



Homes
England

The Housing and Regeneration Agency

Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4313

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA). Please accept our sincere apologies for the delay in issuing this response to you, we recognise that our handling of your request has fallen below expectations and outside the statutory time for compliance.

You requested the following information:

Under the Freedom of Information Act 2000 I wish to see the following:

Full copies of all communications (including emails, letters and records of meetings) with Bristol City Council and MPC (MEETING PLACE COMMUNICATIONS LTD) relating to Brislington Meadows dated 29/10/2022 through to 17/04/2023.

Where an email has been identified please disclose the full thread for context. Please also search draft and (where possible) deleted email folders.

Please also include any attachments.

Where a meeting has been identified please include the minutes, agendas and briefing materials along with any information handed out at the meetings.

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





Homes England

The Housing and Regeneration Agency

Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Response

We can confirm that we do hold some of the requested information. We will address each question in turn.

- **Full copies of all communications (including emails, letters and records of meetings) with MPC (MEETING PLACE COMMUNICATIONS LTD) relating to Brislington Meadows dated 29/10/2022 through to 17/04/2023.**

We can confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

To conclude that the information is not held, we have searched with our Planning and Enabling team who would have the requested information if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

- **Full copies of all communications (including emails, letters and records of meetings) with Bristol City Council relating to Brislington Meadows dated 29/10/2022 through to 17/04/2023.**

We can confirm that we do hold the information you have requested. Please find enclosed with this response Annexes A, B, C, D and E, containing a copy of the communications Homes England and our representatives have exchanged with Bristol City Council about Brislington Meadows, between the requested dates. Please note that the annexes have been split to reduce file size, but are presented in chronological order.

Some information has been withheld from disclosure as it is out of scope of your request. We have also withheld some information from disclosure under the following exemptions:





Homes England

Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Section 42 – Legal Professional Privilege

Under section 42(1) of the FOIA Homes England is not obliged to disclose information that constitutes advice sought or given under legal professional privilege (LPP) which protects confidential communications between lawyers and clients which is a fundamental principle of English law.

Section 42 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability and transparency in relation to discussions which may affect the democratic process. Transparency can enhance the quality of discussions and decision making, promoting better understanding and debate.

Arguments in favour of withholding:

- Homes England believes that the argument to maintain the common law doctrine of Legal Privilege is paramount. It is vital that correspondence that constitutes legal advice is withheld in order to safeguard full and frank legal advice, which in turn is fundamental to the administration of justice.





Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/42>

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

The information requested that relates to ongoing discussions and appraisals of options to progress development at this site engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective relationship between all parties and the operation of those parties' commercial activities.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money; and
- Homes England acknowledges there is interest from the public in how we work with our partners in relation to progressing development.

Arguments in favour of withholding:

- The information relates to and directly affects ongoing commercial negotiations that Homes England and the third party are undertaking regarding future proposals at the site. If this information were released it would be likely to disadvantage Homes England's and the council's commercial positions. The parties involved would not be able to negotiate effectively as this information could be used by other third parties to distort or otherwise prejudice the ability of the





Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

council to secure planning permission. This would not be in the public interest as it would put progress at risk and inflate prices. This would negatively affect public money and nullify work already undertaken;

- Some of the information is still subject to approval and options contained within not yet finalised. The consequences of releasing data that is part of wider ongoing proposals could damage our relationships with partners and put potential negotiations and planning at risk. This would not be in the public interest as this could put potential homes in jeopardy and would undermine Homes England's position and ability to deliver against its objectives and targets in our Strategic Plan;
- Releasing the information would be likely to negatively impact future development processes and proposals as interested parties may feel unable to provide all the relevant information necessary to Homes England for fear of disclosure. This would impact the ability of Government officials to make effective, informed decisions regarding allocation of public funds;
- The consequences of releasing data that is part of a wider ongoing application could damage our relationships with partners and put these potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy;
- Disclosing details of a third party's business proposals, processes and information not in the public domain may affect their relationship with other parties, including Homes England, and affect a party's reputation in the market. This would be likely to have a negative impact on the third party's ability to procure works or funding for ongoing development. Releasing information in relation to a third party in a competitive market would be likely to distort competition, making it a less competitive process. This would not be in the public interest as it would be likely to lead to third parties being unable to secure works for market value or be successful in securing approvals for works and services. This would be likely to have a negative effect on future commercial activity. This would not be in the public interest as it would negatively affect Homes England's position as the Government's housing accelerator and our ability to create successful and trusting relationships with partners; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>





Homes England

Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

Information Governance Team

Homes England

Windsor House

6th Floor

42-50 Victoria Street

London

SW1H 0TL

United Kingdom

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link:

<https://ico.org.uk/>





Homes England

Date: 10 October 2023

Our Ref: RFI4313

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England



Not in Scope

From: s. 40(2) (Communications)
Sent: 26 September 2022 16:04
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

No problem! If we can speak Wednesday it would be very much appreciated.

Thanks,
s. 40(2)

OFFICIAL

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 26 September 2022 14:25
To: s. 40(2) (Communications) <s. 40(2)@homesengland.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

I could do 4 to 5pm on Weds instead if that works for you?

Apologies but I don't have too much space in my diary this week.

Very many thanks

s. 40(2)
s. 40(2)

Bristol City Council
External Communications and Consultation
City Hall - PO Box 3399 - Bristol - BS3 9FS

From: s. 40(2) (Communications) <s. 40(2)@homesengland.gov.uk>
Sent: 26 September 2022 13:55
To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)> bristol.gov.uk
Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

I've just seen your note re today's meeting – no problem at all, I hope everything (and everyone) is ok.

Are you free tomorrow or Wednesday at all? It would be good to discuss before Thursday if possible.

Thanks,
s. 40(2)

OFFICIAL

From: s. 40(2) (Communications)
Sent: 23 September 2022 15:33
To: s. 40(2) <s. 40(2)> bristol.gov.uk
Cc: s. 40(2) <s. 40(2)> bristol.gov.uk
Subject: RE: Brislington Meadows

Hi s. 40(2) (and thanks s. 40(2) – I was just about to suggest Monday afternoon so 3pm on Monday would be great, thanks. Teams is good for me, I'll send an invite.

I will also ask our Senior Planning Manager, s. 40(2) to join if that is ok as he is much more familiar with the project than I am.

Thanks,
s. 40(2)

OFFICIAL

From: s. 40(2) <s. 40(2)> bristol.gov.uk
Sent: 23 September 2022 15:09
To: s. 40(2) (Communications) <s. 40(2)> homesengland.gov.uk
Cc: s. 40(2) <s. 40(2)> bristol.gov.uk
Subject: RE: Brislington Meadows

Dear s. 40(2)

Good to hear from you. I'm free 3-4pm on both Mon and Tues next week at the moment.

Would you like to send a meeting invite for within those times?

Teams is best but I can do Zoom if easier for you...

Much appreciated

s. 40(2)
s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 23 September 2022 14:48
To: s. 40(2) (Communications) <s. 40(2)@homesengland.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

s. 40(2) in my team is far closer to this project, so if possible I'll let you and s. 40(2) decide a time, and I'll join you if I can/am needed.

Many thanks
s. 40(2)

From: s. 40(2) (Communications) <s. 40(2)@homesengland.gov.uk>
Sent: 22 September 2022 12:47
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: Re: Brislington Meadows

This Message Is from an External Sender
This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

I'm getting in touch from Homes England's comms team, I hope you're well.

Could we put some time in early next week re the below? I am fairly free Monday and Tuesday?

Thanks,
s. 40(2)

s. 40(2)
Senior Communications Manager



#MakingHomesHappen
We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



From: s. 40(2) (Director, EoP) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 14 September 2022 08:53
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>;
s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows

Good Morning s. 40(2) and s. 40(2)

Further to our discussion on Monday, I have today discussed this with the Mayor's office. As I thought they are likely to wish to comment at the appropriate point and refer to their concerns about the ecological impact of the scheme. It would be helpful to coordinate comms as far as possible – we understand that this is likely to happen now at the end of the month. s. 40(2) is our Head of Comms and I am copying her in.

Best wishes

s. 40(2)

From: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Sent: 09 September 2022 10:23
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) (Director, EoP) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Thank you s. 40(2) A Teams call 11am on Monday works for us.

s. 40(2)

OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 09 September 2022 10:18
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) (Director, EoP) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows

Dear s. 40(2)

I have had a catch up with s. 40(2) this am. s. 40(2) could meet with you on Monday at 11am with some diary juggling, alternatively I can look for a slot later next week.

Please can you advise your preferred option.

s. 40(2)

s. 40(2) s. 40(2)
s. 40(2) - Director for Economy of Place
s. 40(2) Executive Office
s. 40(2) bristol.gov.uk s. 40(2)
Bristol City Council | City Hall | BS1 5TR



Dedicated | Respect | Ownership | Curious | Collaborative

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 09 September 2022 09:40
To: s. 40(2) (Director, EoP) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

This Message Is from an External Sender
This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2) s. 40(2)

Just conscious of time – are you available Monday for a catch up at either of the times below?

Kind regards

s. 40(2)

OFFICIAL

From: s. 40(2)
Sent: 08 September 2022 09:44
To: s. 40(2) (Director, EoP) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

Thank you s. 40(2)

s. 40(2) – keen to get a call in sooner rather than later if at all possible. Few suggested times below:

2pm today (Thurs)
9am or 11am tomorrow (Fri)
Monday 2pm or 4pm

Kind regards

[Redacted]

OFFICIAL

From: s. 40(2) (Director, EoP) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 07 September 2022 13:05
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows

Thanks for the heads up s. 40(2) Can I suggest that s. 40(2) our Head of Development Management joins me and meets with you and s. 40(2) to discuss and we then brief comms colleagues?

Anne could you try and fix a 30 minute meeting please?

[Redacted]

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 07 September 2022 12:24
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) (Director, EoP) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Thanks for getting in touch. I'm copying in s. 40(2) and s. 40(2) our director leads on planning/regen and policy/comms respectively. Also copying in s. 40(2) from the Mayor's office. They will be able to advise on the best way to co-ordinate.

[Redacted]

From: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Sent: 07 September 2022 10:29
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Subject: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Dear s. 40(2)

I hope you're well

As you may now be aware, we will be submitting formal 10 day notice to Bristol City Council of our intention to appeal to the Planning Inspectorate against non-determination of our planning application for the Brislington Meadows site.

Given what we consider is a strong planning case alongside a high-quality landscape-led masterplan, we believe this is the best course of action to try and accelerate housing development.

The notice of our intention to appeal will be submitted today. In line with the Planning Inspectorate process, the appeal itself will be lodged in 10 working days time,

We would like to try and collectively approach external communications around the appeal to ensure messages are managed appropriately. Our intention is to facilitate a meeting for as soon as possible between the appropriate communications contacts within our organisations. Please can you direct us towards the best contact within your communications team to pick this up.

s. 40(2) and myself would be more than happy to have a call with yourself during this period to discuss the process in more detail and/or our approach to communications.

Kind regards

s. 40(2)

s. 40(2)

Head of Planning and Enabling - SW



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

Homes England is the trading name of the Homes and Communities Agency. Our address for service of legal documents is One Friargate, Coventry, CV1 2GN. VAT no: 941 6200 50. Unless expressly agreed in writing, Homes England accepts no liability to any persons in respect of the contents of this email or attachments.

Not in Scope

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 02 November 2022 10:44
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2)@planninginspectorate.gov.uk
Subject: FW: Confirmation of Questionnaire for APP/Z0116/W/22/3308537

Hi s. 40(2)

Please find attached a copy of the Questionnaire I sent to PINS yesterday.

I attach the relevant supporting documents but have not attached the 700+ neighbour reps and many plan policies referenced in the Questionnaire.

Best wishes

s. 40(2)

From: noreply@planninginspectorate.gov.uk <noreply@planninginspectorate.gov.uk>

Sent: 01 November 2022 16:17

To: Development Management <development.management@bristol.gov.uk>

Subject: Confirmation of Questionnaire for APP/Z0116/W/22/3308537

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Appeals Casework Portal

Your Planning appeal questionnaire has been received.

Appeal Details

Questionnaire Receipt Date/Time: 01/11/2022 16:16

Appeal Reference: APP/Z0116/W/22/3308537

Appeal By: Homes England

Site Address: Land At Broom Hill/Brislington Meadows

Local Planning Authority: Bristol City Council

Attached is a copy of your form.

Important Information:

You must send a completed copy of the questionnaire form and supporting documents to the appellant/agent.

All further correspondence should be directed to the Case Officer dealing with the appeal. If forwarding supporting documents by email please send to [Team Email](#). Any correspondence you send to us should clearly state the appeal reference number to avoid any delays.

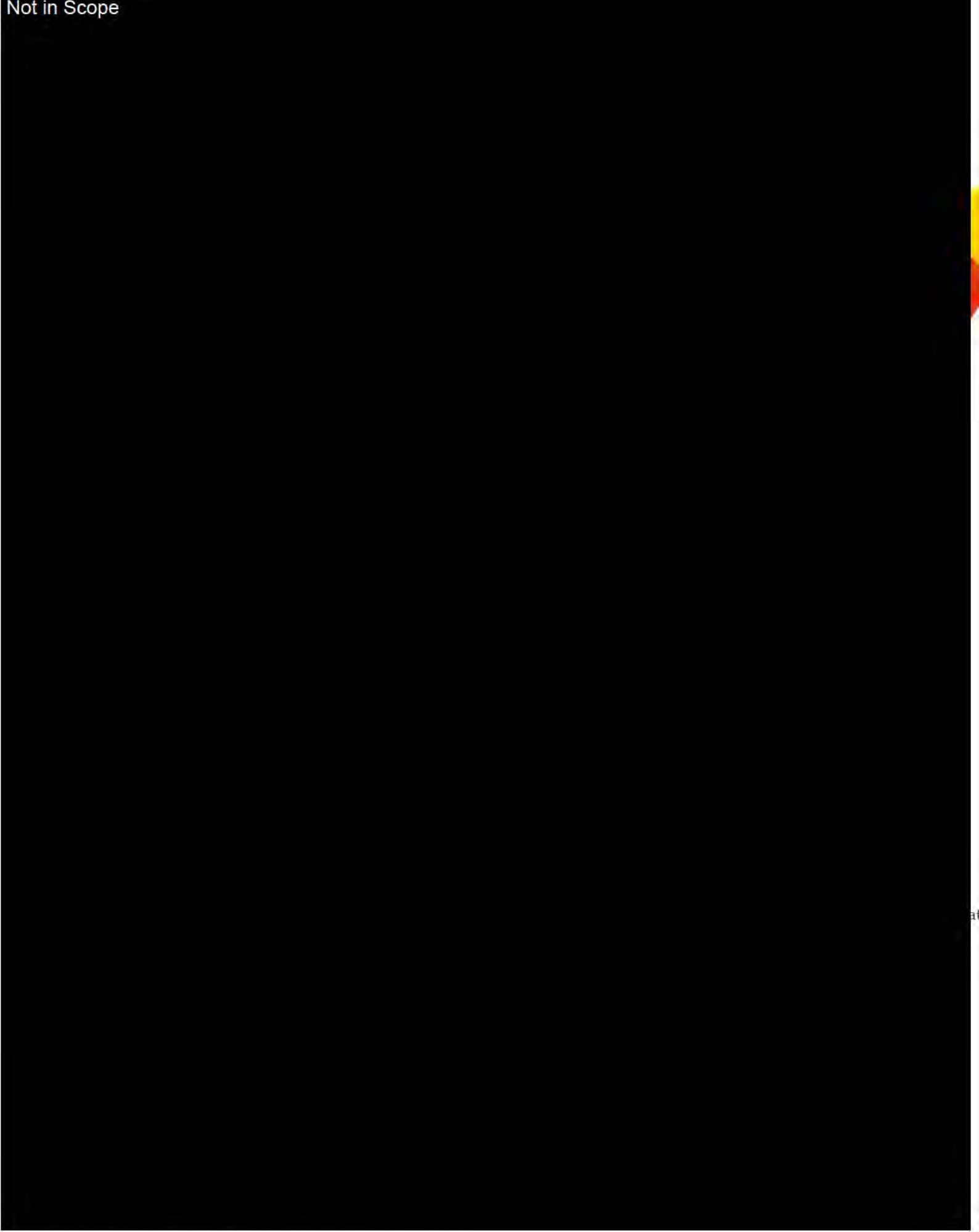
You can view cases online by logging on and looking at your 'Cases in Progress' or by using the 'Search for a case/Submit representation' facility.

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>



From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 07 November 2022 12:05

To: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Cc: s. 40(2) <s. 40(2) lda-design.co.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Good Afternoon s. 40(2)

Many thanks for the extensions as detailed below.

Unfortunately I have just been informed that the Council's Counsel is unable to attend the Inquiry on the 7th, 9th and 10th February.

Is there any chance that these dates could be amended?

Many thanks

s. 40(2)

s. 40(2) s. 40(2)

Development Management
Bristol City Council

E: s. 40(2) bristol.gov.uk
W: www.bristol.gov.uk



From: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Sent: 02 November 2022 14:25
To: s. 40(2) <s. 40(2) bristol.gov.uk>
Cc: s. 40(2) lda-design.co.uk; s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

This Message Is from an External Sender
This message came from outside Bristol City Council, think before opening attachments or clicking links

Good Afternoon s. 40(2)

The Inspector has noted the issues you have with complying with the timetable for the submission of appeal documentation. With this in mind she is prepared to grant and extension until 9 December 2022 following the December Committee date. This will enable matters in dispute between the parties to be specifically focused upon which will aid the work of the Inquiry.

In respect of the case management conference this is on a fixed date of the 14 December for which the Inspector had to change leave to accommodate. The CMC will set out what is expected by the Inspector of each party before, during and after the Inquiry as well the timetables for the submission of further evidence. It is important to establish these parameters early in the process. It is not necessary for the Council's Planning Officer to be present. It could be dealt with by a substitute and it tends to be normal practice that the appointed advocates for each party also attend the CMC which will be carried out on a virtual platform. Therefore, the CMC will go ahead as previously indicated on **14 Dec 2022**.

Christmas is always a busy time and conflicts with holidays have to be managed. However, the Inspector is prepared to extend the deadline for the submission of the Council's proof of evidence to **10 January 2023**.

Please note the above amended submission dates equally apply to the Appellant as to the Council.

There will be no further extensions for the submission of documentation.

The Inspector is also expecting the main parties to be working together in the production of the Statement of Common Ground so that matters in dispute can be further narrowed. Progress with the production of this document will be reviewed at the CMC.

Kind regards

s. 40(2)

s. 40(2)

s. 40(2)

The Planning Inspectorate

Major Casework, 3rd Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

s. 40(2) [planninginspectorate.gov.uk](https://www.gov.uk/government/organisations/planning-inspectorate) |

<https://www.gov.uk/government/organisations/planning-inspectorate> | @PINSgov

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Sent: 01 November 2022 07:00

To: s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>

Cc: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk); s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Subject: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Good Morning s. 40(2)

Sorry for the delay in responding, I have been away on annual leave over the half term break.

I am in the process of completing the Questionnaire and should be able to send it to you later on today or first thing tomorrow.

Further to this, there are a few other difficulties with the attached timeframe which are as follows.

Firstly, the Council cannot provide it's Statement of Case by the 28th Nov. This is because the application will need to go to a Planning Committee meeting so that Officers can advise Members on the recommendation and agree the Council's position. The next available Committee date is the 7th December meaning the absolute earliest I can get the Council's SOC to you is the 9th Dec so therefore please can we agree an extension until then.

Secondly, s. 40(2)

This means I will not be able to attend the planned case management conference between parties on the 14th Dec. Would it be possible for this to be moved to a date after the 19th?

Thirdly, I s. 40(2) I will not be able to provide the Council's proof of evidence by the 3rd Jan. Again please can this deadline be extended until after the 9th Jan?

I do apologise for any inconvenience this may cause but I'm unable to be more flexible s. 40(2)

If the above requests are acceptable please can you confirm the new submission dates at your earliest opportunity.

Many thanks

s. 40(2)

s. 40(2) s. 40(2)

Development Management
Bristol City Council

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

W: www.bristol.gov.uk



Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

[Please take a moment to review the Planning Inspectorate's Privacy Notice which can be accessed by clicking this link.](#)

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

From: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Sent: 09 November 2022 16:49
To: s. 40(2) <s. 40(2) lda-design.co.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>
Cc: s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) lda-design.co.uk>; s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol
Importance: High

Good afternoon,

The Inspector took a pragmatic approach to the request of the Council to extend the submission date for their Statement to the 9 December 2022. The short extension of time was on the basis that this is an appeal against the failure of the Council to determine the above planning application. The confirmation of putative reasons for refusal following the December Committee date would be of considerable benefit to all parties in their preparation for the Inquiry. The matters in dispute may be narrowed which should focus the working of the Inquiry and could save resources on both sides.

The Council is a public body with whom the Inspector has no reason to question the integrity of their request on the basis that they could have dealt with the matter by other means, on a different timescale, than the decision of their elected members.

