

Bristol City Council's response to Inspectors' matters, issues and questions

Matter 10: Biodiversity and Green Infrastructure

This statement sets out the council's response to the Inspectors' matters, issues and questions regarding biodiversity and green infrastructure matters.

Council's introduction

The Inspectors' questions are shown below in ***bold italics*** with a border, following any preamble to the question also in ***bold italics***. The council's responses are shown in normal typeface below the Inspector's questions.

Suggested main modifications arising from the Inspectors' questions are set out in grey tint boxes.

Responses to Inspectors' questions

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?

Council's response

1. The plan's approach to biodiversity is consistent with paragraph 179(a) of the NPPF (September 2023).
2. The hierarchy of international, national and locally designated sites of importance for biodiversity are identified and safeguarded by policy BG2 and shown on the Policies Map.
3. Wider ecological networks, wildlife corridors, stepping stones and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation are addressed more generally by policy BG1, which states that development should take all available opportunities to connect to, or enhance the integrity of the Nature Recovery Network and wider ecological networks (similar references are made in policy BG2). In the terms of this, paragraph 9.1.11 of the explanatory text refers to the preparation of a Local Nature Recovery Strategy (LNRS), to be supplemented in due course by more detailed local ecological network mapping for Bristol.
4. The West of England LNRS was launched in November 2024. Following the launch, which clarified the scope and content of the LNRS, a main modification is required to paragraph 9.1.11 to ensure that policies BG1 and BG2 reference the correct and most relevant ecological network mapping and constitute an effective

approach. This has been added to the schedule of suggested main modifications (EXA002):

~~9.1.11 Wider ecological networks are reflected in the West of England Nature Recovery Network, which will be supplemented in due course by more detailed local ecological network mapping for Bristol. These will form a part of a future Local Nature Recovery Strategy for the area.~~

9.1.11 For the purposes of policies BG1 and BG2, the 'Nature Recovery Network and wider ecological networks' comprise:

- Sites designated for their nature conservation value;
- Areas of importance for biodiversity and focus areas for nature recovery defined by the West of England Local Nature Recovery Strategy; and
- Local ecological networks, including those currently identified and mapped by the council as Wildlife Corridors¹, which will be superseded in due course by detailed local ecological network mapping for Bristol.

5. The local plan does not map all aspects of Bristol's ecological network in detail. To do so would not be an effective approach, as it would not allow for the further development of the LNRS and local ecological network mapping over the course of the plan period. Instead, the local plan makes appropriate cross-references to ensure that decision-making continues to take account of any future updates.

Q10.1 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?

Council's response

6. In addition to overarching references in policy BG1, most of these requirements are addressed by policy BG2, which states that development will be expected to take all available opportunities to connect to or enhance the integrity of the Nature Recovery Network and wider ecological networks and promote the restoration of priority habitats and the recovery of priority species, including through the provision of new and the enhancement of existing green and blue infrastructure.

7. The requirement in relation to net gains is met by policy BG3, which reflects the mandatory biodiversity net gain regime that is now in place, and by the urban greening factor standard set for major development by policy BG1, which will ensure net gains for biodiversity even on sites exempt from biodiversity net gain.

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?

¹ [Bristol - Pinpoint local information](#)

Council's response

8. The policy articulates the range of green infrastructure that development should include, and requires planning applications to be accompanied by a Green Infrastructure Statement setting out how the proposed development will address the provisions of the policy. This approach allows a tailored green infrastructure solution to be designed for each site, and is comparable to existing approaches used in other areas of national and local planning policy, including the mandatory requirement for planning applications to include Design and Access Statements, and the existing requirement in policy BCS13 of the Core Strategy (DPD001) for the submission of Sustainability Statements setting out how the requirements of the policy will be addressed.

9. As well as the overarching requirements set out in the first part of the policy, BG1 incorporates a specific Urban Greening Factor standard which helps to quantify the amount of green infrastructure required. It is supported by further policies which make specific, quantifiable provisions, including policy BG3 (in relation to Biodiversity Net Gain) and policy BG4 (in relation to trees).

Q10.2 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?

Council's response

10. Paragraphs 9.1.1-9.1.9 of the local plan, which precede policy BG1, address the role of the local plan in implementing the Bristol's One City Ecological Emergency Strategy, which commits to managing at least 30% of land for the benefit of wildlife by 2030. This requires policy approaches at a strategic level (paragraph 9.1.3) and at a site level (paragraph 9.1.4).

11. The Urban Greening Factor is part of a suite of nationally described standards promoted by Natural England². The Urban Greening Factor target scores set by policy BG1 are consistent with those suggested by the Urban Greening Factor for England User Guide.

12. The use of other standards is described as voluntary. Paragraph 9.1.17 of the explanatory text clarifies that applicants for planning permission can make use of other standards where it would help them to demonstrate compliance with the policy. For instance, a Building with Nature assessment might be incorporated within a Green Infrastructure Statement submitted in accordance with policy BG1 as a way of demonstrating, in a structured way, that the requirements of the policy have been met. The validity of any given standard will be assessed at the planning application stage, and their consideration would not supersede any specific requirement within policy BG1 such as the target score for the Urban Greening Factor.

