy BG2? (See also Council response to PQ130).**

- b) How have the tree compensation requirements been derived and are they justified?**
- c) Is the relationship between this policy and those relating to biodiversity net gain clear and unambiguous?**
- d) The final paragraph states that replacement trees should be provided as close as possible to the development site. Is this clear in terms of on-site provision?**
- e) Are references in paragraph 9.1.38 to tree cover being deliberately reduced prior to an application justified and how would the Council expect to assess this (for example, what evidence would be assessed)? If justified, to be effective, should this reference be in the policy?**
- f) Is the suggested main modification to the table, as set out in EXA002.1, necessary to make the Plan sound?**

HBF have nothing future to add to our concerns as expressed in para 138 of our Reg 19 response. In relation to suggested Main Modification to BG4, this does not address our wider concerns about the inconsistency and potential conflicts within and between the natural environment policies in the Bristol Local Plan and the policies and national guidance on BNG.

Policy BG5: Biodiversity and access to Bristol's waterways

Q10.7: Is Policy BG5 justified, effective and consistent with national policy?

HBF have nothing future to add to our concerns as expressed in para 139 of our Reg 19 response.

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