The Inspector considers, even having taken into account the appellant's submission dated 2 November 2022, there is justification, as set out above, for the requested extension to the submission date. It would further aid the preparation of the appellant's case, the Council's objections being clarified, enabling a more focused counter response. Further, it may save Inquiry time, which is already anticipated to be 12 sitting days. The Statement of Common Ground would certainly benefit, and the Inspector would urge the Council to engage as soon as possible with the appellant in its production, bearing in mind a report to committee, which would be published before the 7 December, would be available. It is anticipated that the bones of the Statement of Common Ground would be in place at the latest by the Case Management Conference (CMC). This is a document which may evolve over the course of preparation of cases and there may also be topic based Statements of Common Ground which could assist the Inspector.

The Inspector agrees with the appellant that the CMC should go ahead on the 14 December 2022 there being no good reason to postpone.

The push back on the Statement submission date would have a knock-on effect for the submission of the proofs of evidence, particularly taking into account the intervening Festive Season, the first unrestricted Christmas for many since 2019. The extra five working days would benefit both parties and was the only reasonable response once the change in the Statement submission date was accepted.

The Inspector has no doubt that the Team representing the appellant are well experienced in undertaking such preparation for a Planning Inquiry of this nature. Responding to the fluctuations in the submission of evidence from both main parties, which can often be very late in the day, close to the start of an Inquiry, and not an uncommon occurrence, is part of the pre-event response. The Inspector appreciates that some extra effort may be required on the part of the appellant but is confident that the extra time given will only benefit the quality and focus of the appellant's case.

The date for the submission of any rebuttals will be set by the Inspector at the CMC but the change in the initial submission date of the Statement will be taken into account in this regard. There will be no countering of rebuttals by either party, in writing, before the Inquiry. Any further rebuttal matters should be dealt with through the questioning of witnesses on the evidence.

The Inspector also understands that the Council's Counsel is unable to attend the Inquiry in the second week. The 'start letter' sent out by the Case Officer dated 24 October 2022, confirmed the validity of the appeal and sets out the dates for the Inquiry. Both the Inspector and no doubt the appellant will have made arrangements to accommodate those dates. They will not change. Therefore, it is for the Council to seek representation to cover the sitting days of the Inquiry and the Inspector will leave that as a matter for the Council to resolve.

In respect of the 12th sitting day, the Inspector cannot do the 6 March 2023. She is hoping that it may be possible to undertake the work of the Inquiry within the timeframe already indicated. However, the date of the extra day can be finalised at the CMC and she will offer dates before then.

Please also note the Inspector will require in advance all proofs and appendices in hard copy, properly paginated and in colour where appropriate, as well as a hard copy of the Core Documents, which should include application and questionnaire documents, to be made available at the venue for her exclusive use. All plans should also be provided in hard copy. A set of location/layout plans at A3 size would also be helpful for use at the site visit. Arrangements for the sending in of proofs etc will be made at the CMC.

Kind regards

s. 40(2)

s. 40(2)

s. 40(2)

The Planning Inspectorate

Major Casework, Third Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

s. 40(2) [planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk) | s. 40(2)

<https://www.gov.uk/government/organisations/planning-inspectorate> | @PINSgov

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 09 November 2022 10:06

To: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>;

s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

s. 40(2)

Is there any update on the below and any confirmation that the Inquiry dates will remain as scheduled in the attached Start Letter?

Please can you also confirm if the Inspector has given any further consideration to the attached email and letter from the Appellant that raised concerns in respect of the Council's requested amends to the appeal timetable?

There have been a number of emails on procedural matters and therefore it would be helpful to clarify dates for the following:

- Issuing the Council's Statement of Case
- Agreement and issuing the Statement of Common Ground
- Exchange of Proofs of Evidence
- Inquiry dates (including confirmation of the 12th day)

We are keen to understand any implications on the preparation of our own evidence as a result of an amended timetable so please can this be clarified asap.

Kind regards

s. 40(2)

s. 40(2)

s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: [http://lda-design.co.uk/](http://lda-design.co.uk)

From: s. 40(2)

Sent: 07 November 2022 15:01

To: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk); s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Both

We note the Local Planning Authority has informed the Planning Inspectorate today that their counsel is unable to attend the inquiry dates scheduled for the week commencing 6th February 2023. The Appellant is not agreeable to these dates being changed. The Appellant's Counsel, who is advising the Appellant in relation to the appeal, has arranged his schedule around the dates notified previously by the Planning Inspectorate and, we understand, he now has a three week planning inquiry following this appeal.

We note that paragraph 1.2.3 of the Planning Inspectorate's Guidance states that:

'The parties must meet the statutory timetables to ensure that no-one is disadvantaged and the appeal can be processed efficiently. Keeping to the timetables is fundamental to an efficient and fair appeals service and we expect everyone to comply with them.'

The Planning Inspectorate issued the Start Letter, setting out the appeal timetable, two weeks ago on 24 October 2022. The Appellant's counsel, in reliance on the notified timetable, has arranged his diary accordingly. The Council have only just appointed Counsel and advised of a clash. We consider the Local Planning Authority's request for inquiry dates to be rescheduled is unjustified and unreasonable. As the Guidance makes clear, the Local Planning Authority is expected to comply with the statutory timetables. Their request is at odds with the Guidance and contrary to the recommendations of the Rosewell Review, which highlights the importance of keeping the inquiry timetable on track.

We therefore, respectfully, request that the Inquiry dates remain as scheduled.

Kind regards

s. 40(2)

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 10 November 2022 07:48
To: s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Cc: s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Sorry I couldn't arrange a meeting sooner in order to discuss the SNCI issue. The 17th is the first available opportunity for s. 40(2) s. 40(2) s. 40(2) and myself to meet with you.

We discussed this SNCI issue in our meeting on Tuesday and a summary is as follows:

- The application site is within the SNCI and this was a consideration back when it was allocated. It was never deregistered and it's status remains a consideration and will need to be applied in an amended BNG assessment and made reference to in the submission/appeal documents.
- BSA1201 and SA1 are the primary policy considerations in the assessment of this application. However, DM19 still remains applicable, but not the section that makes specific reference to the SNCI (we will need to discuss this further on the 17th)

Further to this, the BCC Ecologist has confirmed that the site is within the grassland and woodland network model on the West of England Nature Partnership (WENP) Nature Recovery Network. Link to mapping here [Nature Recovery Network \(arcgis.com\)](#). You need to click the grassland network and woodland network boxes at the side. I think this was picked up in the submitted BNG assessment but please can you confirm this with your Ecological consultant as it may also have an impact on your BNG assessment.

On a separate issue, I am in the process in booking a room for the Inquiry. Please can you confirm how many from your side you think will be attending.

Many thanks and have a nice weekend

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 08 November 2022 18:01
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows
Importance: High

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Please can you provide an update following your meeting today and let us know when officers would be available for a call to discuss.

Thanks

s. 40(2)

s. 40(2)

s. 40(2)

[Redacted]

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2)
Sent: 04 November 2022 11:51
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Thanks for letting us know. Look forward to an update and potential meeting date once you've caught up with colleagues next week.

Enjoy your weekend.

Thanks

s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 04 November 2022 09:52
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

I'm meeting with relevant Council Officers to discuss this issue on Tuesday and will update you shortly after re: a meeting

Have a nice weekend

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 02 November 2022 17:11
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

Please can we proceed to set up a meeting with your BCC colleagues (s. 40(2) s. 40(2) and s. 40(2) in respect of the SNCI issue? We are keen to talk through the Council's position on this in a little more detail and with reference to our consideration of this matter in our appeal statement of case.

We are willing to be flexible on a meeting date / time if you can suggest something that works for officers ASAP? You will appreciate that this is an urgent matter in order to progress the appeal and allow us all to prepare the documents required.

Thanks

s. 40(2)

s. 40(2)

s. 40(2)

[Redacted]

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Sent: 02 November 2022 13:47
To: [s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk) <[s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Subject: RE: Brislington Meadows

Noted [s.40\(2\)](mailto:s.40(2)@lda-design.co.uk) thanks.

I think a meeting will be worthwhile but will confirm.

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

From: [s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk) <[s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 02 November 2022 13:37
To: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Subject: RE: Brislington Meadows

Hi [s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

Not sure if I'm honest, will need to set up a meeting with him to discuss.

I have just received an email from the Bristol Regional Environmental Centre and attach the SNCI boundary they have as their record

Best wishes

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

From: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Sent: 02 November 2022 12:13
To: [s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk) <[s.40\(2\)@bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) <[s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>
Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Thanks [s.40\(2\)](mailto:s.40(2)@lda-design.co.uk) Much appreciated.

What's [s.40\(2\)](mailto:s.40(2)@lda-design.co.uk) view on the conflict between BSA 1201 AND DM19?

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

Director of Planning and Regeneration

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

Kings Wharf, The Quay, Exeter, EX2 4AN

[s.40\(2\)](mailto:s.40(2)@lda-design.co.uk)

email: [s.40\(2\)@lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

LDA Design is independent and proud to be owned by the people who work here. The brilliance of the collective powers what
design.co.uk/

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 02 November 2022 11:43
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2) and s. 40(2)

Good to talk before but sadly not the greatest of subject matters.

In response to your email, sites of nature conservation interest are local wildlife sites identified outside of the local plan process by the Local Sites Partnership. The records of them are maintained by the Bristol Regional Environmental Records Centre and the SNCIs are also shown on the Council's Pinpoint mapping.

s. 40(2) the Local Plan Team Manager has confirmed to me that Allocation BSA1201 was made, knowingly, on a site of nature conservation interest – so it is an SNCI that in this case is allocated for development in the local plan

It may be worth a meeting with s. 40(2) once you have discussed the matter with your team.

The FOI from the Bristol Tree Forum can be viewed here but I also attach the response:

[Deregistration of the SNCI at Brislington Meadows - a Freedom of Information request to Bristol City Council - WhatDoTheyKnow](#)

Once the dust has settled let's set up another meeting to discuss

Best wishes

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 02 November 2022 11:06
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows
Importance: High

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2) – please can you send that by return to inform a meeting we have scheduled for this afternoon.

Thanks

s. 40(2)

Director of Planning and Regeneration

Kings Wharf, The Quay, Exeter, EX2 4AN

s. 40(2)

email: s. 40(2) lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

LDA Design is independent and proud to be owned by the people who work here. The brilliance of the collective powers what
design.co.uk/

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 02 November 2022 10:37

To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: Brislington Meadows

s. 40(2)

Thanks for your time just now. Please can you send over the FOI response discussed **asap**.

For info, please see attached a copy of the Sustainability Appraisal Main Report that underpinned the Local Plan allocations. We refer to this in our Appeal Statement of Case in terms of the SNCI designation.

Link to all the core docs referred to in our submission here - <https://cloud.lda-design.co.uk/index.php/s/ornXg5iFE5Z4K6z/download>

Let me know if you cant access this. Noted how we share these more widely needs to be resolved in time.

Thanks

s. 40(2)

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 03 November 2022 11:48

To: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Cc: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@gmail.com>;

s. 40(2) <s. 40(2)@bristol.gov.uk>

Subject: RE: APP/Z0116/W/22/3308537 - Appeal by: Homes England Site Address: Land At Broom Hill/Brislington Meadows Bristol

All

We had a meeting with the Council yesterday and have offered to set up the document file sharing system. However the Council have told us they need to confirm how to manage this and provide access given their internal file sharing systems and firewall protections and to confirm how they can provide access to the documents to the public. I have cc'd the Bristol case officer for information. We are working with the Council to resolve this.

I can provide a link to the documents for Interested Parties but we have not been notified of who these are formally by PINS.

Kind regards

s. 40(2)

s. 40(2)

s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: lda-design.co.uk/

Not in Scope

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 17 November 2022 07:37
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Morning s. 40(2)

Thanks for this, I have forwarded to the relevant Officers.

s. 40(2) can only stay for the first 30mins so maybe we can focus the first part of the meeting on him as he is the Ecology, Landscape and Tree Officer's manager. I have not received their final comments yet and so cannot really talk much further about their objections at this stage. I am expecting their final comments next week but in the meantime I do have some queries relating to trees and hedgerow issues which it would be could to discuss.

See you later on today

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 16 November 2022 17:23
To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Ahead of our meeting tomorrow, below is our suggested agenda which I hope is helpful in guiding the discussions and what we need to cover:

- SNCI designation and Officers views on the policy position
- Discussion on the outstanding objections and any matters we can clarify or resolve:
 - o Landscape
 - o Trees
 - o Ecology
- Next steps and timescales for preparing the Statement of Common Ground
- Inquiry Procedure
 - o Electronic Document Library

It will just be myself and s. 40(2) joining, alongside s. 40(2) from Homes England.

Thanks

s. 40(2)

s. 40(2)

s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2)

Sent: 15 November 2022 09:32

To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows

Thanks s. 40(2) Noted you wont have their final comments until next week however it would be useful if we could still just touch on the objections in the meeting and our latest response etc.

Look forward to speaking on Thursday.

Thanks

s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 15 November 2022 07:22
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

The tree, ecology and landscape officers will not be joining us on Thursday and I will not have their final comments until the beginning of next week. However, I have invited the City Design manager s. 40(2) to attend so hopefully he can answer any queries on their behalf.

Best wishes

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 14 November 2022 14:45
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Noted the meeting timescales have been extended for Thursday PM. Can you confirm if your nature conservation, landscape or arboricultural colleagues will be joining us?

Thanks

s. 40(2)

s. 40(2)
s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)
email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2)
Sent: 11 November 2022 16:13
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Can you confirm if it will be possible to discuss the further matters below on the call next week? It may mean we need to extend the meeting to 1.5 – 2 hours to give us time to go through everything. Its really important that can discuss this and make any progress on narrowing down issues etc to inform the case moving forwards.

Thanks

s. 40(2)

From: s. 40(2)
Sent: 10 November 2022 10:17
To: s. 40(2) <s. 40(2) bristol.gov.uk>
Cc: s. 40(2) <s. 40(2) lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Thanks for the update following your discussions. We're considering the below with the team and will come back to you.

For the meeting on the 17th November, it would be useful if we could also cover other matters relevant to this appeal:

- Discussion on outstanding objections and our latest response to these – any matters we can resolve:
 - o Trees
 - o Ecology
 - o Landscape
- Confirmation of sharing appeal docs with third parties and public
- Approach to and timescales for agreeing the SoCG

Thanks

s. 40(2)

From: s. 40(2) <s. 40(2) bristol.gov.uk>
Sent: 10 November 2022 07:48
To: s. 40(2) <s. 40(2) lda-design.co.uk>
Cc: s. 40(2) <s. 40(2) lda-design.co.uk>
Subject: RE: Brislington Meadows

Hi s. 40(2)

Sorry I couldn't arrange a meeting sooner in order to discuss the SNCI issue. The 17th is the first available opportunity for s. 40(2) and myself to meet with you.

We discussed this SNCI issue in our meeting on Tuesday and a summary is as follows:

- The application site is within the SNCI and this was a consideration back when it was allocated. It was never deregistered and it's status remains a consideration and will need to be applied in an amended BNG assessment and made reference to in the submission/appeal documents.
- BSA1201 and SA1 are the primary policy considerations in the assessment of this application. However, DM19 still remains applicable, but not the section that makes specific reference to the SNCI (we will need to discuss this further on the 17th)

From: Development Management <development.management@bristol.gov.uk>
Date: 29 November 2022 at 12:25:05 GMT
To: Development Management <development.management@bristol.gov.uk>
Subject: Notification of Committee Meeting - 22/01878/P - Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD

Good Afternoon

Please find attached a letter in connection with the above site.

Kind Regards

Development Management - Growth and Regeneration
Bristol City Council City Hall College Green Bristol BS1 5TR

Please note new address for post only: Development Management, Bristol City Council, PO Box 3399
Bristol BS1 9NE

Tel: (0117) 9223000
development.management@bristol.gov.uk
Web: www.bristol.gov.uk

Confidentiality

Privileged and/or confidential information may be contained in this message and any attachments ("this Email"). If you are not the intended addressee (or responsible for the delivery of this Email), you may not copy or deliver this Email to anyone and you should instead destroy it and are requested to notify the sender of your receipt of the Email immediately. No guarantee is given that this Email is free from viruses and/or that this Email or any reply is secure from interception/corruption. Any opinions, recommendations and other information which do not relate to official business of Bristol City Council are included in this Email on the basis that they are personal to the sender and are neither given nor endorsed by Bristol City Council.

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 06 December 2022 07:46
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: Brislington Meadows UD comments

Morning s. 40(2)


Please find attached consultee comments from the BCC Urban Design Officer.

These comments were received back in Oct and have been taken into account in my Committee Report. I do apologise for not forwarding them earlier on, it just slipped through the net on my things to do list. I have also published to the website this morning

Best wishes

s. 40(2)

CITY DESIGN GROUP	Urban design
Application No:	22/01878/P
Address:	Land At Broom Hill/Brislington Meadows, Broomhill Road, BS4 4UD
Description:	Application for Outline Planning Permission with some matters reserved - 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. Approval sought for access with all other matters reserved.
Case Officer:	s. 40(2)
Date:	19 Oct 2022

No Objection -	NOOBJECT	
No Objection subject to Conditions described below -	CONDITION	
Not acceptable in the current form. See comments suggestions below -	NAICF	
Object, Please see comments below -	OBJECT	

Hello s. 40(2)

Apologies for delay in providing comments on the case. Further information from the applicants and comments from colleagues from ecology, arboriculture, landscape and archaeology disciplines were needed to help formalise the comments from urban design perspective.

The site

The site covers an undeveloped parcel of land known as Brislington Meadows in a suburban location. It is surrounded by suburban housing to north and east, with light industrial/warehouse uses to west and park to the south.

It hosts a number of valuable assets in form of ancient hedgerows, matured vegetation, ecological habitats hosting rich biodiversity, landscape settings, archaeology, and public footpaths.

The proposal benefits from prior pre-application engagement where above-mentioned aspects, need for improved connectivity to the neighbouring areas and design considerations were highlighted.

The comments below build on the prior feedback and information submitted with the planning application.

Movement and connectivity

At the pre-application stage, difficulties with delivery of connection with School Road which was sought by the allocation policy were highlighted. Adverse topography along the short frontage was the key reason preventing the connection. The engagement probed possible options and concluded the benefits of the vehicular link will be outweighed by the harm caused by engineering and enabling works. However, further consideration for strengthening the pedestrian and cycle links to the surrounding areas were emphasised.

The proposal has positively responded to the recommendation by creating links along Bloomfield School. Further, improvements and strengthening of existing pedestrian links to Bonville Road, Belroyal Avenue and School Road are proposed.

The proposed enhancements to pedestrian and cycle connectivity are welcome but the routes remain constrained by unwelcoming/unkept boundaries and settings. Thorough consideration for effective design and management of the connections will be needed at an early stage to address the concerns.

Further consideration also needs to be given to possible pedestrian connection between the western end of site on higher ground and School Road.

Existing features

The site hosts a number of noteworthy features in form of mature ancient hedgerows, mature trees, bio-diversity rich habitats, mature natural landscape settings and archaeological interest. The pre-application feedback emphasised the need to agree baseline position and appropriate response on these aspects with concerned officers at LPA prior to designing the layout.

It is disappointing that the issues relating to these key considerations have not been addressed. The comments from the arboriculture, ecology and landscape officer highlight severe concerns about the excessive disruption of the valued assets.

Thorough reconsideration of the baseline assessment, its interpretation and its retention/enhancement need to be agreed. The applicants are recommended to prioritise resolution of these issues with concerned officers to help establish agreeable baseline position and set parameters for designing the site.

Urban Design considerations

From urban design perspective, the mapping of potential and constraints is essential to determine the context to which the design needs to respond. The lack of established baseline position on the above-mentioned aspects presents a significant urban design risk and non-compliance with policies BCS21 and DM26.

It raises questions about the validity of the constraints map presented on Page 71 of Design and Access Statement which sets baseline for designing the layout in response to the consideration.

A different potential and constraints map will generate a different design. As an example, the illustrative masterplan on page 76 of DAS offers better response to the existing hedgerows when compared to the current layout.

Lack of agreed baseline position presents a fundamental urban design risk which needs to be addressed on a priority.

Comments on the Proposed Layout

Notwithstanding the above issues, the current layout presents some unresolved aspects.

The application seeks outline approval and limited information has been presented. As a result, the comments cover the scheme in limited details.

- The layout and blocks appear to be orthogonally arranged. The site may benefit from a more flexible blocks which offer better relation to the contours and natural features of the site.
 - o The hedges running in N-S direction can be better retained with minor changes to the blocks and layout.