Q10.2 c) How do the Green Infrastructure Standards requirements relate to the issue of Biodiversity Net Gain?

² [GI Standards](#)

Council's response

13. The standards work alongside each other, one with an emphasis on nature and one with an emphasis on providing the wider functions of green infrastructure. Green infrastructure provided on site to meet the Urban Greening Factor standard set out in policy BG1 may, if it meets the relevant requirements, also contribute to a site's 'post-development' biodiversity value for the purposes of Biodiversity Net Gain, and vice versa.

14. Meanwhile, applying an Urban Greening Factor standard to major development will ensure that an element of green infrastructure is incorporated even on sites not subject to Biodiversity Net Gain requirements.

Q10.2 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?

Council's response

15. The policy approach to artificial grass within landscape schemes or as part of private or communal outdoor space within a development is just one element of the local plan's wider approach to biodiversity as set out in response to Q10.1(a) above. A development that incorporates artificial grass as part of its landscape scheme is not taking the available opportunities to maintain, protect, enhance and restore ecological networks as sought more generally by policies BG1 and BG2.

16. Biodiversity Net Gain is also just one element of the local plan's wider approach to biodiversity. Meeting Biodiversity Net Gain requirements does not obviate the need to meet other policy requirements in relation to biodiversity and green infrastructure or the wider need to maintain, protect, enhance and restore ecological networks.

17. The policy as drafted refers to private and communal *open* space when it should specify outdoor space (as in Policy DC1). A main modification is suggested to correct this reference:

Policy BG1 Policy Text, 5th paragraph

Artificial Grass

Developments should not include artificial grass within their landscape schemes or as part of the provision of private or communal ~~open~~ outdoor space.

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?

Council's response

18. Policy BG2 is 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(a) of the NPPF (September 2023).

19. Consistent with paragraphs 175 and 179 of the NPPF, policy BG2 sets out the hierarchy of designated sites and offers a specific policy response at each level.

20. Through its wider provisions in relation to survey and mitigation, the policy ensures that any potential impact on nature conservation and recovery as a result of development can be addressed, whether or not any given site is specifically designated for its biodiversity value. Development is also expected to take the opportunities available to enhance ecological networks.

Q10.3 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?

Council's response

21. The approach to harm and mitigation set out in policy BG2 is consistent with the mitigation hierarchy set out in paragraph 180(a) of the NPPF. In the first instance, the policy requires development to be designed and sited to avoid any harm to identified habitats, species and features of importance (the avoidance stage of the hierarchy). Otherwise, where the loss of nature conservation value is unavoidable, development is expected to provide appropriate mitigation on-site or, failing that, off-site (the mitigation and compensation stages of the hierarchy). The policy then confirms that development which will result in significant harm to biodiversity which cannot be appropriately mitigated will not be permitted.

22. The reference to Biodiversity Net Gain makes clear that, for protected sites and species, any mitigation or compensation required to comply with legislation and/or policy BG2 does not count towards any net gains calculated for the site. This is to ensure that the protected species or biodiversity interest is not lost in favour of more general habitat provision under Biodiversity Net Gain requirements.

Q10.3 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?

Council's response

23. The policy as written sets out a clear presumption against development that would result in the loss or deterioration of irreplaceable habitats, using the same language as paragraph 180(c) of the NPPF. For the local plan level, it is not considered misleading to omit the reference to 'wholly exceptional reasons' which are, by their nature, wholly exceptional and appear linked to high level and national matters. In these rare circumstances the exception provided by paragraph 180(c) of the NPPF would continue to apply. That said wording could be added to reference the nature of wholly exceptional circumstances, expanding paragraph

Q10.3 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)?

Council's response

24. Paragraph 180(a) of the NPPF also refers to 'significant harm' to biodiversity. In application, the paragraph does not discriminate between local wildlife sites and those with a higher order designation.

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

Council's response

25. SNCIs are agreed by the Local Sites Partnership in a process separate to the development of the local plan. While many of the sites presently identified as SNCIs have been so designated for many years, they are reviewed by the Local Sites Partnership as and when site circumstances change. The SNCIs agreed by the Local Sites Partnership, for which the master record is held by the Bristol Regional Environmental Records Centre (BRERC), are then translated into policy by the local plan and shown on the Policies Map.

26. The main modification previously included in the schedule of proposed main modifications (EXA002) applies the latest updates to the boundaries of four SNCIs as agreed by the Local Sites Partnership. In doing so, this addresses the representations previously made on SNCI boundaries by Bristol Port Company and the Northern Slopes Initiative.

Policy BG3: Achieving biodiversity gains

The PPG³ 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?

Council's response

27. Paragraph 174(d) of the NPPF (September 2023) states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 179(b) adds that plans should identify and pursue opportunities for securing measurable net gains for biodiversity.

28. By including a policy on Biodiversity Net Gain (BNG), the plan follows this approach. As set out in the council's response to PQ130 (EXA024), the council considers there are benefits to this in terms of totality of coverage and interactions with other biodiversity policies. A similar approach is found in the Bath & North East

³ Paragraph 74-006-20240214

Somerset Local Plan Partial Update, which includes a policy on Biodiversity Net Gain (NE3a)⁴.

29. As originally published, policy BG3 required the submission of a Biodiversity Gain Plan alongside planning applications. However, this does not correctly reflect the statutory framework for BNG (which was published after the local plan), under which Biodiversity Gain Plans are submitted after planning permission has been granted. A modification to this effect was previously included in the schedule of suggested main modifications (EXA002). However, as set out below, the council is now proposing a more extensive modification to the policy text to update the policy approach more thoroughly.

30. The statutory framework for BNG is summarised in the national Planning Practice Guidance⁵. In January 2025 the council published a BNG Practice Note⁶, which provided detailed guidance on the application of BNG in Bristol in the existing and emerging policy context. Under the approach set out in the practice note, applicants are requested to submit a Biodiversity Net Gain report at the planning application stage – a requirement which has now been embedded in the council's validation checklist for planning applications.

31. The BNG report is the means by which applicants are expected to provide the information required at this stage by the statutory framework, with some additions that enhance the information available to decision-makers, such as an indication of how additional units, if required, will be achieved through off-site habitat provision, unit purchase or credit purchase. The most effective approach to BG3 would be for it to reflect these requirements, which are already being implemented in Bristol in the existing policy context.

32. The following revised wording has been added to the schedule of suggested main modifications (EXA002), superseding the earlier suggested modification. As modified, the policy is considered to be consistent with the statutory framework. It incorporates the mitigation hierarchy, references the Defra metric and sets a BNG requirement of 10% consistent with the national requirement. Habitat creation and enhancement is required to be maintained for 30 years after the development is completed. On-site net gain is sought in the first instance, followed by off-site net gain, with the purchase of Biodiversity Credits as a last resort.

Policy BG3, policy text, 2nd to 4th paras.:

Development proposals subject of the provisions of the Environment Act 2021 will be required to achieve a minimum of 10% biodiversity net gain. Developments will be encouraged to secure greater than the minimum level.

Development proposals should demonstrate through a Biodiversity Net Gain report submitted at the planning application stage:

- How the Biodiversity Gain Hierarchy has been applied;
- The pre-development and post-development on-site biodiversity value, calculated using the latest Defra metric; and

⁴ [Local Plan Partial Update: Adoption documents | Bath and North East Somerset Council](#)

⁵ [Biodiversity net gain - GOV.UK](#)

⁶ [Bristol City Council Biodiversity Net Gain Practice Note](#)

- An indication of how additional units, if required, will be achieved through off-site habitat provision, unit purchase or credit purchase.

The Biodiversity Net Gain report should include all the information required at the planning application stage by the statutory framework.

~~Using the Defra Biodiversity Metric, or latest nationally endorsed metric, proposals must demonstrate their ability to achieve biodiversity net gain through a Biodiversity Gain Plan which is required to be submitted alongside a planning application. This will set out:~~

- ~~• Steps taken to avoid and minimise the adverse effects of the development on habitats;~~
- ~~• Identification of pre- and post-development onsite biodiversity value;~~
- ~~• Details of registered offsite biodiversity value allocated to the development and biodiversity credits purchased; and~~
- ~~• Other information that may be required by other and/or prevailing regulations.~~

~~The Biodiversity Gain Plan will set out how the condition of any habitat creation and enhancement will be maintained for at least 30 years after development is completed.~~

Policy BG3, explanatory text, paras.9.1.27-9.1.29:

9.1.27 The Environment Act 2021, biodiversity net gain regulations and national policy requires local plans to minimise impacts on biodiversity and pursue opportunities for securing genuine and measurable net gain. The Environment Act specifically mandates the delivery of a 10% gain in habitat value through a Biodiversity Gain Plan.

9.1.28 The statutory framework for biodiversity net gain is summarised in national Planning Practice Guidance⁷. Following the grant of planning permission, the Biodiversity Gain Plan must be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of development.

9.1.29 The statutory framework also requires the submission of certain information at the planning application stage. In Bristol, this is achieved through the submission of a Biodiversity Gain report. Further information is set out in the council's Biodiversity Net Gain Practice Note⁸.

~~9.1.28 The latest Defra biodiversity metric (or prevailing metric in national policy) can be used to consider existing pre-development biodiversity values, the impacts of development and the net gains that can be achieved. This enables calculation of losses and gains by assessing habitat, in terms of distinctiveness, condition, strategic significance and extent. The council will be preparing further guidance to take account of the West of England Biodiversity Net Gain guidance.~~

~~9.1.29 Where there is evidence that the existing biodiversity value of the site has been degraded through specific activities carried out on the site (other than those authorised through, for example, the grant of a prior planning permission), the existing pre-development biodiversity value should be calculated based on the condition of the site immediately prior to those activities (consistent with the~~

⁷ [Biodiversity net gain - GOV.UK](https://www.gov.uk/guidance/biodiversity-net-gain)

⁸ [Biodiversity Net Gain for major development and small site planning applications](#)

Environment Act 2021, this applies to any activities carried out on or after 30 January 2020).