- The hedges running in E-W direction can be retained by redesign of the blocks and roads. Layout presented on page 76 of DAS can be a good starting point to develop this option.
- The N-W corner of the site can better address the site boundaries and features
- The lower/southern edge of the site can benefit from more organic and softer interface with the landscape space.
- The proposal presents significant cut and fill, some of which are near the existing trees/hedges. And flood attenuation ponds require significant groundworks in area of high archaeological interest and area of retained natural landscape.
 - Feedback from arboriculture and ecology officers has highlighted concerns about the development/groundworks and its impact on the vegetation and ecological habitats.
 - Further the impact of the reprofiling on the natural landscape setting along the South and East edges of the site are of concern.
 - The groundworks need to be moved away from the natural landscape features and areas of retained landscape.
- Redesign the house types as split-level units to accommodate part of the level changes needs to be considered. The current arrangement places all the level changes to outdoor areas and exerts excessive pressure on the landscape to absorb the level changes. The approach is against DM 26 which seeks development to respond appropriately to existing landform.
 - The Sections Drawing provided on 29 July 2022 and Contour and Retaining Walls plan provided on 12 April 2022 illustrate the issue. The areas of tightly packed contours show level changes of 2 to 3 meters near the proposed buildings. The level changes are especially significant near south and east edge of development.
 - The Isopathytes drawing provided on 29 July 2022 further confirm the intensity of groundworks noted above.
 - It is recommended that split level house styles should be considered areas with steeper contours and the pressure on outdoors/landscape areas is reduced.
- Split level units will present a considerably better solution for managing level changes and
- There are concerns about the 4-storey high island apartment blocks near Bonville Road. These risks appearing as unsympathetic and abrupt insertion into the landscape settings.
 - The form, scale and massing of the apartment blocks will be significantly larger than immediate suburban context and it will rise abruptly against the leafy settings. The impact on views from the south and east direction are of particular concern. The TVIA views which were agreed during the pre-app engagement have not been provided. The blocks present a high risk of non-compliance with policy DM26. The lack of information is unhelpful and impedes comprehensive assessment to be concluded.
 - Further, the ecology led rationale for the layout is unconvincing as enabling parking and ground works will fundamentally alter the space between the blocks. The design of the replacement landscape between the buildings will be driven by access and urban considerations while ecological value will be of secondary importance and of a limited value.
 - A review of the proposed blocks is recommended to address the issue.
- The policy DM27 seeks blocks and plots with public fronts and private backs. The single rows of houses along the southern/lower edge address public road and green space on its front and back.

- The concerns about the arrangement were raised during pre-application stage and a review of the design was sought. The planning application does not address the concerns that were previously raised and as such the arrangement remains non-compliant with policy DM27.

Streets and spaces

The intended design arrangement for delivery of SUDS, utilities and GI as outlined in the design code document has been challenging to deliver. The challenges will be further compounded if the spaces are expected to be managed by the Council as the adoption standards are strictly defined and may not allow the needed flexibility. Further the costs of delivering the technical solution for arrangement and the ongoing management can be significant.

There is uncertainty about feasibility of delivering the intended infrastructure arrangement along adopted highways. Policies DM27 and DM28 seek clear resolution of the issues which will need further work.

It is recommended that the ownership and management of the public realm and green space needs to be clarified. Further, early discussions with highway adoption and management team are recommended to determine the feasibility of delivering the intentions presented in the design code.

The discussion can present significant changes to design appearance of the streets. The biggest risk being removal of street trees and greening which will fundamentally alter the character of the streets.

TVIA

It is disappointing that majority of photomontages for TVIA has not been provided. These views were agreed at the pre-application stage upon request of the applicants. However out of the 16 views that were identified only 2 have been developed into photomontages. The photomontages for remainder of the views needs to be provided to make full assessment of the case. These photomontages should show the proposed groundworks with and without soft landscaping to assess the impact of the proposed changes.

The 2 photomontages that has been provided, illustrate the dominance of the buildings on top of steeply raising topography. The observers experiencing the views will be higher state of sensitivity while enjoying mature landscape settings of parkland to the south. The regimented 3 storey high gable end houses present an unsympathetic response to the setting. The arrangement is not in keeping with policy DM28 and needs to be reconsidered.

The comments above have highlight elevated concerns about the potential impact of the 4 storey high apartments blocks in similar settings. The lack of photomontages for identified views is disappointing and further information is sought on this front on a priority.

Special attention needs to be given to managing the impact of building in such sensitive settings by carefully revising the height, scale and massing as well as the landscaping of the proposed scheme. Further, more can be done to ease the transition between the built edge and landscaped areas in foreground with careful public realm and landscape design.

Closing comments

The application seeks outline consent for access to be determined and all other matters are reserved for latter stage. However, the supporting material illustrate the design arrangement that is

envisaged for delivery and the impact of the development on the features of the site and the surroundings.

The comments above highlight significant concerns about the lack of established baseline position with arboriculture and ecological considerations. These presents fundamental Urban Design risk for designing the site and non-compliance with policies BCS21 and DM26.

Further the layout and design raise questions about the orthogonal and regimented design arrangement which sits uncomfortably in the mature and sensitive landscape settings. The approach does not ahead to policies BCS21, DM26, DM27 and DM28.

Also, the delivery and adoption of the complex road, services, infrastructure, and landscaping needs to be discussed and confirmed with the responsible departments at the LPA to ensure delivery of intended arrangement as per policies DM27 and DM28.

The application cannot be supported from Urban Design point of view due to the concerns explained above and not compliance with eh adopted policies. Revisions to the baseline position established on the basis of arboriculture and ecology assessments and changes to the design response are recommended to address the issues.

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 09 December 2022 14:46
To: s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>
Cc: s. 40(2) <s. 40(2) [ida-design.co.uk](mailto:s.40(2)@ida-design.co.uk)>; s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Good Afternoon s. 40(2)

Please find attached the Council's Statement of Case in relation to the above appeal. I also attach copies of the 2 Appendices referenced in the Statement

I will also shortly be sending the Appellant the first draft of the Statement of Common Ground.

I am away on annual leave now until the 19th December so please can any correspondence be sent to s. 40(2)

Many thanks

s. 40(2)

) s. 40(2)

Development Management
Bristol City Council

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)
W: www.bristol.gov.uk

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Sent: 19 December 2022 11:30

To: s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Cc: s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>

Subject: RE: 22/01878/P Brislington Meadows

Hi s. 40(2)

I did consult WW but I have still not received any response. I will chase again today

Best wishes

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 16 December 2022 12:49
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: 22/01878/P Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Please can you confirm that Wessex Water were consulted on this application and whether they have now made any comments? Noted the committee report (as prepared end of November) states no comments had been received from them at that time, is there any update on this?

Thanks

s. 40(2)

s. 40(2)

s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Dear s. 40(2)

22/01878/P | Application for Outline Planning Permission with some matters reserved - 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. Approval sought for access with all other matters reserved. (Major) | Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD

Thank you for your email. Please accept my apologies for the delay in response to the original consultation. The following comments are made on behalf of Wessex Water:

We note the Flood Risk Assessment and the defined catchment areas A-D, We support the use of multi benefit SuDS throughout the site. The applicant has worked through the SuDS hierarchy and sought to minimise surface water connections to the existing public surface water sewers. Our comments to the point of connections proposed are given in Table 1 below.

Approved development has a right to connect to the public sewer network. Wessex Water has an obligation to ensure the additional flows do not increase the risk of sewer flooding and pollution. Should the proposal gain planning consent we will undertake computer network modelling to assess the impact of the additional flows and manage any required capacity improvements. The applicant is advised to contact the undersigned if planning is approved. Our preliminary comments are given in Table 2.

Wessex Water has no objections to this proposal.

Surface Water Table 1.

Catchment	Proposed Discharge Rate (l/s)	Connection	Comments
A	2.5	225mm public surface water sewer in School Road	Connection acceptable subject to planning approval and application to Wessex Water
B	17.8	Unnamed tributary or 525mm culvert	The culvert appears to be incorrectly shown as Wessex Water's responsibility on the sewer record. This will be corrected. The culvert is likely to be owned by the Park Authority / Bristol City Council. (Not under Wessex Water's ownership or control)
C	17.3	Unnamed tributary	Not under Wessex Water's ownership or control

D	2.5	225mm public surface water sewer in Broomhill Road (dual manholes)	Connection acceptable subject to planning approval and application to Wessex Water
---	-----	--	--

Foul Water Table 2

Catchment	Proposed Discharge Rate (l/s)	Connection	Comments
A	To be calculated for modelling appraisal	Pumped connection to an existing 225mm foul sewer in "The Rock"	Acceptable in principle subject to network computer modelling
B	To be calculated for modelling appraisal	Gravity connection to an existing 225mm foul sewer in Bonville Road	Acceptable in principle subject to network computer modelling
C	To be calculated for modelling appraisal	Gravity connection to an existing 225mm foul sewer in Broomhill Road (dual manholes)	Acceptable in principle subject to network computer modelling (this sewer runs immediately between two house and back gardens. An alternative nearby point of connection may be required)

Kind Regards

Planning Liaison Manager

Wessex Water

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 22 December 2022 10:09
To: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows - core documents list

Morning s. 40(2) and s. 40(2)

As you will both be aware at the case management conference on 14th December the Inspector confirmed that the land agreement between Bristol City Council and the Appellant should be included in the Core Document list , with the list to be finalised by 22nd December.

The document can be included in the list, however the Council and the Appellant will not be able to agree the extent of redaction required for the document until early January due to the annual leave of a key member of Council staff. This will mean that there will be a delay in including this document in the core document electronic library. The Council apologises for any inconvenience this causes and will arrange to make it available as soon as possible

s. 40(2) – please can you add the agreement to the Core Docs list in section CD8.13

Many thanks

s. 40(2)

On Wed, 21 Dec 2022 at 07:23, s. 40(2) <s. 40(2) bristol.gov.uk> wrote:

Hi s. 40(2)

Sorry I will need to add a couple of more documents to the list so I will send across later this morning ASAP

Best wishes

s. 40(2)

From: s. 40(2) <s. 40(2) lda-design.co.uk>

Sent: 20 December 2022 15:20

To: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2)

<s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) gmail.com>; s. 40(2)

<s. 40(2) bristol.gov.uk>

Cc: s. 40(2) <s. 40(2) gmail.com>; s. 40(2) <s. 40(2) lda-design.co.uk>

Subject: RE: Brislington Meadows - core documents list

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

We will review the comments from the Council and Rule 6 party and circulate a final collated version of the CD list.

Thanks

s. 40(2)

(2)
s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing at lda-design.co.uk/

From: s. 40(2) <s. 40(2)@[planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)> On Behalf Of s. 40(2)

Sent: 20 December 2022 15:06

To: s. 40(2) <s. 40(2)@[bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2)@[lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2)

<s. 40(2)@[bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2)@[gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2)

<s. 40(2)@[bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Cc: s. 40(2) <s. 40(2)@[gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2) <s. 40(2)@[lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2)

<s. 40(2)@[planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>

Subject: RE: Brislington Meadows - core documents list

Dear s. 40(2)

The Inspector has asked us to let you know that the CD list includes all the track changes.

Kind regards

s. 40(2)

s. 40(2) | s. 40(2)

The Planning Inspectorate

Major Casework, Third Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

s. 40(2) [planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk) | s. 40(2)

<https://www.gov.uk/government/organisations/planning-inspectorate> | @PINSgov

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Sent: 20 December 2022 14:41

To: s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Cc: s. 40(2) <s. 40(2) [gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>

Subject: RE: Brislington Meadows - core documents list

Hi Everyone,

Please find attached the updated version of the CD. I have added additions to CD3.22, CD6.5, CD6.6, CD8.5, CD8.6 and CD8.7

s. 40(2) please can you check this info is added to the Electronic library together with the R6 input

Many thanks

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 16 December 2022 18:28
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@gmail.com>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>
Subject: Brislington Meadows - core documents list

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

All

Please find attached an updated Core Documents List.

I have added to this to include:

- Additional final statutory / non statutory consultation responses received
- Relevant appeal decisions
- The Council's Statement of Case
- Rule 6 Statement of Case

s. 40(2) – can I ask that you both review and for your respective parties please add any core documents to the list that you intend to rely on. Can you add these in track changes so I can see the amends? If you edit a version and send it back to me I can then amalgamate into one copy for the Inspector. As per the CMC note this needs to be with the Inspector by 22 December. We should aim to keep this as concise as possible and include those documents to be relevant/shared by all parties.

Please can I ask you to return with your amends by COP Tuesday 20 December.

Happy to discuss if easiest.

Thanks

s. 40(2)

(2)
s. 40(2)

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing at [lda-design.co.uk/](http://www.lda-design.co.uk)

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

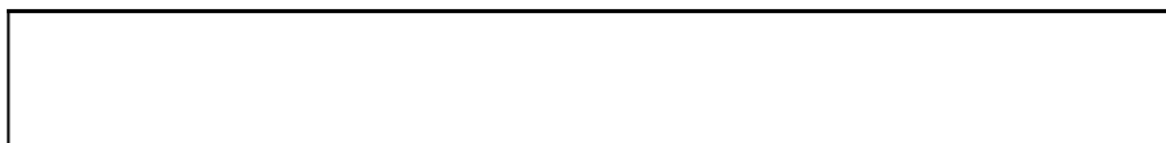
[Please take a moment to review the Planning Inspectorate's Privacy Notice which can be accessed by clicking this link.](#)

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72



From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 23 December 2022 14:35

To: s. 40(2) <s. 40(2)@wbd-uk.com>

Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2)@planninginspectorate.gov.uk; s. 40(2) <s. 40(2)@tep.uk.com>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Subject: RE: APP/Z0116/W/22/3308537 - Letter to Bristol City Council [WBDUK-AC.FID124207612]

Dear s. 40(2)

s. 42

Regards

s. 40(2)

s. 40(2)

Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR

s. 40(2)

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Web: www.bristol.gov.uk

From: s. 40(2) <s. 40(2)@wbd-uk.com>

Sent: 22 December 2022 18:16

To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>;

s. 40(2)@planninginspectorate.gov.uk; s. 40(2) <s. 40(2)@tep.uk.com>

Subject: APP/Z0116/W/22/3308537 - Letter to Bristol City Council [WBDUK-AC.FID124207612]

Importance: High

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Dear Bristol City Council,

s. 42

Yours faithfully,

s. 40(2) | s. 40(2)

Womble Bond Dickinson (UK) LLP

s. 40(2)

e: s. 40(2) [wbd-uk.com](mailto:s.40(2)@wbd-uk.com)

[Sign up for legal updates, e-newsletters and event invitations](#)

womblebonddickinson.com



From: s. 40(2) [redacted] <s. 40(2)@flac.uk.com>
Sent: 04 January 2023 15:19
To: s. 40(2) [redacted] <s. 40(2)@tep.uk.com>
Cc: s. 40(2)@wessexeco.co.uk; s. 40(2) [redacted] <s. 40(2)@bristol.gov.uk>
Subject: Indicative locations of veteran hawthorns



42-1061 [redacted]
BRISLINGTON MEADOWS

Dear s. 40(2) [redacted]

Please find attached our indicative plan for the locations of the six veteran hawthorns found to date (VH = Veteran Hawthorn).

We will revisit this information in light of tomorrow's field work to confirm our view of the final tally; we may tweak the locations a bit once access is a little easier.

Best wishes,

s. 40(2) [redacted]

s. 40(2) [redacted] s. 40(2) [redacted]
• Chartered Arboriculturist • Chartered Surveyor • Member of the Expert Witness Institute
VTA Licensed Lecturer, Karlsruhe Institute of Technology
Senior Director & Principal Consultant FLAC

s. 40(2) [redacted]

Formula A
(used as
to delivery)
18:44

Execution Copy

**Agreement for the sale and purchase of two freehold parcels of land
lying to the east of School Road, Brislington, Bristol**

Dated 20 March 2020

- (1) **The City Council of Bristol**
- (2) **Homes and Communities Agency (trading as Homes England)**

Contents

		Page
1	Definitions and interpretation	1
2	Agreement to sell	5
3	Standard Conditions	5
4	Deposit	6
5	Payments	6
6	Capacity	7
7	Title	7
8	Matters affecting the Property.....	7
9	Management	8
10	Transfer.....	9
11	Insurance	9
12	Completion.....	9
13	Completion deliverables	9
14	VAT	10
15	Planning	10
16	Apportionment of rent under Letting Documents.....	10
17	Attorneys.....	10
18	1995 Act	11
19	Alienation	11
20	Condition of the Property and environmental liability.....	11
21	Additional Mitigation Land	11
22	Western Access Route	12
23	Additional Vehicular Access Land.....	13
24	Allotment Land	14
25	School Land Access Route	14
26	Additional Strip.....	15
27	Freedom of information	15

28	Entire agreement	16
29	Notices	16
30	Costs	17
31	Registration of this agreement	17
32	Applicable law and jurisdiction	17
33	Contracts (Rights of Third Parties) Act 1999.....	17
34	Seller's statutory powers not to be fettered	17
Schedule 1	Letting Documents	18
Schedule 2	the Retained Property	19
Schedule 3	Rent Authority Letter	20
Annexure 1	Form of Transfer	21
Annexure 2	Deed of Grant	22
Annexure 3	Plans.....	23
	Annexure 4 OCEs	24

Blue
JB

C27255

Agreement¹

Dated 20 March 2020

Parties:

- (1) **THE CITY COUNCIL OF BRISTOL** whose principal office is at City Hall College Green Bristol BS1 5TR (the "**Seller**"); and
- (2) **HOMES AND COMMUNITIES AGENCY** (trading as Homes England) whose principal office is at One Friargate, Coventry, CV1 2GN (the "**Buyer**").

It is agreed as follows:

1 Definitions and interpretation

1.1 In this agreement, the following words and expressions have the following meanings:

"**1994 Act**" means the Law of Property (Miscellaneous Provisions) Act 1994;

"**1995 Act**" means the Landlord and Tenant (Covenants) Act 1995;

"**2002 Act**" means the Land Registration Act 2002;

"**Actual Completion**" means completion of the transfer of the sale of the Property pursuant to this agreement;

"**Actual Completion Date**" means the date on which Actual Completion occurs;

"**Acquisition Condition**" is defined in accordance with Clause 2.1.

"**Additional Vehicular Access Land**" means the land or any part of it currently owned by the Seller shown shaded blue and labelled "Additional Vehicular Access Land" on Plan 1.

"**Additional Mitigation Land**" means any land adjoining the Site which is currently owned by the Seller, other than land which comprises of adopted highway.

"**Additional Strip**" means the strip of land owned by the Seller which is part of Sinnott House and shown edged red and hatched red and labelled "Additional Strip" on Plan 1.

"**Allotment Land**" means the area of land hatched dark brown on Plan 1 and labelled "Allotment Land" which forms part of title number BL121146;

"**Buyer's Solicitors**" means Bryan Cave Leighton Paisner LLP, Adelaide House, London Bridge, London EC4R 9HA (ref: RHOL/20E0332.000821);

"**Completion Date**" means the date of this agreement;²

¹ There is to be no apportionment of rent under the Letting Documents.

² Exchange and completion will occur simultaneously.

"Contaminated Land Regime" means the contaminated land regime under Part IIA of the Environmental Protection Act 1990 and any statutory instrument, circular or statutory guidance issued under it;

"Deed of Grant" means the agreed form of deed of grant annexed to this agreement at Annexure 2 subject to any amendments that the Buyer and/or Seller may reasonably make and with any amendments that may be required as part of the grant(s) of any statutory or other consents referred to in this agreement;

"Deposit" means two hundred and ninety one thousand three hundred and sixty nine pounds and ten pence (£291,369.10);

"Environment" means any of the following:

- (i) land including (without limitation) any building, structure, or receptacle in, on, over, or under it;
- (i) water including (without limitation) surface, coastal, and ground waters;
- (ii) air including (without limitation) the atmosphere within any natural or man-made structure or receptacle above or below ground,

and any living organism, including humans, or systems supported by these;

"EIR Exception" means any applicable exemption to EIR;

"EIR" means the Environmental Information Regulations 2004, and any subordinate legislation made under this Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner in relation to such legislation;

"Exempted Information" means any Information that is designated as falling or potentially falling within the FOIA Exemptions or the EIR Exceptions;

"FOIA" means the Freedom of Information Act 2000, and any subordinate legislation made under this Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner in relation to such legislation;

"FOIA Authority/Authorities" means a public authority as defined by FOIA and/or EIR;

"FOIA Exemption" means any applicable exemption to FOIA;

"Hazardous Substances" means any natural or artificial substance (whether in solid or liquid form or in the form of a gas or vapour and whether alone or in combination with any other substance) capable of causing pollution or harm to human health (including offence) caused to any sense, the Environment and/or to property PROVIDED that no liabilities for health and safety either under statute or at common law which are imposed on an occupier of land by reason of its status as an employer under the Health and Safety at Work Act 1974 (as amended from time to time) (the "HSWA") shall pass to the Buyer by virtue of its acquisition of the Property. For the avoidance of doubt the Buyer shall have to comply with the HSWA regarding the Property from Actual Completion.