Q10.5 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?

Council's response

33. The biodiversity gain hierarchy is a specific set of principles not related to the more general mitigation hierarchy implemented by policy BG2. For clarity, the policy text should be modified to make clear that this is the case. Consequentially to the modifications to policies BG1 and BG3 suggested in response to Q10.1 and Q10.5(a) above, modifications are also required to remove the reference to Biodiversity Gain Plans and add a reference to wider ecological networks.

34. The policy does not conflict with paragraph 180 of the NPPF (September 2023). In particular, it states that proposals which affect statutory designated sites for nature conservation must ensure that biodiversity net gain is delivered *in addition* to any existing requirements for mitigation, and that impacts on irreplaceable habitats cannot be mitigated by biodiversity net gain.

35. The following revised wording has been added to the schedule of suggested main modifications (EXA002). The wording also includes a modification suggested in response to Q10.5(c) below.

Policy BG3, policy text, 'Biodiversity Gain Mitigation Hierarchy' section, 1st to 4th paragraphs and first bullet list:

Biodiversity Gain Mitigation Hierarchy

All development required to provide biodiversity gain will be expected to provide appropriate mitigation and compensation in accordance with the biodiversity gain mitigation hierarchy.

Only where a development proposal cannot prevent and/or minimise loss to biodiversity using avoidance measures, and this has been clearly demonstrated through a Biodiversity Gain Plan report, will habitat remediation and compensation measures be appropriate.

Biodiversity remediation and compensation (through habitat creation, restoration and enhancement) should be provided on site, avoiding, ~~where possible,~~ harm to existing designated and non-designated habitat and species features of conservation value in accordance with policy BG2 and the requirements of national planning policy.

If it is demonstrated that the required level of biodiversity net gain cannot be achieved within the site, alternative measures to deliver biodiversity gain through compensation will be appropriate. These may include:

- Off-site biodiversity gain in a location as close as feasible to the site that would contribute to the ~~Nature Recovery Network~~ Local Nature Recovery Strategy and, where possible, have a meaningful ecological relationship to the development, comprising the creation or enhancement of habitats on another site or the purchase of biodiversity units from habitat banks.
- As a last resort, if no suitable off-site location can be found, habitat payment compensation through the Biodiversity Credits scheme.

Policy BG3, explanatory text, para.9.1.30:

Biodiversity Gain Mitigation Hierarchy

9.1.30 In order to minimise harm and maximise benefits for biodiversity resulting from development, the biodiversity gain ~~mitigation~~ hierarchy should be followed. This seeks to avoid impacts to existing biodiversity, mitigate unavoidable impacts where these occur, and finally to compensate for residual impacts if and where these remain.

Q10.5 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?

Council's response

36. As set out in the council's response to PQ11 (EXA024), the phrase 'will be encouraged' generally refers to a type or form of development which can be supported provided it is otherwise consistent with local plan policies. The inclusion of such a type or form of development would be material in a decision having been identified by the local plan as appropriate to be encouraged in a specified context or at a specific location.

Q10.5 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?

Council's response

37. For clarity the policy should be modified to replace the general reference to 'where possible' with a specific reference to policy BG2 and the requirements of national planning policy. This has been incorporated into the suggested modifications shown in response to Q10.5(b) above.

Q10.5 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?

Council's response

38. Yes, for consistency with the statutory framework. However, as set out in response to Q10.5(a), the modification in question has been superseded by more extensive suggested modifications to policy BG3.

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).

Council's response

39. Policy BG4 states that development which would result in the loss of ancient woodland or ancient or veteran trees will not be permitted. Subject to the modification set out below, this is consistent with policy BG2 which states that development resulting in the loss or deterioration of irreplaceable habitats will not be permitted. As set out in response to 10.3(c) above this is also considered to be consistent with paragraph 180(c) of the NPPF.

40. For clarity and for consistency with policy BG2 and the NPPF the words 'or deterioration' should be added to the policy. This has been added to the schedule of suggested main modifications (EXA002).

Policy BG4, policy text, 'Protection and replacement of trees' section, second paragraph:

Development which would result in the loss or deterioration of ancient woodland or ancient or veteran trees will not be permitted.

Q10.6 b) How have the tree compensation requirements been derived and are they justified?

Council's response

41. The tree compensation standard set out in the table continues an existing policy approach that has been in place for many years, currently set out in adopted policy DM17 (DPD002). The standard reflects the value of trees as multifunctional green infrastructure assets, with the level of compensation increasing in proportion with the size of any existing trees to be lost.

42. Currently the tree compensation standard table refers to trunk diameter measured at 1.5 metres above ground level. This is the survey height currently used by BS 5837 'Trees in Relation to Design, Demolition and Construction' (2012), which is the relevant British Standard for arboricultural surveys (as currently referenced in the supporting text to DM17).

43. BS 5837 is in the process of being updated, as summarised in a recent note by the Arboricultural Association⁹. The updated standard is expected to refer to the diameter of trees being measured 'at breast height' instead, which is generally understood to mean about 1.3 metres.