"Information" means in relation to:

- (i) FOIA, the meaning given under section 84 of the FOIA and which is held by the Buyer at the time of receipt of an RFI; or
- (ii) EIR, has the meaning given under the definition of "environmental information" in section 2 of EIR and which is held by the Buyer at the time of receipt of an RFI;

"Letting Documents" means the leases, underleases, tenancies, licences, deeds and other documents listed at part 1 of Schedule 1;

"O&H Land" means the adjoining land registered at the Land Registry and forming part of title number AV77284 edged yellow and marked "O&H Land" on Plan 1;

"Palmer Land" means the adjoining land registered at the Land Registry and forming part of title number AV108106 edged orange and marked "Palmer Land" on Plan 1;

"Permission" means any planning permission, reserved matters approval or approval of details granted or to be granted in relation to the development of the Property pursuant to the Town and Country Planning Act 1990;

"Plan 1" means the plan annexed to this agreement at Annexure 3 and labelled "Plan 1";

"Plan 2" means the plan annexed to this agreement at Annexure 3 and labelled "Plan 2";

"Planning Acts" means the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Consequential Provisions) Act 1990, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, the Localism Act 2011, the Neighbourhood Planning Act 2017 and any other legislation relating to town and country planning in force from time to time;

"Property" means all the freehold property shown edged red and labelled "Property" on Plan 1 comprising:

- a) that part of title number BL121146 shown edged red and hatched blue and labelled "Grazing Land" on Plan 1 and as evidenced by official copies timed at 16:27:06 and dated 18 February 2019; *and annexed to this agreement at Annexure 4*
- b) that part of title number BL120954 (as evidenced by official copies dated 18 February 2019 timed at 16:19:54) shown edged red and hatched light brown and labelled "BL120954 Partial" on Plan 1; and
- c) all the land and buildings comprised in title number BL120666 (as evidenced by official copies dated 18 February 2019 timed at 16:16:33) shown edged red and hatched green and edged red and hatched red and labelled "Sinnott House" and "Additional Strip" respectively on Plan 1.

27255

JB
BCLP

"**Purchase Price**" means two million nine hundred and thirteen thousand six hundred and ninety one pounds (£2,913,691.00) (exclusive of VAT);

"**Registered Titles**" means title numbers BL121146, BL120954 and BL120666.

"**Retained Property**" means the property to be retained by the Seller, brief particulars of which are set out in part 1 of Schedule 2;

"**Rent Authority Letter**" means the rent authority letter addressed to the Tenant in the form of the draft annexed at Schedule 5.

"**Request for Information/RFI**" shall have the meaning set out in FOIA or any request for information under EIR which may relate to the development of the Property and/or the Site of which the Property forms a part, this agreement, or any activities or business of the Buyer.

"**School Land Access Route**" means a pedestrian access way to be constructed in the approximate location shown shaded yellow and labelled "School Land Access Route" on Plan 1, or in such alternative location as agreed with the Highways Authority.

"**Seller's Solicitors**" means The Director of Legal Services, Bristol City Council, DX 7827 Bristol (Ref: LEG.DB2.EA4.7500);

"**Sinnott House**" means that part of the Property shown edged red and hatched green and edged red and hatched red and labelled "Sinnott House" on Plan 1.

"**Site**" means, together, the Palmer Land, the O&H Land and the Property.

"**Standard Conditions**" means the Standard Commercial Property Conditions (2nd Edition);

"**Tenants**" means the tenants and licensees under the Letting Documents;

"**Title Matters**" means all matters specified, shown or referred to in any entry, plan or document referred to in the Registered Titles, to the extent they are applicable to the Property;

"**Transfer**" means the transfer in the form annexed at Annexure 1, with such amendments as the parties (acting reasonably) may agree in writing;

"**VAT**" means value added tax as charged in the UK in accordance with VATA and related regulations or any tax of a similar nature which is introduced in substitution for, or as an addition to, such tax from time to time;

"**VATA**" means the Value Added Tax Act 1994 (as amended);

"**VAT Group**" means two or more bodies corporate registered as a group for VAT purposes under section 43 of VATA and references to a person being a member of a VAT Group shall be construed accordingly;

"**Vehicular Access Routes**" means the Western Access Route, the Additional Vehicular Access Land and the Allotment Land;

"Western Access Route" means the adopted highways land shaded green and labelled "Western Access Route" on Plan 1;

"Written Replies" means:

- (a) written replies to pre-contract enquiries ("CPSEs"); or
- (b) written replies that the Seller's Solicitors have given prior to exchange of this agreement to any written enquiries raised by the Buyer's Solicitors.

- 1.2 A reference to one gender includes all other genders and a reference to the singular includes the plural and vice versa.
- 1.3 A reference to the **"Property"** or the **"Retained Property"** includes the whole and any part of it.
- 1.4 Any words following the terms "including", "include", "in particular", "for example" or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.5 Unless otherwise stated, a reference in this agreement to any legislation includes any modification or re-enactment of it and any instrument, order, regulation or bye-law made under it for the time being in force.
- 1.6 The schedules form part of this agreement and a reference to a clause or schedule is to a clause of or schedule to this agreement and the table of contents and headings in this agreement are for convenience only and do not affect the interpretation of this agreement.

2 Conditional agreement to sell

- 2.1 Save for this Clause 2, this agreement in its entirety is subject to:
 - 2.1.1 the completion of the transfer of the O&H Land to the Buyer; and
 - 2.1.2 the completion of the transfer of the Palmer Land to the Buyer,together, the **"Acquisition Condition"**.
- 2.2 Upon completion of the Acquisition Condition the Seller will sell and the Buyer will buy the Property for the Purchase Price on the terms of this agreement.

3 Standard Conditions

- 3.1 Part 1 of the Standard Conditions is incorporated into this agreement in so far as it is applicable to a sale of freehold property by private treaty and is not varied by, or inconsistent with, this agreement. Part 2 of the Standard Conditions is not incorporated.
- 3.2 For the purposes of this agreement, the Standard Conditions apply as if they were varied as follows:
 - 3.2.1 the **"contract rate"** will be 3% per annum above the base rate from time to time of The Royal Bank of Scotland plc and interest will be calculated on a daily basis; Standard Condition 1.1.1(e) is varied accordingly;

- 3.2.2 Standard Conditions 1.3.3, 1.3.5(c), 1.3.7(d) and (e), 1.4, 2.1, 2.2, 2.3, 3.3, 4.2.3-4.2.8, 5, 6.1, 6.2, 6.3, 6.6.2, 6.6.5, 7.1.1 -7.1.4, 8.3.6-8.3.8 10, 11 and 12 will not apply;
- 3.2.3 in Standard Condition 1.1.1(c) the words "... which is a shareholder in CHAPS Clearing Co. Limited" are deleted and replaced with the words "...admitted by the Bank of England as a direct participant in the CHAPS system";
- 3.2.4 in Standard Condition 4.1.4, insert the words "other than by effluxion of time" after the words "if the lease ends";
- 3.2.5 in Standard Condition 6.4.2, the words "pay for" are deleted and replaced with the words "at the buyer's expense" and the words "but only insofar as the seller has immediate relevant knowledge (or after reasonable enquiry has such knowledge) enabling such a declaration to be made" are added after the words "condition 6.4.1";
- 3.2.6 in Standard Conditions 8.1.2 and 8.1.3, "1.00 p.m." will be replaced by "2.30 p.m.";
- 3.2.7 in Standard Condition 8.3.3 delete the words "...it is to be assumed that the buyer owns the property from the beginning of the day on which the apportionment is to be made" and replace them with the words "...it is to be assumed that the seller owns the property for the day on which the apportionment is to be made."
- 3.2.8 in Standard Condition 9.1.1 the words "(made or confirmed in writing by the seller's solicitors)" are added after the words "leading to it".

4 Deposit

The Buyer will, on the date of this agreement, pay the Deposit to the Seller's Solicitors as stakeholders, on terms that on completion the Deposit is released to the Seller with accrued interest.

5 Payments

- 5.1 All money payable by the Buyer under this agreement must be paid by direct credit transfer for the credit of the Seller's UK bank account.
- 5.2 All money payable by the Buyer under this agreement must be paid directly from:
 - 5.2.1 the Buyer's Solicitors' UK client account; and/or
 - 5.2.2 the UK client account of the solicitors acting for a financial institution providing funding to the Buyer for the purchase of the Property; and/or
 - 5.2.3 the UK client account of any other firm of solicitors previously agreed by the Seller's Solicitors (acting reasonably).
- 5.3 Any money sent by telegraphic transfer will be deemed to have been paid at such time as the Seller's bankers notify the Seller's Solicitors that the money has been received.

6 Capacity

The Seller sells with full title guarantee but:

- 6.1.1 the covenant set out in Section 3(1) of the 1994 Act shall not extend to any charge, encumbrance or other right which the Seller does not know about; and
- 6.1.2 the covenant set out in Section 2(1)(b) of the 1994 Act shall not extend to costs arising from the Buyer's failure to:
 - (a) make proper searches; or
 - (b) raise requisitions on title or on the results of the Buyer's searches.

7 Title

- 7.1 The Seller's title to the Property has been deduced to the Buyer before the date of this agreement.
- 7.2 The Buyer confirms that it or the Buyer's Solicitors have, prior to the date of this agreement, received copies of the title documents and have actually inspected them and the Buyer will be deemed to purchase with full knowledge of the Seller's title and will accept such title as the Seller has to the Property and will not raise any objection or requisition with regard to it save for any matters disclosed in pre-completion searches at the Land Registry and replies to requisitions on title which have not been previously disclosed to the Buyer or which the Buyer is aware.

8 Matters affecting the Property

- 8.1 The Property is sold subject to:
 - 8.1.1 the Letting Documents and all rights and obligations contained or referred to in them and all interests deriving out of them;
 - 8.1.2 the Title Matters except for:-
 - (a) financial charges to secure monies advances created by the Seller, (if any) and all matters contained or referred to in the Written Replies; and
 - (b) All rights benefits and reservations contained in the Transfer dated 25 January 2012 made between (1) The City Council of Bristol and (2) Victor James Kenniston referred to in entries numbered 6 and 7 of the Property Register of title number BL120954.
 - 8.1.3 any unregistered interests which override registered dispositions under schedule 3 of the 2002 Act and which affect the Property;
 - 8.1.4 such unregistered interests as may affect the Property to the extent and for so long as they are preserved by the transitional provisions of schedule 12 of the 2002 Act;

- 8.1.5 all local land charges, whether or not registered before the date of this agreement, and all matters capable of registration as local land charges;
- 8.1.6 all notices served and orders, demands, requests, proposals and requirements made by any local, public or other competent authority, whether before or after the date of this agreement;
- 8.1.7 all proposals, orders, directions, notices, charges, restrictions, conditions, agreements and other matters arising under the Planning Acts;
- 8.1.8 the incumbrances referred to in Standard Condition 3.1.2 (except as varied by this agreement);
- 8.1.9 all covenants, conditions and other matters affecting the Property which the Seller does not know about and could not reasonably know about; and
- 8.1.10 all matters disclosed or which would be disclosed by making appropriate searches and enquiries or by inspection or survey, whether or not such searches, enquiries, inspection or survey have in fact been made,

but is otherwise free from encumbrances and the Buyer will be deemed to buy with full knowledge of these matters and will not raise any objection or requisition with regard to them, save for any matters disclosed in pre-completion searches, any matters disclosed to the Seller for the Seller's comment and any matters arising from the Seller's replies to requisitions on title.

- 8.2 Nothing in Clause 8 affects the duty of the Seller to make disclosure of latent defects in title of which it is aware or of which it has the reasonable means of knowledge.

9 Management

- 9.1 From the date of this agreement until Actual Completion, the Seller will manage the Property in accordance with the Seller's normal management practice, but shall not:
 - (a) grant or agree to grant any lease, tenancy or licence of the Property;
 - (b) agree terms for, or the form of, any lease, tenancy, occupational licence or consent relating to the Property;
 - (c) employ any person at the Property;
 - (d) create any legally binding obligation in relation to the Property which will bind the Buyer;
 - (e) carry out any works to the Property other than repairs or maintenance;
 - (f) apply for or implement any planning permission relating to the Property;
 - (g) sell, convey, transfer, assign or charge the Property or grant any rights or easements over it; or

(h) enter into any covenants or easements affecting the Property.

9.2 From the date of this agreement until the Buyer is registered at the Land Registry as proprietor of the title to the Property, the Seller will promptly notify the Buyer in writing on becoming aware of any notices served or proceedings commenced against the Seller in relation to the Property, and will provide the Buyer with copies of any such notices or proceedings.

10 Transfer

10.1 The Transfer will be executed in duplicate and the duplicate copy retained by the Seller.

10.2 The Buyer will register the Transfer at the Land Registry as soon as reasonably practicable after the Actual Completion Date and, promptly after completion of such registration, will provide the Seller's Solicitors with official copies of the register and title plan.

10.3 The Seller will use reasonable endeavours to assist the Buyer with any requisitions the Land Registry has in relation to the registration at Clause 10.2.

11 Insurance

11.1 The risk of damage to or destruction of the Property passes to the Buyer on exchange of this agreement and the Buyer is not entitled to rescind this agreement or delay completion as a result of any such damage or destruction.

11.2 The Seller is under no obligation to the Buyer to insure the Property.

12 Completion

Completion will take place on the Completion Date immediately following fulfilment of the Acquisition Condition, when the Buyer will pay the balance of the Purchase Price and any other moneys then payable under this agreement.

13 Completion deliverables

13.1 On completion the Seller will deliver to the Buyer the duly executed or signed as appropriate:

(b) Transfer; and

(c) the Rent Authority Letter.

14 VAT

- 14.1 The sale of the Property is an exempt supply and VAT is not chargeable on the Purchase Price.
- 14.2 The Seller warrants to the Buyer that it has not waived exemption from VAT or made any option to tax the Property and that it will not make any such option prior to completion.

15 Planning

- 15.1 Subject to the exemption in Clause 15.2, the Seller agrees not to object by any act, statement or omission or otherwise directly or through any third party impede, prejudice, interfere with, challenge directly through the courts or through any third party or make representations in connection with the following:
 - 15.1.1 any application for Permission and any subsequent proposed amendment or variation to any such Permission;
 - 15.1.2 any application for approval of requirements or other statutory consent or agreement required for or entered into in connection with any development authorised by any Permission;
 - 15.1.3 any application for statutory order required in connection with any development authorised by any Permission; or
 - 15.1.4 the progress and implementation of any Permission.
- 15.2 The provisions of Clause 15.1 do not apply to the Seller where it is acting in its capacity as planning authority or highways authority or any other capacity apart from land owner.

16 Apportionment of rent under Letting Documents

NOT USED³

17 Attorneys

- 17.1 If any party to this agreement executes this agreement or any deeds or documents entered into pursuant to it by means of an attorney, then that party will supply to the other party on or before the Completion Date:
- 17.2 a certified copy of the relevant power of attorney and such proof as the other party reasonably requires that the power is valid and in force;
- 17.3 the following evidence of identity in respect of the attorney:
 - 17.3.1 where the attorney is represented by a conveyancer, (which in this Clause 17 has the meaning set out in Rule 217 Land Registration Rules 2003), written details of the name, address and reference of the conveyancer acting on behalf of the attorney; and

³ There is no rent apportionment.

17.3.2 where the attorney is not represented by a conveyancer, a completed form ID1 or ID2; and

17.4 a written undertaking from its solicitor to comply with any outstanding obligations in this Clause 17 and to use all reasonable endeavours to deal promptly with any requisitions raised by the Land Registry in relation to the attorney.

18 1995 Act

The Buyer will promptly give the Seller all reasonable assistance and information as the Seller may reasonably require in connection with any application made by the Seller under the 1995 Act to be released from its covenants as landlord under the Letting Documents.

19 Alienation

The Buyer cannot require the Seller to:

19.1 transfer the Property or any part of it to any person other than the Buyer;

19.2 transfer the Property in more than one parcel or by more than one transfer; or

19.3 apportion the Purchase Price between different parts of the Property.

20 Condition of the Property and environmental liability

20.1 The Buyer acknowledges that, before the date of this agreement, the Seller has given the Buyer, and others authorised by the Buyer, permission and the opportunity to inspect, survey and carry out investigations as to the condition of the Property. The Buyer has formed its own view as to the condition of the Property and the suitability of the Property for the Buyer's purposes.

20.2 The Buyer and Seller agree and acknowledge that the Seller shall have no liability or responsibility whatsoever, including (without limitation) under the Contaminated Land Regime, in respect of the presence of Hazardous Substances at, in, on or under the Property at any time, whether before or after the date of this agreement, including in relation to such Hazardous Substances which have or do migrate, move or escape from the Property at any time and by any means.

21 Additional Mitigation Land

21.1 Where a Permission requires the use of any Additional Mitigation Land for the purposes of ecological mitigation, biodiversity mitigation or similar in order to satisfy any condition under a Permission:

a) the Buyer and Seller shall co-operate to agree a strategy in relation to the use of and any access to the Additional Mitigation Land; and

b) subject to the Seller obtaining any necessary statutory or regulatory or any other type of consents and/or approvals, the Seller shall grant any rights that the Buyer shall reasonably require in respect of the Additional Mitigation Land to the Buyer;

in each case as necessary to satisfy the Permission and at no cost to the Buyer.

- 21.2 The Buyer shall be responsible for:
- (a) the Seller's reasonably and properly incurred costs in relation to any consents and/or approvals the Seller needs to obtain in order to grant the rights in Clause 21.1(b) to the Buyer; and
 - (b) the cost of any works which are required in order to allow the Buyer to use the Additional Mitigation Land.
- 21.3 The Buyer and Seller acknowledge that the rights granted by the Seller to the Buyer in Clause 21.1(b) shall be exercised at nil cost to the Buyer.
- 21.4 Following receipt of the appropriate consent(s) and/or approvals mentioned in Clause 21.1.(b) and a decision by the Local Planning Authority to grant a Permission to include the use of any Additional Mitigation Land under Clause 21.1 above the Seller will as soon as reasonably practicable thereafter enter into a Deed of Grant with the Buyer.

22 Western Access Route

- 22.1 The Seller shall use reasonable endeavours to secure any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to procure the grant of vehicular, cycle and pedestrian access rights over the Western Access Route or any other rights of access required under the terms of a Permission (the "**Western Access Route Approvals**").
- 22.2 The Buyer shall be responsible for:
- (a) the Seller's reasonably and properly incurred costs in relation to any Western Access Route Approvals the Seller needs to obtain in order to procure the granting of the rights in Clause 22.1 to the Buyer; and
 - (b) the cost of any works which are required to construct the Western Access Route.
- 22.3 The Buyer proposes to make a planning application to seek the Seller's consent (in the Seller's capacity as Highways Authority only) to the Buyer's proposals set out in Clause 22.1 above and the Seller shall seek the Western Access Route Approvals.
- 22.4 The Buyer acknowledges and agrees that if the Buyer has a choice as to which of the three possible Vehicular Access Routes are to be constructed, used and included in its planning application, the Buyer will choose the Western Access Route as one of the vehicular access routes for the Site.
- 22.5 The Seller agrees that if the Western Access Route becomes unadopted and the Seller as land owner becomes directly responsible for granting the Buyer access rights over the Western Access Route, the Seller will work with the Buyer in order to procure the necessary access rights in favour of the Buyer, including entering into a Deed of Grant. In this eventuality the Buyer and Seller acknowledge that the rights granted by the Seller to the Buyer in this Clause 22 shall be exercised at nil cost to the Buyer.
- 22.6 The Buyer shall be responsible for:

- (a) the Seller's reasonably and properly incurred costs in relation to any Western Access Route Approvals the Seller needs to obtain in order to grant the rights in Clause 22.1 to the Buyer; and
- (b) the cost of any works which are required to construct the access route across the Western Access Route and to thereafter maintain and repair it until it becomes adopted highway. The Seller will give the Buyer necessary access rights in order to allow the Buyer to maintain and repair the Western Access Route until it becomes adopted highway.

23 Additional Vehicular Access Land

23.1 The Buyer and Seller acknowledge that:

23.1.1 In the event that the Buyer is advised by the Local Planning Authority that the Western Access Route is not suitable for use as a vehicular access route for the Site, the Buyer will choose the Additional Vehicular Access Land as a vehicular access route for the Site; and

23.1.2 the Buyer will include access over the Additional Vehicular Access Land in its planning application.

23.2 The Seller shall use reasonable endeavours to secure any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to grant vehicular access rights over the Additional Vehicular Access Land, or any other rights of access required under the terms of a Permission (the "**Additional Vehicular Access Land Approvals**"), subject to nothing mentioned to the contrary in any of the Additional Vehicular Access Land Approvals.

23.3 Subject to the Seller obtaining the Additional Vehicular Access Land Approvals, the Seller will grant the Buyer the rights set out above in Clause 23.2.

23.4 The Buyer shall be responsible for:

- (a) the Seller's reasonably and properly incurred costs in relation to any Additional Vehicular Access Land Approvals the Seller needs to obtain in order to grant the rights in Clause 23.2 to the Buyer; and
- (b) the cost of any works which are required to construct the access route across the Additional Vehicular Access Land and to thereafter maintain and repair it until it becomes adopted highway. The Seller will give the Buyer necessary access rights in order to allow the Buyer to maintain and repair the Additional Vehicular Access Land until it becomes adopted highway.

23.5 The Buyer and Seller acknowledge that the rights granted by the Seller to the Buyer in Clause 23.2 shall be exercised at nil cost to the Buyer.

23.6 The Buyer and Seller agree to enter into a Deed of Grant as soon as reasonably practicable following receipt of the Additional Vehicular Access Land Approvals and following a decision by the Local Planning Authority to grant a Permission to include an access route over the Additional Vehicular Access Land.