44. To ensure that policy BG4 follows industry practice and operates in a simple and effective manner, a modification is required to the table to reference the British Standard rather than a specific, prescribed height of 1.5 metres. This has been added to the schedule of suggested main modifications (EXA002).

Policy BG4, policy text, modify header to tree compensation standard table:

Trunk diameter of tree lost to development (cm measured at 1.5 m in line with BS 5827 'Trees in relation to design, demolition and construction')

⁹ [BS 5837 Workshop Content \(Arboricultural Association, 2024\)](#)

Q10.6 c) Is the relationship between this policy and those relating to biodiversity net gain clear and unambiguous?

Council's response

45. The policy confirms that the tree compensation standard and biodiversity net gain requirements operate independently. In cases where the tree compensation standard is already met through compliance with biodiversity net gain requirements, no further action is required in relation to the tree compensation standard. However, where this is not the case, either due to development being exempt from biodiversity net gain or through biodiversity gains being provided through a different habitat type, the tree compensation standard will still need to be met.

Q10.6 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?

Council's response

46. For clarity, the paragraph should be amended to confirm that it only applies to trees that are being provided off-site. This has been added to the schedule of suggested main modifications (EXA002).

Policy BG4, policy text, final paragraph:

Replacement trees provided off-site should be located as close as possible to the development site.

Q10.6 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?

Council's response

47. The proposed approach is similar to that set out in the statutory framework for biodiversity net gain, in which applicants are required to make a statement on any habitat degradation that has taken place prior to the application for planning permission.

48. It is anticipated that that the provision set out in paragraph 9.1.38 would be a relatively rarely used provision. Its principal purpose is to deter intentional degradation of trees prior to the submission of a planning application. Where the provision was applied, it would be applied based on the best evidence available such as photographic records, with a judgement taken as to the appropriate level of compensation for the trees already lost. It is not considered that moving the reference to the policy text would make it more effective.

Q10.6 f) Is the suggested main modification to the table, as set out in EXA002.1, necessary to make the Plan sound?

Council's response

49. To ensure that policy BG4 operates in a simple and effective manner, it is considered appropriate for the minimum tree diameter referred to by the tree compensation standard to align with biodiversity net gain requirements and conservation area notification requirements, both of which are 7.5cm.

Policy BG5: Biodiversity and access to Bristol's waterways

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

Council's response

50. The policy continues existing approaches from adopted local plan policies DM22 (DPD002), BCAP22 and BCAP32 (DPD003). The policy responds appropriately to national planning policy requirements in relation to ecological networks and biodiversity net gain and, in doing so, complements policies BG1 and BG3. It also ensures that development maintains or provides long-term safe access to waterways for essential survey and maintenance.

Policy BG6: Private gardens

Q10.8: Is Policy BG6 justified, effective and consistent with national policy, including:

a) How does this policy relate to Policy DC1's objective for development to incorporate high quality safe and usable private amenity space?

Council's response

51. Policy DC1 seeks to ensure that new development makes appropriate provision for high quality, safe and usable private amenity space.

52. Policy BG6 complements this approach by, as a starting point, resisting new development on private gardens. The policy sets out certain limited circumstances within which development on private gardens may be acceptable. Policies BG1 and DC1 would be applicable to any development permitted under policy BG6, ensuring some provision for private amenity space and green infrastructure as part of the new development.

53. Policy BG6 is a response to NPPF September 2023 paragraphs 71 and 124 and Planning Practice Guidance Natural Environment paragraph 004.

Q10.8 b) The requirement to retain an 'adequate' area of garden space only applies to the extension of a single house. Why is the provision of an 'adequate' amount of garden space not relevant to any other form of development?

Council's response

54. The policy continues an existing approach from adopted policy DM21 (DPD002). It sets out certain limited circumstances within which development on private gardens may be acceptable, which in some cases support a change to the existing character of a site as described at paragraphs 2.21.3 - 2.21.4. Policies BG1 and DC1 would be applicable to any development permitted under policy BG6, ensuring some

provision for private amenity space and green infrastructure as part of the new development.

Q10.8 c) On what basis would the Council determine the adequacy of retained garden space? Is the policy clear and unambiguous in this regard?

Council's response

55. The policy continues an existing approach from adopted policy DM21 (DPD002). In the limited circumstances in which development is permitted, the council will assess the adequacy of the retained garden space on a case-by-case basis, having regard to considerations such as the size of the existing dwelling and the location and layout of the retained garden space. Policy DC1 would assist in determining adequacy of retained outdoor space.

Policy BG7: The St. Paul's green link

Q10.9: Is Policy BG7 justified, effective and consistent with national policy?

Council's response

56. The policy continues an existing approach from adopted local plan policy BCAP24 (DPD003) and complements the wider principles for delivering well-designed, inclusive places set out in policy DPM1. In so far as the approach relates to the Frome Gateway area of growth and regeneration, it is also embedded in policy DS5 and the Frome Gateway Spatial Regeneration Framework (EXA011).

Issue 10.2: Whether the Plan's policies on open space and green infrastructure are justified, consistent with national policy and effective.

Q10.10: Is the Plan positively prepared and consistent with national policy in terms of open space provision?

In this regard have the policies been based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision, as set out in paragraph 98 of the NPPF?

Council's response

57. The Local Plan is supported by the evidence in the Parks and Green Space Strategy – Main Document and Appendix March 2024 (REL008 and REL008a). This document provides evidence for open space matters including provision levels and standards for open space in quality, quantity and distance. This strategy replaced an earlier Parks and Green Space Strategy which informed the current local plan and the preparatory stages of the new local plan.

58. The policies and designations of the local plan provide for a network of high quality open spaces in the city. Various policies seek to retain and accommodate the needs for open space:

- Policy GIA addresses open space provision for recreation associated with new development.
- Policy GI2 'Reserved Open Green Space' gives protection for identified open spaces in the city alongside Policy GI1 Local Green Spaces. The Reserved Open

Green Spaces include recreational facilities (Sports Pitches/Fields) as explained in the Local Green Space and Reserved Open Green Space Topic Paper (November 2023) (TPC005). Both policies give protection to open spaces with recreational roles and also contain policy wording to allow for ancillary development which enables provision of recreational facilities ancillary to recreational open spaces uses.

- The plan also includes community facilities policies which address provision and retention of sport and recreation facilities, including playing fields. Policy CF2 'Retention of Community Facilities' specifically ensures that facilities such as sport and recreational facilities are retained.
- Various development strategy (DS1, DS1A, DS2, DS3, DS4, DS5, DS6, DS7, DS8, DS9 and DS14) policies include provisions for new, enhanced and retained open space where stated.

Policy GI A: Open space for recreation

The Council's response to PQ132 states that the Parks and Green Space Strategy (2024)¹⁰ sets out provision standards for open space in terms of quality, quantity and distance.

Q10.11: Is Policy GIA justified, consistent with national policy and effective? In particular:

a) Is the policy clear and unambiguous about how the scale, type and quality of open space that would be required to support new development?

Council's response

59. The policy is supported by guidance provided in the Parks and Green Space Strategy March 2024 (REL008) and its Appendix (REL008a). This document has recently been updated replacing a 2008 strategy.

60. The Parks and Green Space Strategy 2024 provides the guidelines to which the policy refers, setting out provision standards for open space in terms of quality, quantity and distance. These are found on pages 14-16. To identify the appropriate level of open space needed to be provided applicants would refer to the Parks and Green Space Strategy and consider how the proposal would impact open space provision having regard to the standards set out in that document and also considerations such as those referred to in paragraph 9.2.7 of the policy's explanatory text.

61. This approach is similar to current local plan policy DM16 'Open Space for Recreation' (DPD002) which refers to standards (the plan's Appendix 1 page 93) which are the standards in the Parks and Green Spaces Strategy 2008.

Q10.11 b) Is it justified or effective to defer this to guidelines set out in other the Council's strategies, including the Parks and Green Space Strategy (March 2024)?

¹⁰ Documents REL008 and REL008a

Council's response

62. The approach set out in the policy is considered the most appropriate way to provide suitable and sufficient detail to understand the provision of open space provision for development. The strategy referred to has been subject to public consultation. The web site¹¹ containing the strategy includes information on the guideline standards. It states:

'Open space for recreation provision standards

The strategy also adopts a revised approach to pdf minimum standards for publicly accessible open spaces in Bristol (pdf, 2.14 MB), an important function in support of the Local Plan.

These standards help to ensure that there is sufficient, good quality open space to meet the needs of Bristol's population and maintain ambitious targets for open spaces while being grounded in realistic delivery.'

63. In accordance with NPPF September 2023 paragraph 35 the policy is intended to ensure that a sufficient quantity, quality and proximity of open space for recreation is available to serve new development.

Q10.11 c) To be effective, should the open space standards set out in the Parks and Green Space Strategy be included in the Plan?

Council's response

64. The council has suggested a main modification to include wording within the policy specifically naming the Parks and Green Space Strategy.

65. Policy text sets out the approach of ensuring a sufficient quantity, quality and proximity of open space and makes reference to the relevant guidelines. Guideline standards are not and cannot be applied rigidly as explanation paragraph 9.2.7 makes clear. The use of appropriate guideline standards set out in another materially relevant public document is considered appropriate in the circumstances of this policy.

Q10.11 d) Is the suggested main modification to paragraph 9.2.6 set out in EXA002.1 necessary make the Plan sound?

Council's response

66. The additional wording specifically mentioning the Parks and Green Space Strategy is necessary for completeness and for linking the policy to the now published strategy. The wording will allow the plan to be suitably effective by providing decision makers and developers specificity over which of the council's strategies relates to open space guidelines.

Policy GI1: Local Green Space

Paragraph 101 of the NPPF states that designating land as Local Green Space (LGS) should be consistent with the local planning of sustainable development

¹¹ [Bristol parks and green space strategy](#)

and complement investment is sufficient homes, jobs and other essential services. Paragraph 102 states that LGS should only be designated where the space is in reasonably close proximity to the community it serves, demonstrably special to a local community and holds a particular local significance and is local in character and is not an extensive tract of land. Paragraph 103 states that policies for managing development within a LGS should be consistent with those for Green Belts.