24 Allotment Land

- 24.1 In the event that the Buyer is unable to obtain Permission or receives written notification from the local planning authority that a vehicular access to the Site over firstly the Western Access Route at Clause 22 or secondly over the Additional Vehicular Access Land at Clause 23 is not acceptable, the provisions of this Clause 24 shall apply.
- 24.2 The Seller shall use reasonable endeavours to secure any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to grant vehicular access rights over the Allotment Land, or any other rights of access required under the terms of a Permission (the "**Allotment Land Approvals**").
- 24.3 Subject to the Seller obtaining the Allotment Land Approvals, the Seller will grant the Buyer the rights set out above in Clause 24.2.
- 24.4 The Buyer shall be responsible for:
- (a) the Seller's reasonably and properly incurred costs in relation to any Allotment Land Approvals the Seller needs to obtain in order to grant the rights in Clause 24.2 to the Buyer; and
 - (b) the cost of any works which are required to construct the access route across the Allotment Land and to thereafter maintain and repair it until it becomes adopted highway. The Seller will give the Buyer necessary access rights in order to allow the Buyer to maintain and repair the Allotment Land until it becomes adopted highway.
- 24.5 The Buyer and Seller acknowledge that the rights granted by the Seller in Clause 24.2 shall be exercised at nil cost to the Buyer.
- 24.6 The Buyer and Seller agree to enter into the Deed of Grant as soon as reasonably practicable following receipt of the Allotment Land Approvals and following a decision by the Local Planning Authority to grant a Permission to include an access route over the Allotment Land.

25 School Land Access Route

- 25.1 The Seller shall use reasonable endeavours to secure any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to procure the granting of pedestrian access rights over the School Land Access Route (the "**School Land Access Route Approvals**") and will use reasonable endeavours to obtain the School Land Access Route Approvals within 6 months following the date of Actual Completion.
- 25.2 The Seller shall pay any consideration or compensation to Broomhill Junior School and Infant School for the rights above at Clause 25.1 and/or land required by the Buyer for the School Land Access Route.
- 25.3 Subject to the Seller obtaining the School Land Access Routes Approvals, the Seller will use reasonable endeavours to procure the grant to the Buyer of the rights set out above in Clause 25.1 by Broomhill Junior School and Infant School ("the **School**").

- 25.4 The Buyer shall be responsible for:
- (a) the Seller's reasonably and properly incurred costs in relation to any School Land Access Route Approvals the Seller needs to obtain in order to procure the grant of the rights in Clause 25.1 from the School to the Buyer; and
 - (b) the cost of any works which are required to construct the School Land Access Route and to thereafter repair and maintain it until it becomes adopted. The Seller will use reasonable endeavours to procure the necessary access rights from the School in order to allow the Buyer to maintain and repair the School Land Access Route until it becomes adopted highway.

25.5 The Buyer and Seller acknowledge that the rights referred to in Clause 25.1 shall be exercised at nil cost to the Buyer.

26 The Seller agrees that if it becomes directly responsible (in its capacity as land owner) for granting the Buyer access rights over the School Land Access Route, the Seller will work with the Buyer in order to give the Buyer necessary access rights on similar terms set out above and upon receipt of all School Land Access Route Approvals, will enter into a Deed of Grant with the Buyer.

26 Additional Strip

26.1 The parties consider that the Additional Strip may be located on the other side of the existing fence dividing Sinnott House from 162 Broomhill Road. In the event that this is the case, the Seller cannot give vacant possession of the Additional Strip to the Buyer on Actual Completion.

26.2 The Seller will use reasonable endeavours to assist the Buyer in obtaining vacant possession of the Additional Strip, including but not limited to promptly:

- (a) providing the Buyer with any information it has in respect of the Additional Strip;
- (b) assisting the Buyer with any questions and/or information it may need if it decides to regularise the boundary to the Additional Strip; and
- (c) assisting the Buyer with any correspondence with the owner of 162 Broomhill Road.

27 Freedom of information

27.1 The parties to this agreement are FOIA Authorities and are subject to legal duties which may require the release of information under FOIA and/or EIR and that the FOIA Authorities may be under an obligation to provide Information subject to a Request for Information.

27.2 The FOIA Authority in receipt of or to receive the RFI ("**Relevant FOIA Authority**") shall be responsible for determining in its absolute discretion whether:-

- 27.2.1 any Information is Exempted Information or remains Exempted Information; and/or
- 27.2.2 any Information is to be disclosed in response to a Request for Information; and in no event shall any party, other than the Relevant FOIA Authority, respond directly to a RFI except to confirm receipt of the RFI and that the RFI has been passed to the Relevant FOIA Authority.
- 27.3 Subject to Clause 27.4 below, all parties acknowledge that the Relevant FOIA Authority may disclose Information:-
 - 27.3.1 without consulting the other; or
 - 27.3.2 following consultation with the other party and having taken (or not taken, as the case may be) its views into account.
- 27.4 Without in any way limiting clauses 27.2 and 27.3, in the event that the Relevant FOIA Authority receives an RFI, that the Relevant FOIA Authority will, where appropriate, as soon as reasonably practicable notify the other party.
- 27.5 The parties will assist and co-operate with one other as requested by the Relevant FOIA Authority to enable the Relevant FOIA Authority to comply with its obligations to disclose Information under FOIA and EIR within the prescribed periods for compliance and in particular without limitation will (and shall procure that its agents and sub-contractors will) at their own cost:
 - 27.5.1 provide all such assistance as may be required from time to time by the Relevant FOIA Authority to enable the Relevant FOIA Authority to comply with its obligations to disclose Information.
- 27.6 Nothing in this agreement will prevent the Relevant FOIA Authority from complying with any valid order, decision, enforcement or practice recommendation notice issued to them by the Information Commissioner under FOIA and/or EIR in relation to any Exempted Information.

28 Entire agreement

- 28.1 This agreement constitutes the entire agreement and understanding of the parties and supersedes any previous agreement between them relating to the subject matter of this agreement.
- 28.2 The Buyer acknowledges and agrees that, in entering into this agreement, it has not relied on any statement, representation or warranty, made by or on behalf of the Seller (whether made negligently or innocently) other than as expressly set out in this agreement or in the Written Replies. Nothing in this clause will, however, operate to limit or exclude any liability for fraud.

29 Notices

Any notice given under this agreement will be effectively given if sent in accordance with Standard Condition 1.3 (as varied by this agreement) to either the intended recipient or its solicitors at the address given in this agreement (or such other

address as may have been notified to the other party in writing) or at its or their last known address.

30 Costs

Each party is responsible for its own costs relating to the preparation and implementation of this agreement.

31 Registration of this agreement

31.1 The Buyer will not register this agreement against the Registered Titles other than by way of a unilateral notice and if the agreement is terminated the Buyer will promptly remove any notice that it has registered.

31.2 Unless obliged to do so by law, neither the Seller nor the Buyer will supply either the original or a copy of this agreement to the Land Registry.

32 Applicable law and jurisdiction

32.1 This agreement and any non-contractual obligations arising from or in connection with it will in all respects be governed by and interpreted in accordance with English law.

32.2 The parties irrevocably agree that the courts of England and Wales are to have exclusive jurisdiction over any dispute:

32.2.1 arising from or in connection with this agreement; or

32.2.2 relating to any non-contractual obligations arising from or in connection with this agreement.

33 Contracts (Rights of Third Parties) Act 1999

The parties to this agreement do not intend any of its terms to be enforceable pursuant to the Contracts (Rights of Third Parties) Act 1999 by any person who is not a party to this agreement.

34 Seller's statutory powers not to be fettered

Nothing herein contained or implied shall prejudice or affect the rights powers duties and obligations of the Seller in the exercise of its functions as a local highways or planning authority and the rights powers duties and obligations of the Seller under all public and private statutes byelaws orders and regulations in its capacity as local authority highways authority and planning authority may be as fully and effectually exercised in relation to the Property as if the Seller were not a party to this agreement.

Schedule 1
Letting Documents

Premises	Date	Document	Parties
Land known as The Park School Road Brislington	7 September 2000	Grazing Agreement	(1) Bristol City Council (2) Mrs T Bryant

Schedule 2
the Retained Property

Those parcels of land comprised in title numbers BL120954 and BL121146 that do not form part of the Property shown edged green and labelled "BCC Retained Land" on Plan 2.

Schedule 3
Rent Authority Letter



s. 40(2)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

reply to: s. 40(2)
telephone: s. 40(2)
e-mail: s. 40(2)@bristol.gov.uk
our ref: DB2/EA4.7500
your ref:
date: March 2020

Dear s. 40(2);

Grazing Licence dated 7 September 2000 – grazing land adjoining Brislington Meadows, Bristol ("the Premises")

We act for The City Council of Bristol, your landlord at the Premises.

As you know, the City Council of Bristol has been in negotiations to sell land, including the Premises, to Homes England and has today transferred its interest in the Premises to The Homes and Communities Agency (trading as Homes England) of One Friargate, Coventry, CV1 2GN ("the Purchaser").

Please treat this letter as the City Council of Bristol's authority for you to make all future payments of rent and any other sums due under your grazing licence of the Premises to the Purchaser at the above address or as the Purchaser may direct.

Yours sincerely,

s. 40(2)
**Solicitor for and on behalf of the Director
of Legal Services, Bristol City Council**

Legal Services
PO Box 3399
Bristol
BS1 9NE

DX 7827 Bristol

s. 40(2)
**Director – Legal & Democratic
Services**

Website
www.bristol.gov.uk

Annexure 1
Form of Transfer

HM Land Registry

Transfer of portfolio of titles (whole or part)

TR5

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form. This form should only be used where the same transferor transfers **all the titles** to the same transferee.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Enter 'U' in column 1 if the land is unregistered.

In column 2 enter 'W' for a transfer of whole of a registered title, or 'P' for a transfer of part of a registered title. Leave blank if the land is unregistered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue' in column 3. For transfers of part you must either attach a plan and state the reference used to identify the land transferred, for example 'edged red' or refer to an existing reference on the transferor's title plan. Any attached plan must be signed by the transferor.

In column 4 include information that cannot conveniently be included in another panel, such as whether the title is freehold or leasehold, apportioned consideration, differing title guarantees.

1	Title number of the property	(W) or (P)	Property	Other information
	BL121146	P	Part of the land on the East of School Road, Brislington, Bristol shown edged red and shaded pink on Plan 1	
	BL120954	P	Part of the land at Belroyal Avenue, Bristol shown edged red and shaded blue on Plan 1	
	BL120666	W	Brislington Police Station, Broomhill Road, Bristol BS4 4UD shown edged red and shaded green on Plan 1	
			All of the above Properties are collectively shown edged red on Plan 1	
<p>When application for registration is made these title number(s) should be entered in panel 2 of Form AP1.</p>	<p>2 Other title number(s) against which matters contained in this Transfer are to be registered or noted, if any:</p> <p>The retained land within title number BL121146 The retained land within title number BL120954 BL121210</p>			
<p>Remember to date this deed with the day of completion, but not before it has been signed and witnessed.</p>	<p>3 Date: _____ 2020</p>			

Give full name(s) of all of the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of all of the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

4 Transferor:

The City Council of Bristol

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

5 Transferee for entry in the register:

Homes and Communities Agency (trading as Homes England)

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

6 Transferee's intended address(es) for service for entry in the register:

One Friargate, Coventry, CV1 2GN

7 The transferor transfers the property in panel 1 to the transferee

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes applies, insert an appropriate memorandum in panel 11.

8 Consideration

- The transferor has received from the transferee for the property the following sum (in words and figures): two million nine hundred and thirteen thousand six hundred and ninety one pounds (£2,913,691.00)
- The transfer is not for money or anything that has a monetary value
- Insert other receipt as appropriate:

9 The transferor transfers with

- full title guarantee but:-
- 9.1 the covenant set out in Section 3(1) of the Law of Property (Miscellaneous Provisions) Act 1994 shall not extend to any charge, encumbrance or other right which the Transferor does not know about; and
- 9.2 the covenant set out in Section 2(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 shall not extend to costs arising from the Transferee's failure to:
- 9.2.1. make proper searches; or
- 9.2.2. raise requisitions on title or on the results of the Transferee's searches.
- limited title guarantee

Where the transferee is more than one person, place 'X' in the appropriate box.

10 Declaration of trust. The transferee is more than one person and

- they are to hold the Property on trust for themselves as joint tenants
- they are to hold the Property on trust for themselves as tenants in common in equal shares

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, *or*
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

they are to hold the Property on trust:

Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- any required or permitted statements
- other agreed provisions.

The prescribed subheadings may be added to, amended, repositioned or omitted.

Any other land affected by rights granted or reserved or by restrictive covenants should be defined by reference to a plan.

11 Additional provisions

1 Definitions:

- 1.1 "**Conducting Media**" means the drains, sewers, conduits, flues, gutters, gullies, channels, ducts, shafts, watercourses, pipes, cables, wires and mains (or any of them);
- 1.2 "**Letting Document**" means the grazing agreement dated 7 September 2000 made between (1) The City Council of Bristol and (2) Mrs T Bryant.
- 1.3 "**Plan 1**" means the plan attached to this Transfer and labelled "Plan 1".
- 1.4 "**Plan 2**" means the plan attached to this Transfer and labelled "Plan 2".
- 1.5 "**Retained Land**" means the property retained by the Transferor being the remainder of the property comprised in registered title number:
- (a) BL121146 shown edged green and shaded pink on Plan 1;
 - (b) BL120954 shown edged green and shaded blue on Plan 1; and
 - (c) BL121210 shown shaded blue on Plan 2 and labelled "Additional Vehicular Access Land".
- 1.6 "**Site**" means, together, the Property, the adjoining land shown edged orange on Plan 2 and the adjoining land shown edged yellow on Plan 2.

2 Interpretation

- 2.1 Words importing one gender include any other gender, and words importing the singular include the plural and vice versa.
- 2.2 Where a party to this Transfer comprises two or more persons, covenants expressed to be made by, or to, that party are deemed to be made by, or to, such persons jointly and severally.
- 2.3 The expressions "Transferor" and "Transferee" shall include the successors in title of the Transferor (to all or any part of the Retained Land) and of the Transferee (to all or any part of the Property) respectively.

3 Matters affecting the Property

The Property is transferred subject to the Letting Document.

4 Declarations

4.1 The Transferor and the Transferee confirm that:

4.1.1 the Property will not by virtue of this Transfer acquire any easement, quasi-easement, right or privilege over the Retained Land other than those which are expressly granted by this Transfer; and

4.1.2 section 62 of the Law of Property Act 1925 will not apply to this Transfer.

4.2 The Transferee will not by virtue of this transfer acquire in respect of the Property any right of light or air or any other easement, liberty or privilege over or in respect of the Retained Land.

4.3 Nothing contained or implied in this transfer will prejudice or affect the City Council of Bristol's rights, powers, duties and obligations in the exercise of its functions as Local Authority, Local Planning Authority, Agent for the Highway Authority or for any other statutory body or public utility or otherwise under any public or private statute by-laws orders and regulations all of which rights, powers, duties and obligations may be as fully and effectively exercised in relation to the Property as if The City Council of Bristol had not entered into this transfer nor shall the Transferee be relieved from the necessity of obtaining all approvals, permissions or consents as may from time to time be necessary for any reason from the City Council of Bristol in any capacity as aforesaid under or by virtue of any such Act by-law order or regulation.

5 Applicable law and jurisdiction

5.1 This Transfer and any non-contractual obligations arising from or in connection with it will in all respects be governed by and interpreted in accordance with English law.

5.2 The parties irrevocably agree that the courts of England and Wales are to have exclusive jurisdiction over any dispute:

5.2.1 arising from or in connection with this Transfer; or

5.2.2 relating to any non-contractual obligations arising from or in connection with this Transfer.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

6 Contracts (Rights of Third Parties) Act 1999

Unless the right of enforcement is expressly granted it is not intended that a third party should have the right to enforce a provision of this Transfer under the Contracts (Rights of Third Parties) Act 1999.

Schedule 1 (Rights granted)

- 1 Subject to obtaining any statutory or other consents, the right of free and uninterrupted passage of water, steam, soil, trade effluent, air, gas, electricity and telephone communications from and to any part of the Property through the Conducting Media, which now are or may at any time following the date of this Transfer be in, on or under the Retained Land subject to the Transferee paying a fair and proper proportion according to use of the costs of repairing, maintaining, replacing, renewing and cleaning any of the Conducting Media used in common between the Property and the Retained Land.
- 2 (Subject to the conditions set out in paragraph 5 of this Schedule 1) the right of installing or connecting to the Conducting Media referred to in paragraph 1, Conducting Media to serve the Property.
- 3 (Subject to the conditions set out in paragraph 5 of this Schedule 1) the right of entry upon the Retained Land for the purpose of relocating the Conducting Media and/or repairing, maintaining, renewing, replacing, installing or connecting to the Conducting Media referred to in paragraphs 1 and 2.
- 4 The right of support, shelter and protection as enjoyed by the Property from the Retained Land at the date of this Transfer.
- 5 The exercise of the rights referred to in paragraphs 2 and 3 above is subject to the following conditions that:
 - 5.1 before exercising any such right, the Transferee is to give not less than 28 days' written notice specifying the purpose for which entry is required, accompanied by drawings, specifications and other written details of the works (whatever their nature) ("the Works"), and the method of undertaking the Works which the Transferee requires to execute on the Retained Property, and such other information as the Transferor may require;
 - 5.2 the Works should not be carried out without the prior approval in writing of the Transferor (such approval not to be unreasonably withheld or delayed);
 - 5.3 in exercising any such right, the Transferee is to execute the Works at its own expense, in a good and workmanlike manner, with good and suitable materials, complying with good building practice, and in accordance with drawings, specification and other information submitted to and approved by the Transferor, and in accordance with requisite statutory consents and the requirements of competent authorities; and

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

5.4 in carrying out the work, the Transferee is to act with due diligence, cause as little disturbance, damage and inconvenience as possible, and promptly make good all damage done to the Retained Land to the Transferor's reasonable and proper satisfaction.

6 In the event of any redevelopment of the Property and/or any redevelopment that requires the use of Conducting Media being used by the Retained Land on the Property from time to time the Transferee may by written notice to the Transferor relocate any Conducting Media on the Property.

**Schedule 2
(Rights reserved)**

1 The right of support, shelter and protection as enjoyed by the Retained Land from the Property at the date of this Transfer.

2 The right to the free and uninterrupted passage of water, steam, soil, trade effluent, air, gas, electricity and telephone communications to and from the Retained Land through the Conducting Media which is now or in the future on, under or through the Property and serving the Retained Land subject to:

2.1.1 the said Conducting Media not being overloaded by such use nor being used in a manner which is likely to cause it to be overloaded; and

2.1.2 The right for the Transferee to unilaterally divert or reposition the route of any Conducting Media at the Transferee's sole discretion provided that the provision of Services to and from the Retained Land shall not be significantly interrupted; and

2.1.3 the Transferor paying a fair and proper proportion according to use of the costs of repairing, maintaining, replacing, renewing and cleaning any of the Conducting Media used in common between the Property and the Retained Land.

3 (Subject to the conditions set out in paragraph 6 of this Schedule 2) the right to exercise all reasonably necessary rights of entry (over such parts of the Property which remain unbuilt upon from time to time and/or which have not been transferred to individual property owners or utilities companies) for the purposes of maintaining, repairing and renewing such Conducting Media and any boundary walls or fences forming part of so much of the Retained Land as adjoins the Property

4 The right for the owner or owners for the time being of the Retained Land to build new buildings upon and to re-develop, re-build, extend, alter or carry out any other

works to any buildings from time to time on the Retained Land notwithstanding that this may restrict or interrupt the passage of light or air to any buildings from time to time on the Property.

- 5 In the event of any redevelopment of the Retained Land and/or any redevelopment that requires the use of Conducting Media being used by the Property on the Retained Land from time to time the Transferor may by written notice to the Transferee relocate any Conducting Media on the Retained Land provided that:

5.1.1 the Transferor shall not relocate any Conducting Media without first granting the Transferee by deed rights equivalent to those granted in this Transfer for the benefit of the entirety of the Property where appropriate; and

5.1.2 the supply of Conducting Media to the Property shall not be interrupted either directly or indirectly as a result of the Transferor exercising its rights under this Paragraph 5.

- 6 Before exercising any such right in Paragraph 3 of this Schedule 2:

6.1.1 the Transferor is to give not less than 28 days' written notice specifying the purpose for which entry is required, accompanied by drawings, specifications and other written details of the works (whatever their nature) ("the Transferor Works"), and the method of undertaking the Transferor Works which the Transferor requires to execute on the Property, and such other information as the Transferee may require;

6.1.2 the Transferor Works should not be carried out without the prior approval in writing of the Transferee (such approval not to be unreasonably withheld or delayed);

6.1.3 in exercising any such right, the Transferor is to execute the Transferor Works at its own expense, in a good and workmanlike manner, with good and suitable materials, complying with good building practice, and in accordance with drawings, specification and other information submitted to and approved by the Transferee, and in accordance with requisite statutory consents and the

requirements of competent authorities;
and

6.1.4 in carrying out the work, the Transferor is to act with due diligence, cause as little disturbance, damage and inconvenience as possible, and promptly make good all damage done to the Property to the Transferee's reasonable and proper satisfaction; and

6.1.5 the Transferor shall not exercise such rights during any period within which the Transferee is carrying out development.

Include words of covenant.

Schedule 3 (Transferee's covenants)

During the period of development taking place on the Property the Transferee covenants to keep the Retained Land clear of rubbish created by the Transferee and not to use any part of the Retained Land for the storage of materials, rubbish nor to permit the dumping of any materials or rubbish on any part of the Retained Land.

Include words of covenant.

Schedule 4 (Transferor's covenants)

1 Deed of grant or wayleave

On written request from the Transferee and subject to the proper costs of the Transferor (including its professional fees properly incurred in connection with the written request whether or not granted), being paid by the Transferee to enter into a deed of grant or wayleave reasonably required by a statutory undertaker in the exercise by the Transferee of the right granted by paragraph 2 of Schedule 1 of this Transfer, (following due compliance by the Transferee of the conditions contained in paragraph 5 of Schedule 1 of this Transfer) in terms reasonably satisfactory to that statutory undertaker and the Transferor.

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (e.g. for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 3.

12 Execution

IN WITNESS whereof this document has been executed as a Deed by the parties hereto but is not intended to have legal affect until it has been unconditionally delivered and dated

Executed as a deed (but not delivered until the date hereof) by the affixing of the Common Seal of The City Council of Bristol in the presence of:

Authorised Officer

The common seal of the **HOMES AND COMMUNITIES AGENCY** (trading as **HOMES ENGLAND**) was hereunto affixed in the presence of:

Authorised Signatory:

Print Name:

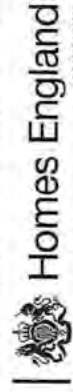
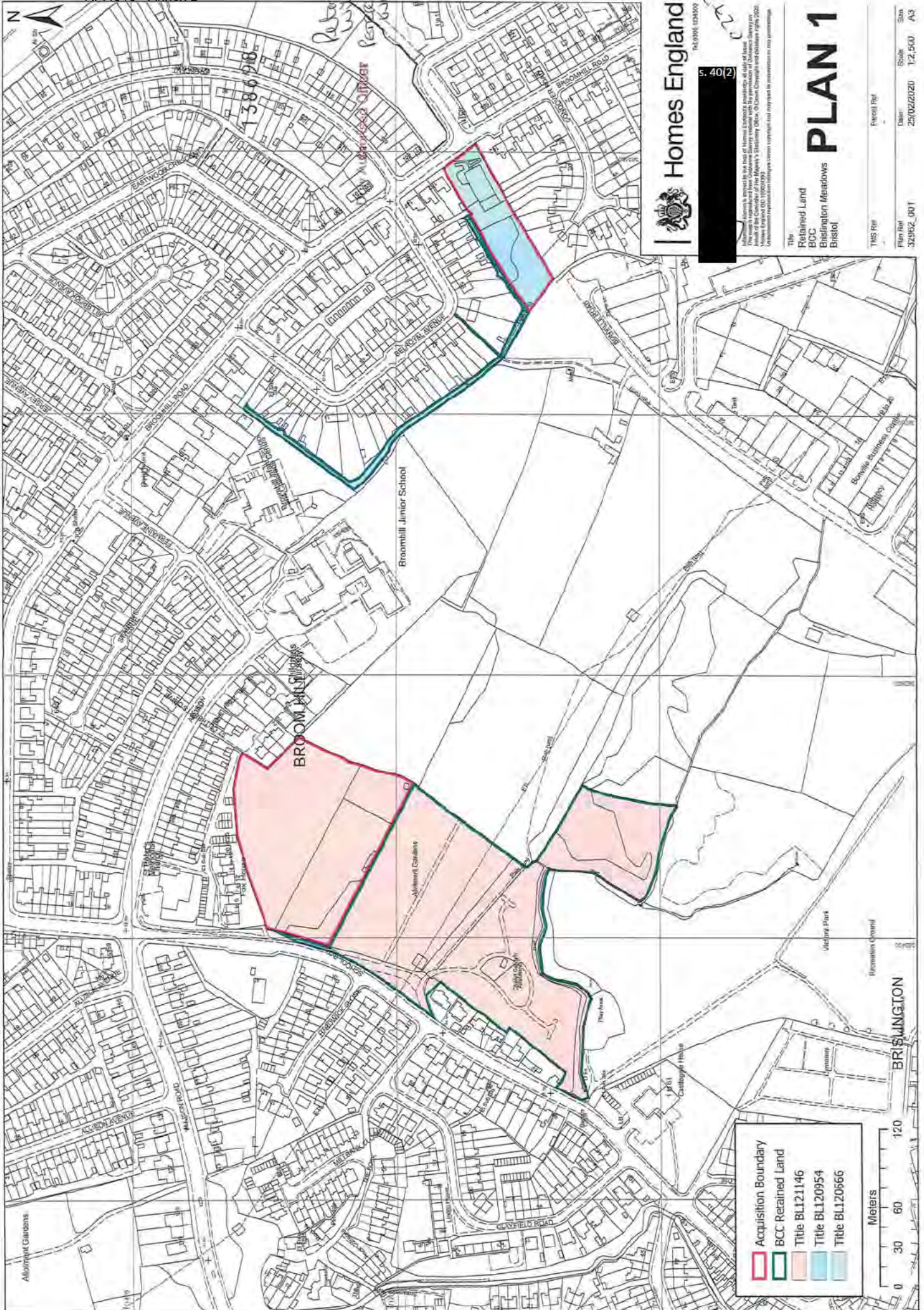


WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.



PL 0000 000000
 s. 40(2)

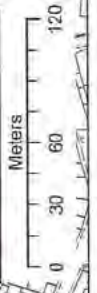
Homes England is required by the body of Homes England's landlords, all right of lease. This is a condition of the lease. Homes England is not responsible for the accuracy of the information shown on this map. Homes England is not responsible for the accuracy of the information shown on this map. Homes England is not responsible for the accuracy of the information shown on this map.

PLAN 1

The
 Retained Land
 BCC
 Broomhill Meadows
 Bristol

Plan Ref	Parcel Ref
32952_001	
Date	Scale
25/02/2020	1:2,500
Sheet	AS

- Acquisition Boundary
- BCC Retained Land
- Title BL121146
- Title BL120954
- Title BL120666



Handwritten notes:
 Peter
 Wilson
 138698
 138698
 138698

*Urban
K202C
W100X*

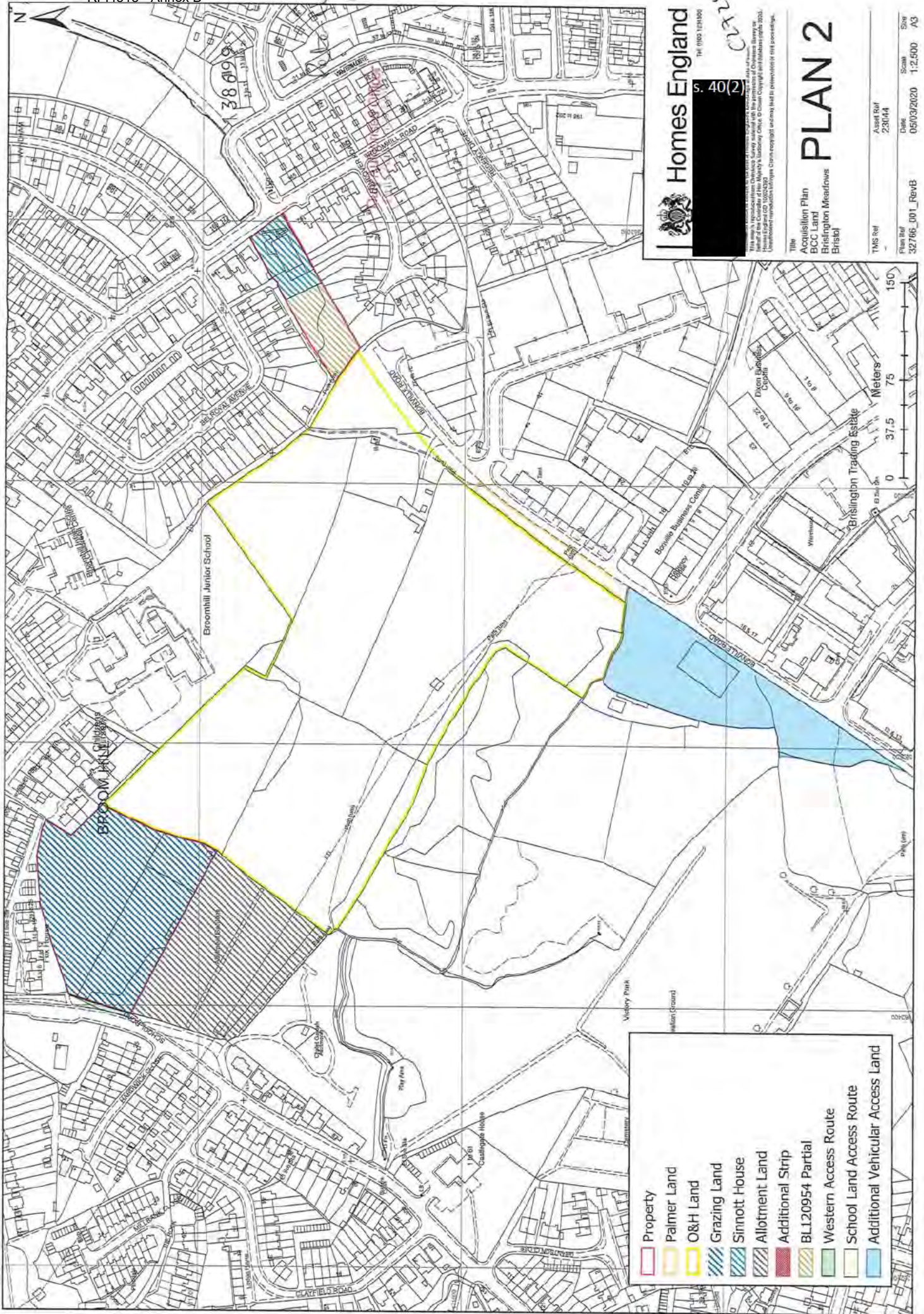
Homes England
THE 1963 LAND
s. 40(2)

This map is a reproduction of Ordnance Survey data and is the property of Ordnance Survey for the purposes of the Copyright Act 1988. It is reproduced here by permission of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey.

PLAN 2

Acquisition Plan
BCC Land
Brislington Meadows
Bristol

TMS Ref	Asset Ref
32766_001_RevB	23044
Date	Scale
05/03/2020	1:2,500
Sheet	Size
A3	A3



- Property
- Palmer Land
- O&H Land
- Grazing Land
- Sinnott House
- Allotment Land
- Additional Strip
- BL120954 Partial
- Western Access Route
- School Land Access Route
- Additional Vehicular Access Land


Annexure 2
Deed of Grant

DATED [●]

THE CITY OF BRISTOL COUNCIL
as Owner

HOMES AND COMMUNITIES AGENCY (trading as HOMES ENGLAND)
as Grantee

DEED OF EASEMENT
in respect of [●]¹

BRYAN
CAVE
LEIGHTON PAISNER 

To be populated on confirmation of the rights being granted. There will be a separate deed of grant for each right granted.

Bryan Cave Leighton Paisner LLP
Adelaide House London Bridge London EC4R 9HA
Tel: +44 (0)20 3400 1000 Fax: +44 (0)20 3400 1111

Contents

Clause	Name	Page
1	Definitions and interpretation	1
2	Grant of Rights	3
3	Agreement	3
Schedule		
	Name	Page
	Rights.....	4
Execution Page		7
Appendix		
	Name	
	Plan 1	

**LAND REGISTRY
LAND REGISTRATION ACT 2002**

COUNTY AND DISTRICT : City of Bristol

TITLE NUMBER : [•]²

PROPERTY : [•]³

DATED : [•]⁴

PARTIES

- (1) **THE CITY COUNCIL OF BRISTOL** whose principal office is at City Hall College Green Bristol BS1 5TR (the "Owner")
- (2) **HOMES AND COMMUNITIES AGENCY (trading as Homes England)** whose principal office is at One Friargate, Coventry, CV1 2GN (the "Grantee")

OPERATIVE PROVISIONS

1 DEFINITIONS AND INTERPRETATION⁵

1.1 In this Deed:

["**Additional Mitigation Land**" means any land adjoining the Grantee's Land which is owned by the Owner, other than land which comprises of adopted highway.]

["**Additional Mitigation Land Approvals**" means any necessary statutory or regulatory or any other type of consents and/or approvals.]

["**Additional Vehicular Access Land**" means the land or any part of it owned by the Owner shown shaded blue and labelled "Additional Vehicular Access Land" on Plan 1.]

["**Additional Vehicular Access Land Approvals**" means any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to grant vehicular access rights over the Additional Vehicular Access Land.]

["**Allotment Land**" means the area of land hatched dark brown on Plan 1 and labelled "Allotment Land" which forms part of title number BL121146.]

["**Allotment Land Approvals**" means any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to grant vehicular access rights over the Allotment Land.]

"**Full Title Guarantee**" means the Owner grants the Rights with full title guarantee but:

² *See comment at FN 1.*

³ *See comment at FN 1.*

⁴ *See comment at FN 1.*

⁵ *Definitions to be updated on confirmation of the rights being granted.*

- (a) the covenant set out in Section 3(1) of the Law of Property (Miscellaneous Provisions) Act 1994 ("**1994 Act**") shall not extend to any charge, encumbrance or other right which the Owner does not know about; and
- (b) the covenant set out in Section 2(1)(b) of the 1994 Act shall not extend to costs arising from the Grantee's failure to:
 - (i) make proper searches; or
 - (ii) raise requisitions on title or on the results of the Grantee's searches.

"**Grantee**" includes its successors in title to the Grantee's Land.

"**Grantee's Land**" means the land comprised in title number [•] and shown edged [•] on [•] and known as [•].⁶

"**Owner**" excludes the local highways authority and the School but includes the Owner's successors in title to the [Additional Mitigation Land] [Additional Vehicular Access Land] [Allotment Land] [School Land Access Route] [Western Access Route].

"**Permission**" means any planning permission, reserved matters approval or approval of details granted or to be granted in relation to the development of the Grantee's Land pursuant to the Town and Country Planning Act 1990.

"**Plan 1**" means the plan annexed to this Deed at Appendix (*Plan 1*) and labelled "Plan 1".

"**Rights**" means the rights set out in this Deed at Schedule (*Rights*).

"**School**" means Broomhill Junior School and Infant School.]

"**School Land Access Route**" means a pedestrian and/or cycle access way to be constructed in the approximate location shown shaded yellow and labelled "School Land Access Route" on Plan 1 (which area of land has been appropriated by the Owner for the purposes of creating this access so that this land is no longer education land), or in such alternative location as agreed with the Owner.]

"**School Land Access Route Approvals**" means any necessary statutory or regulatory or any other type of consents and/or approvals which are necessary to procure the granting of pedestrian access rights over the School Land Access Route.]

"**Western Access Route**" means the [unadopted highway]⁷ shaded green and labelled "Western Access Area" on Plan 1.]

"**Western Access Route Approvals**" means any necessary statutory or regulatory or any other type of consents and/or approvals.]

1.2 Any obligation on a party to this Deed to do any act includes an obligation to procure that it is done.

⁶ *To be populated once the transfers have been registered at the Land Registry*

⁷ *This will need to be checked at the time the deed is entered into*

- 1.3 Where a party is placed under a restriction in this Deed, the restriction includes the obligation on that party not to permit the infringement of the restriction by any person.
- 1.4 References to liability include, where the context allows, claims, demands, proceedings, damages, losses, costs and expenses.
- 1.5 The Clause headings in this Deed are for ease of reference only and are not to be taken into account in the construction or interpretation of any provision to which they refer.
- 1.6 Unless the contrary intention appears, references to numbered Clauses are references to the relevant Clause in this Deed.
- 1.7 Words in this Deed denoting the singular include the plural meaning and vice versa.
- 1.8 When at any time the party of the second part to this Deed is two or more persons, the expression the "**Grantee**" includes the plural number and obligations in this Deed expressed or implied to be made with or by the Grantee are to be treated as made with or by such individuals jointly and severally.

2 **GRANT OF RIGHTS**

In consideration of the payment of £1 by the Grantee to the Owner (the receipt of which is acknowledged) the Owner grants the Rights to the Grantee with Full Title Guarantee.

3 **AGREEMENT**

- 3.1 The Grantee agrees to:
 - (a) use its reasonable endeavours to procure that the Rights are registered at Land Registry in accordance with section 27(2)(d) and paragraph 7 of schedule 2 of the Land Registration Act 2002 as soon as reasonably practicable; and
 - (b) deliver to the Owner within thirty days of registration, official copy entries of the Grantee and the Owner's respective registered titles evidencing that registration.

Delivered as a deed on the date of this document.

Schedule Rights

[Drafting Note: Paragraph 1 to be included where a Permission requires the use of any Additional Mitigation Land for the purposes of ecological mitigation, biodiversity mitigation or similar in order to satisfy any condition under a Permission.]

1 [ADDITIONAL MITIGATION LAND]

1.1 Where a Permission requires the use of any Additional Mitigation Land for the purposes of ecological mitigation, biodiversity mitigation or similar in order to satisfy any condition under a Permission:

- (a) the Grantee and Owner shall co-operate to agree a strategy in relation to the use of and any access to the Additional Mitigation Land; and
- (b) subject to the Owner obtaining the Additional Mitigation Land Approvals, the Owner shall grant the following rights in respect of the Additional Mitigation Land to the Grantee:
 - (i) ***[Drafting Note: Details of any rights that the Grantee shall reasonably require and rights which satisfy the terms of the Permission to be populated.]***

in each case as necessary to satisfy the Permission.

1.2 The Grantee will be responsible for:

- (a) the Owner's reasonably and properly incurred costs in relation to any consents and/or approvals the Owner needs to obtain in order to grant the rights above at [Paragraph 1.1.(b)] to the Owner; and
- (b) the cost of any works which are required in order to allow the Grantee to use the Additional Mitigation Land.

1.3 The Grantee and Owner acknowledge that rights granted by the Owner to the Grantee in this Deed shall be exercised at nil cost to the Grantee.]

[Drafting Note: Paragraph 2 to be included as first choice for use as a vehicular, cycle and pedestrian access route for the Grantee's Land.]

2 [WESTERN ACCESS ROUTE]

2.1 The Owner shall use reasonable endeavours to secure the Western Access Route Approvals which are necessary to grant the following vehicular, cycle and pedestrian access rights over the Western Access Route:

- (a) ***[Drafting Note: Insert relevant rights once the parties know which access (if any) is relevant and what the relevant approvals require. For example a right to construct vehicular cycle and pedestrian paths and thereafter to use them etc.]***

- 2.2 The Grantee shall be responsible for:
- (a) the Owner's reasonably and properly incurred costs in relation to any Western Access Route Approvals the Owner needs to obtain in order to procure the granting of the rights in this Deed to the Grantee; and
 - (b) the cost of any works which are required to construct the access route across the Western Access Route and to thereafter maintain and repair it until it becomes adopted highway. The Owner will give the Grantee necessary access rights in order to allow the Grantee to maintain and repair the Western Access Route until it becomes adopted highway.
- 2.3 The Owner and the Grantee acknowledge that the rights granted by the Owner to the Grantee in this Deed shall be exercised at nil cost to the Grantee.]

[Drafting Note: Paragraph 3 to be included where the Local Planning Authority advises the Grantee that the Western Access Route is not suitable for use as a vehicular, cycle and pedestrian access route for the Grantee's Land.]

3 [ADDITIONAL VEHICULAR ACCESS LAND

- 3.1 The Owner shall use reasonable endeavours to secure the Additional Vehicular Access Land Approvals, or any other rights of access required under the terms of a Permission, subject to nothing mentioned to the contrary in any of the Additional Vehicular Access Land Approvals.
- 3.2 Subject to the Owner obtaining the Additional Vehicular Access Land Approvals, the Owner will grant the Grantee the following rights:
- (a) ***[Drafting Note: Insert relevant rights once the parties know which access (if any) is relevant and what the relevant approvals require. For example a right to construct vehicular cycle and pedestrian paths and thereafter to use them etc.]***
- 3.3 The Grantee shall be responsible for:
- (a) the Owner's reasonably and properly incurred costs in relation to any Additional Vehicular Access Land Approvals the Owner needs to obtain in order to grant the rights in [Paragraph 3.2] to the Grantee; and
 - (b) the cost of any works which are required to construct the access route across the Additional Vehicular Access Land and to thereafter maintain and repair it until it becomes adopted highway. The Owner will give the Grantee necessary access rights in order to allow the Grantee to maintain and repair the Additional Vehicular Access Land until it becomes adopted highway.
- 3.4 The Grantee and Owner acknowledge that the rights granted by the Owner to the Grantee in this Deed shall be exercised at nil cost to the Grantee.]

[Drafting Note: Paragraph 4 to be included where the Grantee is unable to obtain Permission or receives written notification from the local planning authority that access (i) over the Additional Vehicular Access Land; or (ii) over the Western Access Route, to the Grantee's Land, is not acceptable]

4 **[ALLOTMENT LAND**

4.1 The Owner will use reasonable endeavours to secure the Allotment Land Approvals.

Subject to the Owner obtaining the Allotment Land Approvals, the Owner will grant the Grantee the following rights:

(a) ***[Drafting Note: Insert relevant rights once the parties know which access (if any) is relevant and what the relevant approvals require. For example a right to construct vehicular cycle and pedestrian paths and thereafter to use them etc.]***

4.2 The Grantee will be responsible for:

(a) the Owner's reasonably and properly incurred costs in relation to any Allotment Land Approvals the Owner needs to obtain in order to grant the rights above at [Paragraph 4.1]; and

(b) the cost of any works which are required to construct the access route across the Allotment Land and to thereafter maintain and repair it until it becomes adopted highway. The Owner will give the Grantee the necessary access rights in order to allow the Grantee to maintain and repair the Allotment Land until it becomes adopted highway.