Q10.12: Are the LGS identified under Policy GI1 justified and consistent with paragraphs 101 and 102 of the NPPF? Have they been identified using a robust and proportionate evidence base?

Council's response

67. The Local Green Space and Reserved Open Green Space Topic Paper (TPC005) details that land was only proposed where it was shown to be in line with government policy. While the criteria in national policy are to be met the Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space paragraph 13 indicates that whether to designate land is a matter for local discretion.

68. Whilst neither the NPPF nor the planning practice guidance specifically refer to a robust or proportionate evidence base for this particular area of national policy, the topic paper describes the comprehensive evidence-based approach for consideration of Local Green Space and details the approach to community engagement, how the policy is in line with the NPPF and how the policy is justified and consistent.

69. Local Green Spaces were only proposed for designation if they were consistent with paragraph 102 of the NPPF September 2023. This is shown on page 3 and 5 of the topic paper, where the council's interpretations of policy are given.

70. The topic paper also shows how Policy GI1 is in line with paragraph 101 of the NPPF. Local Green Spaces were only designated where the designation was in line with sustainable development objectives and were seen to have longevity beyond the plan period. The local plan as a whole identifies sufficient land in suitable locations to meet identified development needs and the proposed Local Green Space designations do not undermine that aim of plan making.

Q10.13: Is there any evidence to suggest any individual LGS would not be consistent with national policy¹²?

Council's response

71. The Local Green Space and Reserved Open Green Space Topic Paper (TPC005) details how Local Green Space designations were only proposed when the areas in question were in conformity with national policy.

¹² We do not expect the Council to respond to this question for every identified LGS. A general response would be adequate regarding any representations made for any specific locations that should be drawn to our attention.

72. This statement does not detail the approach to every proposed LGS. A general response is given in respect of the following proposed Local Green Spaces which were subject of representations:

LGS17004 Fields above Lawrence Weston Moor

73. The representor has argued that the site does not meet the criteria set out in National Policy and in the Local Green Space and Reserved Open Green Space Topic Paper (TPC005).

74. In the existing local plan, the land in question is designated as 'Important Open Space' subject to Policy DM17 of that plan (DPD002). That policy has a similar effect as the proposed policy for Local Green Space. The land is located with the Kingsweston and Trym Valley Conservation Area. It is a Site of Nature Conservation Interest.

75. The land is readily visible from the public domain along Woodgrove Road and is also crossed by a public footpath.

76. The site was assessed against the criteria set out in the NPPF and the NPPG. It was considered to meet the criteria for a Local Green Space. This is addressed in the topic paper.

LGS32011 Stoke Lodge

77. An objection was received to the proposed designation of Stoke Lodge as a Local Green Space.

78. The use and status of the land is locally contentious. This statement does not address the legal status of the land but considers only the planning merits of the proposed Local Green Space designation in the local plan having regard to the criteria for designation and national planning policy and guidance in respect of Local Green Space.

79. The land is owned by Bristol City Council. Cotham School leases the majority and has been used since the previous decade in the most part as school playing fields.

80. Part of the proposed Local Green Space adjacent to Shirehampton Road is a publicly accessible children's playground. The proposed LGS surrounds but does not include Stoke Lodge and its immediate curtilage. Stoke Lodge is a listed building Grade II.

81. Most of the proposed LGS is also a Village Green having been approved as such in June 2023. The register entry is No. VG29 is dated 22/08/2023¹³. The land has been subject of recent legal proceedings where it was contended it should not have been designated as a Town & Village Green. The outcome is awaited.

82. As part of the local plan consultation in 2019 (PCD002b), the land was proposed as Reserved Open Space rather than Local Green Space. As indicated in the Statement of Consultation there were numerous representations from members of the local community that the site met the criteria for Local Green Space designation

¹³ <https://www.bristol.gov.uk/residents/planning-and-building-regulations/town-and-village-greens>

and should be designated accordingly. As noted above, most of the land became a registered Village Green in June 2023. Having regard to the representations and the Village Green status (an indicator for LGS designation as set out in topic paper) the site was proposed as Local Green Space in the Local Plan Publication Version November 2023.

83. The proposed Local Green Space designation is considered appropriate having regard to national planning policy and guidance and the matters set out in the topic paper.

Q10.14: Is Policy GI1 consistent with paragraph 103 of the NPPF? In particular, would the provisions of the policy allow for the forms of development set out in paragraphs 149 and 150 of the NPPF in principle, or other forms of development where 'very special circumstances' exist? Would Policy GI1 be more restrictive than national policy in this respect?

Council's response

84. Policy GI1: Local Green Space is consistent with Paragraph 103 of the NPPF as it reflects national policy on Local Green Space (LGS) designation, aligning with both the NPPF and Planning Practice Guidance (PPG).