4.3 The Owner and Grantee acknowledge that the rights granted by the Owner to the Grantee in this Deed will be exercised at nil cost to the Grantee.]

[Drafting Note: Paragraph 5 to be included where rights are being granted over the School Land Access Route pursuant to a Permission.]

5 **[SCHOOL LAND ACCESS ROUTE**

5.1 The Owner will use reasonable endeavours to secure the School Land Access Route Approvals.

5.2 Subject to the Owner obtaining the School Land Access Routes Approvals, the Owner grants to the Grantee the following rights:

(a) ***[Drafting Note: Insert relevant rights once the parties know which access (if any) is relevant and what the relevant approvals require. For example a right to construct vehicular cycle and pedestrian paths and thereafter to use them etc.]***

5.3 The Grantee will be responsible for:

(a) the Owner's reasonably and properly incurred costs in relation to any School Land Access Route Approvals the Owner needs to obtain in order to grant the following rights to the Grantee; and

(b) the cost of any works which are required to construct the School Land Access Route and to thereafter repair and maintain it until it becomes adopted highway.

5.4 The Owner and Grantee acknowledge that the rights granted by the Owner to the Grantee in this Deed will be exercised at nil cost to the Grantee.]

EXECUTION PAGE

Executed as a deed (but not delivered until)
the date hereof) by the affixing of the)
Common Seal of **The City Council of**)
Bristol in the presence of:)

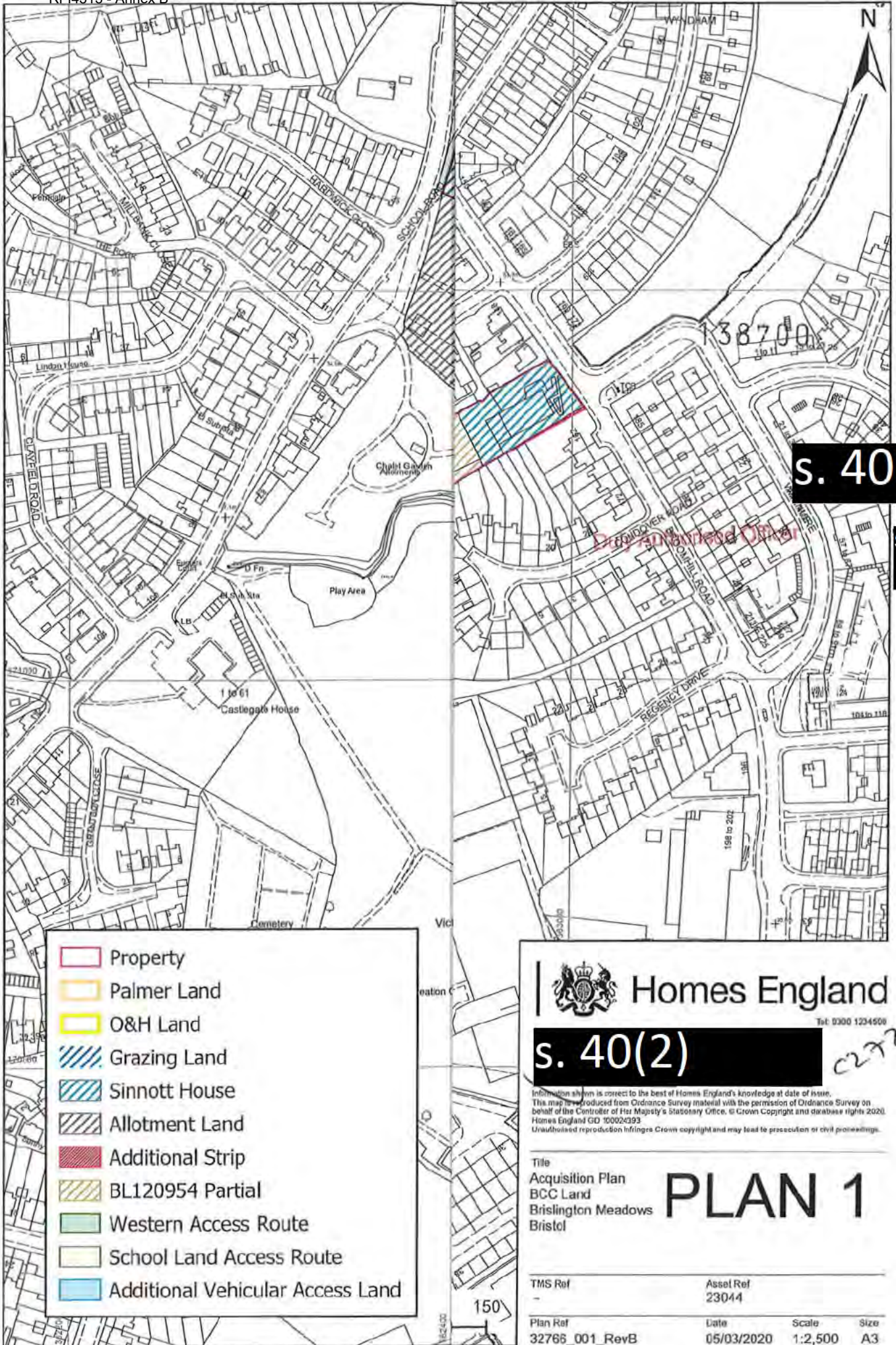
Authorised Officer

IN **WITNESS** whereof this document has
been executed as a Deed by the parties
hereto but is not intended to have legal
affect until it has been unconditionally
delivered and dated

The common seal of the **HOMES AND**)
COMMUNITIES AGENCY (trading as)
HOMES ENGLAND) was hereunto affixed in)
the presence of:

Authorised Signatory


**Appendix
Plan 1**



- Property
- Palmer Land
- O&H Land
- Grazing Land
- Sinnott House
- Allotment Land
- Additional Strip
- BL120954 Partial
- Western Access Route
- School Land Access Route
- Additional Vehicular Access Land

s. 40(2)

s. 40(2)

 Homes England

Tel: 0300 1234500

s. 40(2)

027255

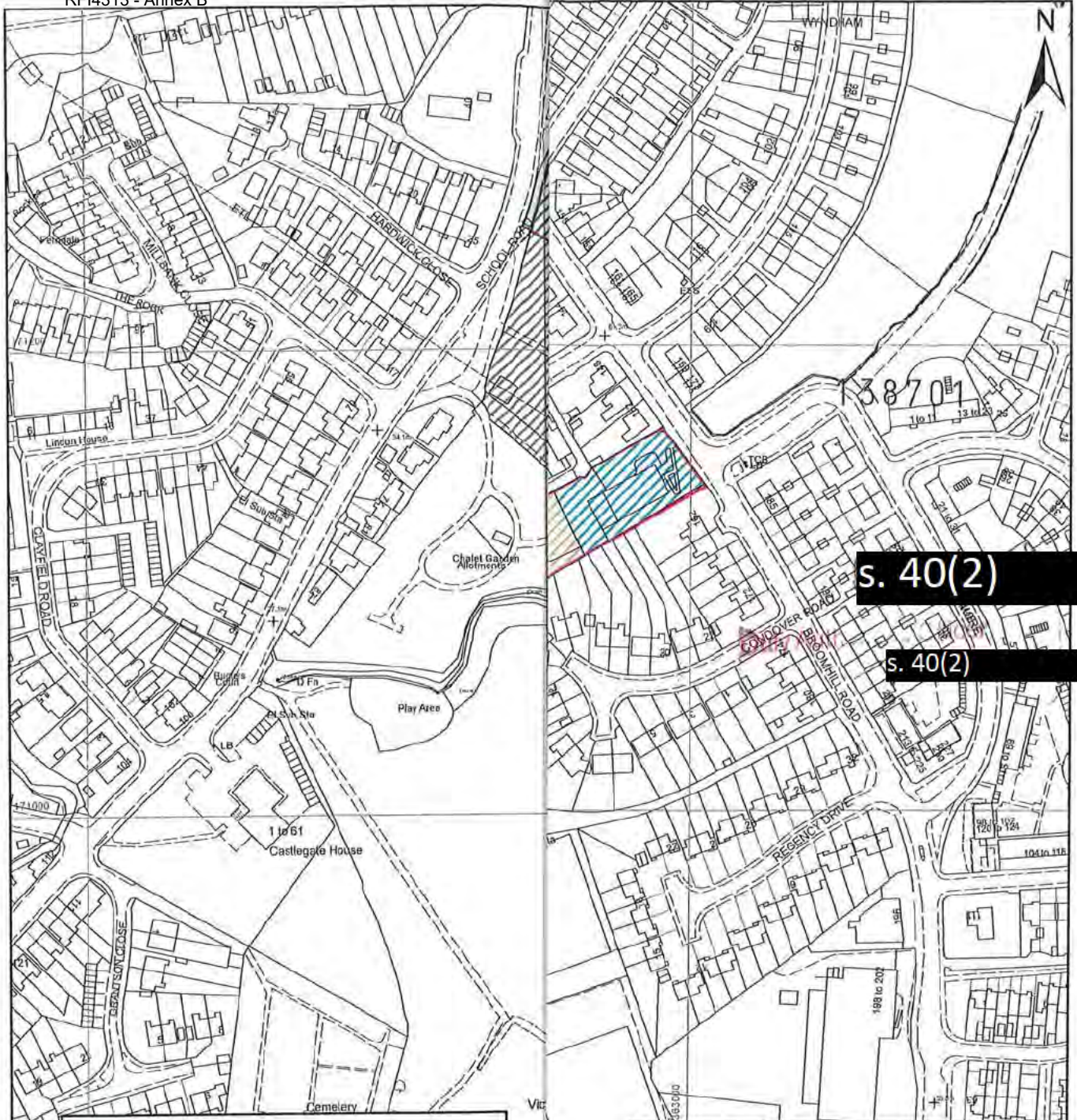
Information shown is correct to the best of Homes England's knowledge at date of issue. This map is produced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. © Crown Copyright and database rights 2020. Homes England GD 100024393. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Title
Acquisition Plan
BCC Land
Brislington Meadows
Bristol

PLAN 1

TMS Ref	Asset Ref		
-	23044		
Plan Ref	Date	Scale	Size
32766_001_RevB	05/03/2020	1:2,500	A3

Annexure 3
Plans



s. 40(2)

s. 40(2)

-  Property
-  Palmer Land
-  O&H Land
-  Grazing Land
-  Sinnott House
-  Allotment Land
-  Additional Strip
-  BL120954 Partial
-  Western Access Route
-  School Land Access Route
-  Additional Vehicular Access Land



Homes England

Tel: 0300 1234500

s. 40(2)

027255

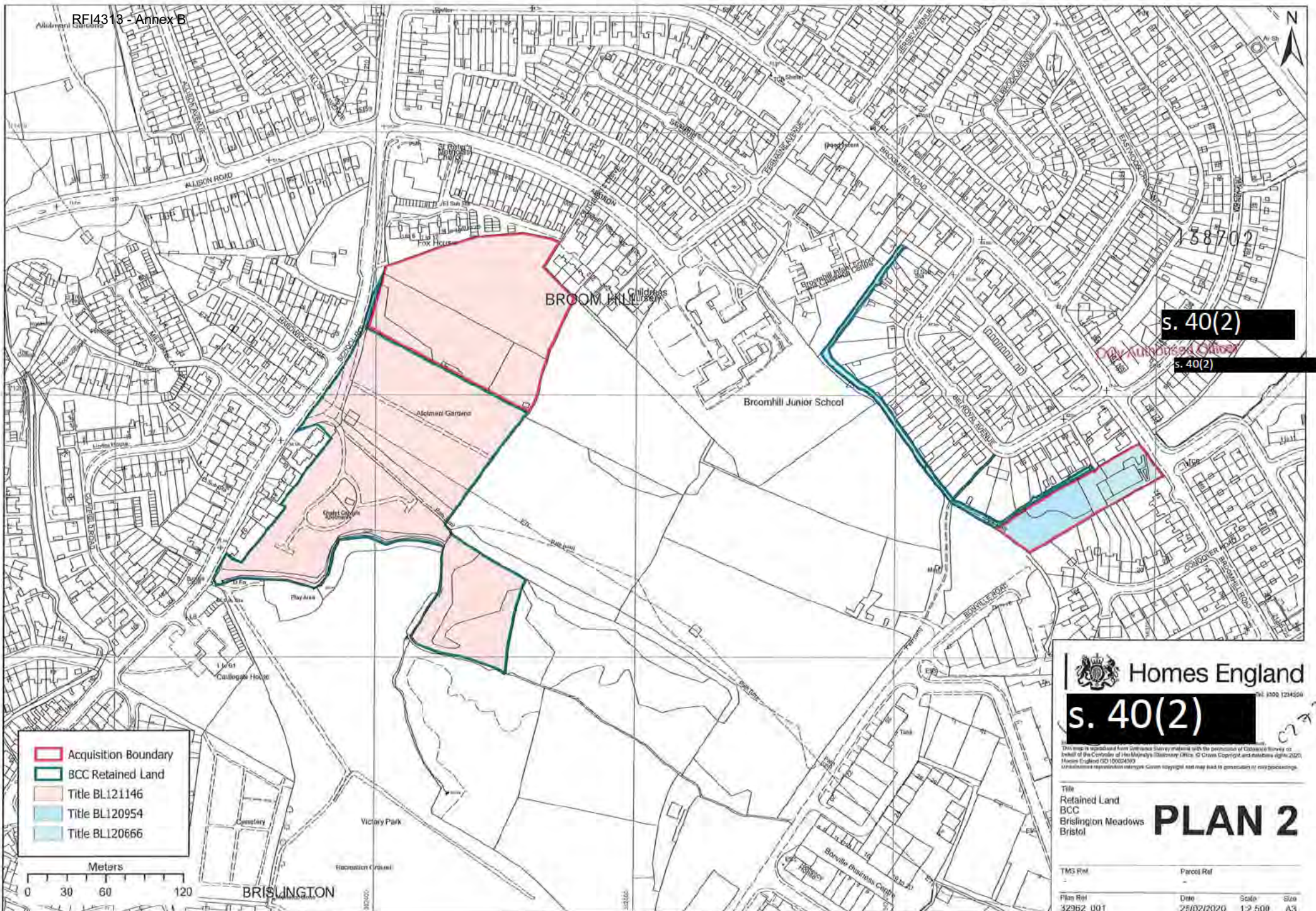
Information shown is correct to the best of Homes England's knowledge at date of issue. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office, © Crown Copyright and database rights 2020. Homes England GD 100024393. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Title
Acquisition Plan
BCC Land
Brislington Meadows
Bristol

PLAN 1

TMS Ref	Asset Ref		
-	23044		
Plan Ref	Date	Scale	Size
32766_001_RevB	05/03/2020	1:2,500	A3

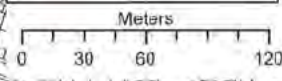
150




s. 40(2)

s. 40(2)

- Acquisition Boundary
- BCC Retained Land
- Title BL121146
- Title BL120954
- Title BL120666




Homes England
 Tel: 0300 1234506
s. 40(2)

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright and database rights 2020. Licence number GD10002493. Unauthorised reproduction in any form may lead to prosecution or civil proceedings.

Title
 Retained Land
 BCC
 Brislington Meadows
 Bristol

PLAN 2

TMS Ref	Parcel Ref
Plan Ref	Date
32962_001	28/02/2020
Scale	Size
1:2,500	A3

C27255

Annexure 4

OCEs



Official copy of register of title

Title number BL120666

Edition date 02.12.2013

This official copy shows the entries on the register of title on 18 FEB 2019 at 16:16:33.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 18 Feb 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF BRISTOL

- 1 (16.12.2009) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Brislington Police Station, Broomhill Road, Bristol (BS4 4UD).
- 2 (16.12.2009) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.
- 3 (16.12.2009) The land has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 19 January 1927 made between (1) James St. George Priaulx Armstrong (Vendor) and (2) Richard Walter Jennings and William Charles Jennings (Purchasers):-

TOGETHER ALSO with power to lay a line of water pipes to the property thereby conveyed from main belonging to Bristol Water Works Company Ltd site in School Road Brislington aforesaid through the adjoining land of the Vendor in a line to be agreed upon between the Vendor and Purchasers and their respective heirs or assigns and also through the land coloured yellow and blue on said plan in a line to be agreed upon between the Vendor and Purchasers their respective heirs or assigns

EXCEPT AND RESERVING to the Vendor his heirs and assigns full power to divert if necessary the line of such water pipes but so that in doing so he shall not interfere with the supply of water to the property thereby conveyed.

NOTE:-The said lands coloured yellow and blue referred to forms part of Broomhill Infants School and 106-110 (evens) Broomhill Road.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

Title number BL120666

B: Proprietorship Register continued

- 1 (16.12.2009) PROPRIETOR: THE CITY COUNCIL OF BRISTOL of City Hall, College Green, Bristol BS1 5TR.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (16.12.2009) The land is subject to rights of drainage and rights in respect of water, gas and electricity supply services.
- 2 (16.12.2009) The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 30 June 1948 made between (1) Emily Lucy Jennings and others (the Trustee Vendors) (2) Charles William Jennings (the Owner Vendor) and (3) Bristol Corporation:-

"EXCEPTING and RESERVING unto the respective Vendors and all persons similarly entitled the right to the free passage of water and soil through the drains sewers and watercourses in upon or under the said premises hereby conveyed AND ALSO the right to enter thereon for the purpose of laying or repairing the same making good all damage thereby caused to the surface of the said premises or any building thereon"
- 3 (16.12.2009) The land is subject to the following rights contained in an Indenture of the land in this title and other land dated 4 November 1924 made between (1) The Right Honourable Algeron William Stephen Earl Temple of Stowe and (2) James St George Priaulx Armstrong:-

subject to all quit chief and other rents (if any) and all manorial rights and incidents of tenure and to all rights of way or light and other easements (if any) affecting the same and to any subsisting liability to repair walls fences and roads.

End of register

HM Land Registry
Official copy of
title plan

RF14313 - Annex B

Title number **BL120666**
Ordnance Survey map reference **ST6271SE**
Scale **1:1250**
Administrative area **City of Bristol**



©Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100028316.





Official copy of register of title

Title number BL120954

Edition date 02.12.2013

This official copy shows the entries on the register of title on 18 FEB 2019 at 16:19:54.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 18 Feb 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF BRISTOL

- 1 (11.01.2010) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land at Belroyal Avenue, Bristol.
- 2 (11.01.2010) The mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.
- 3 (11.01.2010) The land tinted blue on the title plan has the benefit of the following rights granted by but is subject to the following rights reserved by a Transfer thereof and other land dated 19 January 1927 made between (1) Lieutenant Colonel James St. George Priaulx Armstrong and (2) Richard Walter Jennings and William Charles Jennings:-

"Together with the power to lay a line of water pipes to the property hereby conveyed from the main belonging to The Bristol Water Works Co. situate in School Road, Brislington aforesaid through the adjoining land of the said James St. George Priaulx Armstrong and the said Richard Walter Jennings and William Charles Jennings and their respective heirs or assigns and also through the land coloured yellow and blue on the said plan in a line to be agreed upon between the said James St. George Priaulx Armstrong and the said Richard Walter Jennings and William Charles Jennings and their respective heirs and assigns Excepting and reserving to the said James St. George Priaulx Armstrong his heirs and assigns full power to divert if necessary the line of such water pipes but so that in so doing he shall not interfere with the supply of water to the property hereby transferred".

NOTE:-The said lands coloured yellow and blue referred to forms part of Broomhill Infants School and 106-110 (evens) Broomhill Road.

- 4 (11.01.2010) The land tinted pink on the title plan has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance thereof and other land dated 19 January 1927 made between (1) James St. George Priaulx Armstrong (Vendor) and (2) Richard Walter Jennings and William Charles Jennings (Purchasers):-

TOGETHER ALSO with power to lay a line of water pipes to the property thereby conveyed from main belonging to Bristol Water Works Company Ltd

Title number BL120954

A: Property Register continued

site in School Road Brislington aforesaid through the adjoining land of the Vendor in a line to be agreed upon between the Vendor and Purchasers and their respective heirs or assigns and also through the land coloured yellow and blue on said plan in a line to be agreed upon between the Vendor and Purchasers their respective heirs or assigns

EXCEPT AND RESERVING to the Vendor his heirs and assigns full power to divert if necessary the line of such water pipes but so that in doing so he shall not interfere with the supply of water to the property thereby conveyed.

NOTE:-The said lands coloured yellow and blue referred to forms part of Broomhill Infants School and 106-110 (evens) Broomhill Road.

- 5 (11.01.2010) By dispositions of adjacent or neighbouring land pursuant to Chapter 1 of Part I of the Housing Act 1980 or Part V of the Housing Act 1985 the land has the benefit of and is subject to the easements and other rights prescribed by paragraph 2 of Schedule 2 to the Housing Act 1980 or Schedule 6 to the Housing Act 1985.
- 6 (27.07.2012) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 7 (27.07.2012) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer which included the land edged and numbered BL129547 in green on the title plan dated 25 January 2012 made between (1) The City Council Of Bristol (Transferor) and (2) Victor James Kenniston (Transferee).