85. As a planning designation Local Green Space shares some aspects of Green Belt designation such as its intended permanence (*'capable of enduring beyond the end of the plan period...'* NPPF September 2023 paragraph 101), its protective intent (*'allows communities to identify and protect green areas...'*) and use of the word 'green'. In other respects it is different. Green Belt has identified purposes in national policy, none of which are shared by Local Green Space. Green Belt is strategic and applied to extensive tracts of generally open land regardless of use while LGS is local in character and applied to land that has stated characteristics rather than land seen to serve a wider strategic purpose. National Green Belt policy is highly restrictive but addresses a number of development circumstances relevant to planning for extensive tracts of land which have purposes rather than attributes. For those reasons the policies and decisions to be applied to LGS are to be 'consistent' with Green Belt policy rather than replicating those policies without regard to the characteristics of LGS land and its intent of protecting land of value to local communities.

86. Policy GI 1 is consistent with that for Green Belt in that it serves to retain LGS as open space. It resists development that would harm the LGS's characteristics, appearance or role. In those respects it addresses the reasons it is designated. The policy goes on to allow for ancillary development within Local Green Spaces. This ensures that Local Green Spaces remain protected while accommodating appropriate, proportionate scale supporting development that aligns with their reasons for designation and their character.

Q10.15: Notwithstanding paragraph 103 of the NPPF, where LGS is also open space (as defined by the NPPF) would Policy GI1 be consistent with paragraph 99 of the NPPF?

Council's response

87. There is not thought to be any conflict between NPPF paragraph 99 and paragraphs 101 to 103. Where a green area is designated as Local Green Space, Policy GI 1 would retain it as open space.

Q10.16: EXA002.1 suggested a modification to the Policies Map to include the park known as Filwood Park as a Local Green Space. Is this modification justified and necessary to make the Plan sound?

Council's response

88. It is considered the site meets the criteria created for Local Green Space; therefore to ensure the plan is effective the site should be added as a modification.

Policy GI2: Reserved Open Green Space

Q10.17: Is Policy GI2 justified, consistent with national policy and effective, including:

a) Are areas of Reserved Open Green Space identified on the policies map justified?

Council's response

89. The Local Green Space and Reserved Open Green Space Topic Paper (TPC005) considers the approach to Reserved Open Green Space. The green spaces identified are open spaces of public value.

Q10.17 b) Is the policy consistent with paragraph 99 of the NPPF in relation to the assessment of the loss of open space?

Council's response

90. Paragraph 99 is applicable nationally to existing open space, sports and recreational buildings and land, including playing fields and says they should not be built on unless certain criteria as met. It does not specifically address built development that supports the role of the open space or playing field.

91. Policy GI 2 Reserved Open Green Space is applicable to those green spaces subject of the designation in the local plan. Like paragraph 99 it generally avoids the loss of all or part the open green space with consideration as to whether the open space is still required for its open space function. It also seeks to ensure no deficiency in open space would arise. Proportional ancillary development which supports the role and function of the open green space is allowed for.

Q10.17 c) Paragraph 9.2.16 refers to the policy approach allowing local communities to consider and review the approach to open spaces in their

areas. Does this refer to anything other than review through future Local Plans or Neighbourhood Plans?

Council's response

92. Paragraph 9.2.16 says that ROGSs will be reviewed during future reviews of the local plan and through any new neighbourhood plans.

Policy GI3: Incidental Open Space

Q10.18: Is Policy GI3 justified, consistent with national policy and effective? In particular, is the policy consistent with paragraph 99 of the NPPF in relation to the assessment of the loss of open space?

Council's response

93. The policy is applicable to small spaces of the type and character referred to in paragraph 9.2.20. The approach is consistent with the NPPF.

94. There is a policy with similar scope and intent in the current local plan. Policy DM17 Development Involving Existing Green Infrastructure (DPD002) includes a section on 'unidentified open spaces' which states: 'Development which would result in the loss of open spaces which is locally important for recreation, leisure and community use, townscape and visual amenity will not be permitted'. These spaces are described in paragraph 2.17.4 of that local plan.

Policy GI4: Stapleton allotments and holdings – food growing Local Green Space

Q10.19: Stapleton allotments are identified as Local Green Space. On what basis is a separate policy for this area justified? Is the policy consistent with paragraphs 101, 102 and 103 of the NPPF?

Council's response

95. Stapleton Allotments and Holdings, as designated in Policy GI4, align with Paragraphs 101, 102, and 103 of the NPPF by ensuring the long-term protection of a valued green space as Local Green Space (LGS), particularly in recognition of its special importance for food growing.

96. The Local Green Space proposal for this site was presented as a separate policy during the earlier consultation stages of the local plan (PCD001 and 002). In those consultation stages it was explained that the existing transport safeguarding applicable to that site would no longer be proceeding.

Q10.20: How does Policy GI4 relate to Policy FS3, which seeks to protect allotments? What additional value or purpose does Policy GI4 provide?

Council's response

97. The response to Q10.19 is relevant. Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space paragraph 13 indicates that whether to designate land is a matter for local discretion. The designation and policy is considered appropriate and not out of step with national planning policy.