-NOTE:-Copy filed under BL129547.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (11.01.2010) PROPRIETOR: THE CITY COUNCIL OF BRISTOL of City Hall, College Green, Bristol BS1 5TR.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (11.01.2010) The land is subject to rights of drainage and rights in respect of water, gas and electricity supply services.
- 2 (11.01.2010) The parts of the land affected thereby are subject to the rights granted by Conveyances or Transfers of the following properties by Bristol Corporation or The City Council of Bristol:-

Date under	Property	Purchaser(s)	Copy filed
26.2.1973	68 Belroyal Avenue	Arthur Dyer and Phyllis Maude Dyer	BL38401
8.2.1982	23 Belroyal Avenue	George William Waring and Rose Violet Waring	AV65832
3.5.1982	60 Belroyal Avenue	Peter James Tankins	AV69000
17.5.1982	58 Belroyal Avenue	Dennis Thomas Hiscox and Doreen Peggy Hiscox	AV70164
21.6.1982	56 Belroyal Avenue	Alan Henry James Long and Evelyn May Long	AV71008
6.5.1985	3 Belroyal Avenue	Thomas Gilbert Barnes	AV101653

Title number BL120954

C: Charges Register continued

20.6.1988	6 Belroyal Avenue	Anthony John Glanville and Kay Francis Glanville	AV160488
9.10.1989	11 Belroyal Avenue	Thomas Lawrence and Kathleen Alberta Lawrence	AV186637
13.9.1993	12 Belroyal Avenue	Philip Paul Wren and Janet Susanne Wren	AV231543
24.8.1998	30 Belroyal Avenue	Phillip Maggs and Keith Maggs	BL59146
16.4.2004	Land adjoining 2 Belroyal	Maksood Ahmed	BL79335
10.12.2012	66 Belroyal Avenue	Paul Richard Leonard and Nina Michelle Leonard	BL120549

3 (11.01.2010) The land tinted pink on the title plan is subject to the following rights contained in an Indenture thereof and other land dated 4 November 1924 made between (1) The Right Honourable Algeron William Stephen Earl Temple of Stowe and (2) James St George Priaulx Armstrong:-

subject to all quit chief and other rents (if any) and all manorial rights and incidents of tenure and to all rights of way or light and other easements (if any) affecting the same and to any subsisting liability to repair walls fences and roads.

4 (11.01.2010) The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 30 June 1948 made between (1) Emily Lucy Jennings and others ("the Trustee Vendors") (2) Charles William Jennings ("the Owner Vendor") and (3) Bristol Corporation:-

"EXCEPTING and RESERVING unto the respective Vendors and all persons similarly entitled the right to the free passage of water and soil through the drains sewers and watercourses in upon or under the said premises hereby conveyed AND ALSO the right to enter thereon for the purpose of laying or repairing the same making good all damage thereby caused to the surface of the said premises or any building thereon AND ALSO EXCEPT AND RESERVED to the said respective Vendors the full and free right of way for all purposes over and along the roads or ways constructed or to be constructed on any part or parts of the premises hereby conveyed"

End of register

HM Land Registry Official copy of title plan

Title number **BL120954**
Ordnance Survey map reference **ST6271SE**
Scale **1:1250**
Administrative area **City of Bristol**



© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026315.





Official copy of register of title

Title number BL121146

Edition date 02.12.2013

This official copy shows the entries on the register of title on 18 FEB 2019 at 16:27:06.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 18 Feb 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF BRISTOL

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the east side of School Road, Brislington, Bristol.
- 2 As to the part tinted pink on the title plan, the mines and minerals together with ancillary powers of working are excepted with provision for compensation in the event of damage caused thereby.
- 3 A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 4 The land has the benefit of the following rights reserved by a Transfer of land at the back of 83 School Road dated 12 July 2001 made between (1) The City Council of Bristol (Transferor) and (2) Alan William Frape and Brenda Mavis Frape (Transferees):-

"There is excepted and reserved in fee simple out of the said land unto the Transferor:

(a) all mines and minerals of every description under the said land (if and so far as the same were not immediately prior to execution of these presents vested in some person other than the Council) with full power to win work and carry the same

(b) the free and interrupted access of light and air at all times hereafter over the said land to any buildings which may be erected on the adjoining or neighbouring land of the Council"

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 PROPRIETOR: THE CITY COUNCIL OF BRISTOL of City Hall, College Green, Bristol BS1 5TR.

Title number BL121146

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to rights of drainage and rights in respect of water, gas and electricity supply services.
- 2 The part hatched blue on the title plan is subject to rights of way and user.

End of register

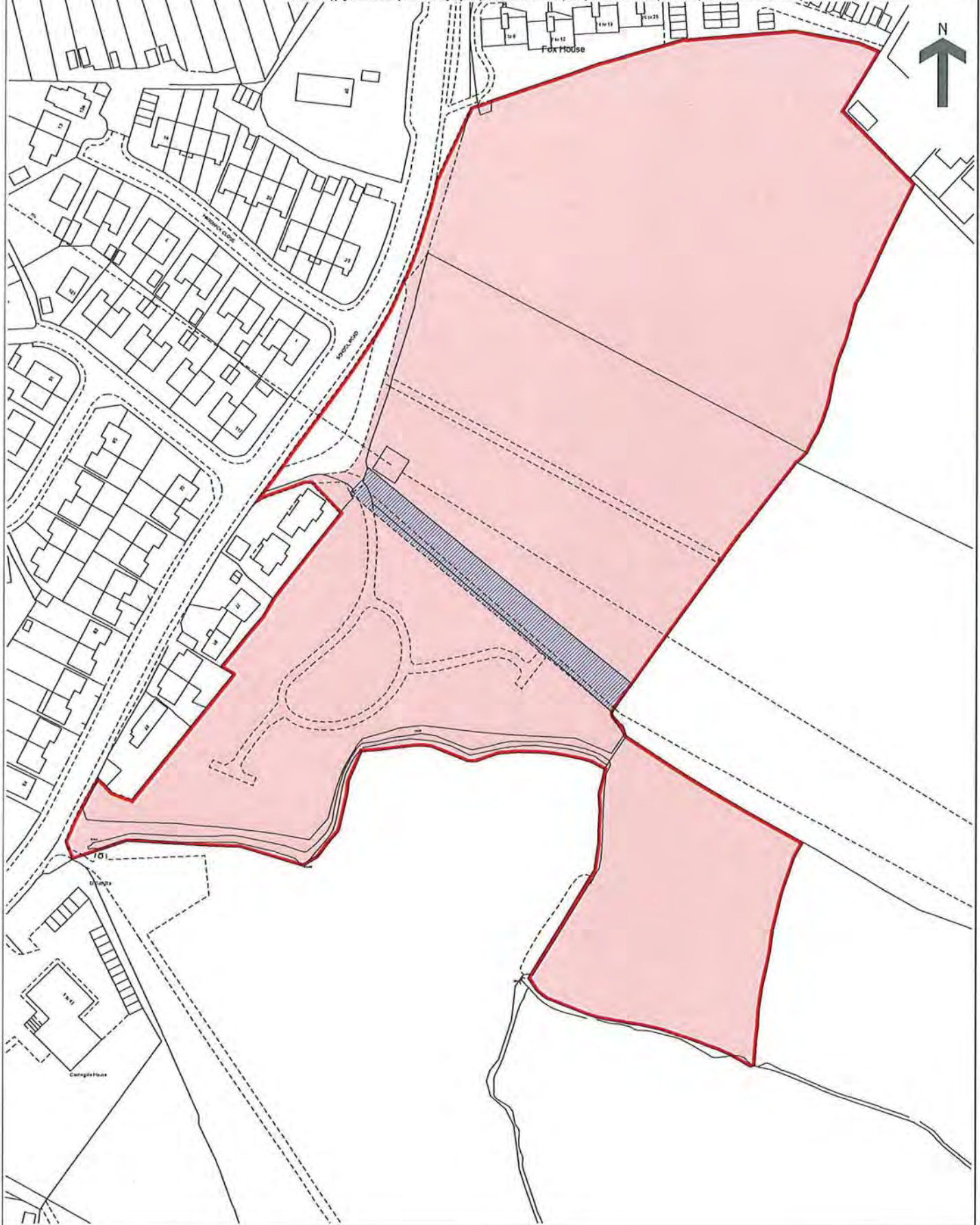
RFI4313 - Annex B

HM Land Registry Official copy of title plan

Title number BL121146
Ordnance Survey map reference ST6271SW
Scale 1:1250
Administrative area City of Bristol



© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



This agreement has been entered into on the date stated at the top of page 1.

Signed for and on behalf of **HOMES AND COMMUNITIES AGENCY** in the presence of:

s. 40(2)
General Manager
and Co-ordinator
Infrastructure

C27255

s. 40(2)

Authorised Signatory:

..... s. 40(2)

Print Name:

..... s. 40(2)

Executed as a deed (but not delivered until the date hereof) by the affixing of the Common Seal of **THE CITY COUNCIL OF BRISTOL** in the presence of:

138703

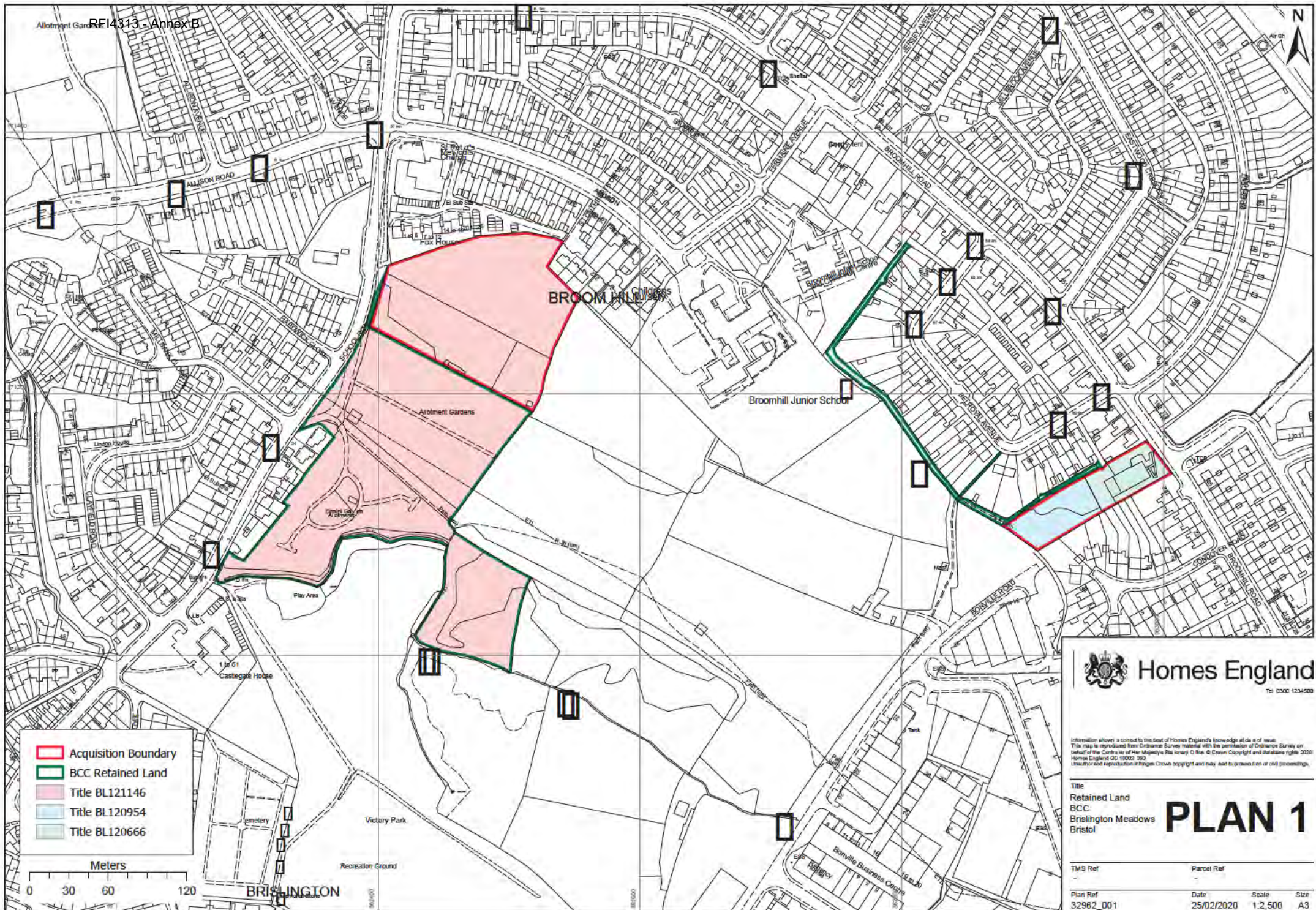
s. 40(2)

Authorised Officer:

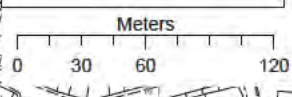
..... s. 40(2)

C27255

s. 40(2)



- Acquisition Boundary
- BCC Retained Land
- Title BL121146
- Title BL120954
- Title BL120666

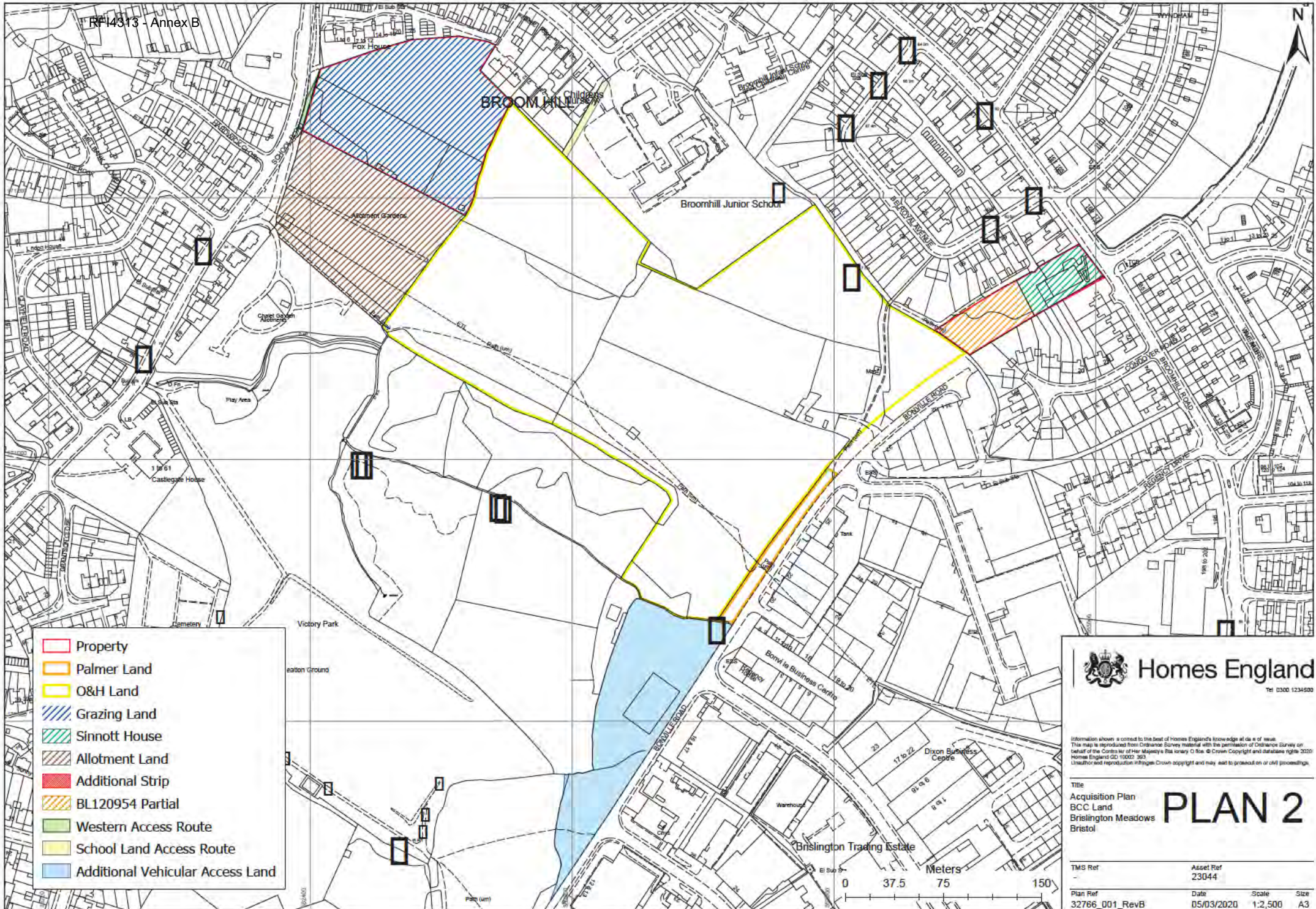


Information shown is correct to the best of Homes England's knowledge at date of issue.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright and database rights 2020.
Homes England GC/10002/202. Unauthorised reproduction infringes Crown copyright and may lead to prosecution on or civil proceedings.

Title
Retained Land
BCC
Bristolington Meadows
Bristol

PLAN 1

TMS Ref	Parcel Ref
Plan Ref 32962_001	Date 25/02/2020
Scale 1:2,500	Size A3



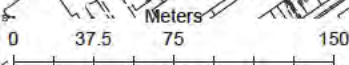
- Property
- Palmer Land
- O&H Land
- Grazing Land
- Sinnott House
- Allotment Land
- Additional Strip
- BL120954 Partial
- Western Access Route
- School Land Access Route
- Additional Vehicular Access Land

Information shown is correct to the best of Homes England's knowledge at date of issue.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright and database rights 2020. Homes England GD 10002 203. Unauthorised reproduction infringes Crown copyright and may lead to prosecution on civil proceedings.

Title
Acquisition Plan
BCC Land
Brislington Meadows
Bristol

PLAN 2

TMS Ref	Asset Ref		
-	23044		
Plan Ref	Date	Scale	Size
32766_001_RevB	05/03/2020	1:2,500	A3



From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 10 January 2023 17:07
To: s. 40(2) <s. 40(2)@wbd-uk.com>
Subject: Redaction of s43

Hi s. 40(2)

Further to our conversation this morning, s. 43, s. 42
Apologies for the delay in getting back to you s. 40(2)

s. 43, s. 42

| [Redacted]

[Redacted]

I look forward to hearing from you that this can be agreed.

Kind regards

s. 40(2)
s. 40(2)
Lawyer and Team Manager
Property Planning and Transport team
Legal Services
Bristol City Council
PO Box 3399
Bristol BS1 9NE

DX 7827 Bristol
s. 40(2)



Not in Scope

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 11 January 2023 10:39
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: Exchange of proofs

Hi s. 40(2)

Please can you confirm if you are able to send me a copy of your proofs so that I can circulate amongst the team

Many thanks

s. 40(2)

) s. 40(2)

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 11 January 2023 13:15
To: s. 40(2)
Cc: EXTERNAL s. 40(2) s. 40(2)
Subject: RE: Land At Broom Hill Broomhill Road Bristol BS4 4UD

Thanks s. 40(2) I will confirm to s. 40(2) we notified and agreed works with the Council and notice was published online.

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) s. 40(2)@stephenson-halliday.com>
Sent: 11 January 2023 12:16
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@tep.uk.com>; s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: FW: Land At Broom Hill Broomhill Road Bristol BS4 4UD

Hi s. 40(2)

As requested by s. 40(2) please email correspondence our arborist has had with BCC re the tree works planned at Brislington next week and confirmation from BCC of no impact to TPO trees.

All best

s. 40(2)

From: s. 40(2) <s. 40(2)@helygtreesurveys.co.uk>
Sent: 04 January 2023 12:42
To: s. 40(2) s. 40(2)@stephenson-halliday.com>
Subject: RE: Land At Broom Hill Broomhill Road Bristol BS4 4UD

Happy New Year s. 40(2)

Council have confirmed no TPO again (email attached).

Cheers,

s. 40(2)

From: s. 40(2) <JEsdon@stephenson-halliday.com>
Sent: 03 January 2023 16:27
To: s. 40(2) <s. 40(2)@helygtreesurveys.co.uk>
Subject: RE: Land At Broom Hill Broomhill Road Bristol BS4 4UD

Happy New Year s. 40(2)

Thanks for keeping me in the loop. Good to get that confirmation.
I will be gearing up Wessex next week for SARF and RAMs for the work on the 18th.

All best

s. 40(2)

From: s. 40(2) <s. 40(2)@helygtreesurveys.co.uk>
Sent: 22 December 2022 09:45
To: s. 40(2) <s. 40(2)@stephenson-halliday.com>
Subject: Fwd: Land At Broom Hill Broomhill Road Bristol BS4 4UD

FYI
:)

Sent from [Outlook for iOS](#)

From: Development Management <development.management@bristol.gov.uk>
Sent: Thursday, December 22, 2022 07:05
To: s. 40(2) <s. 40(2)@helygtreesurveys.co.uk>
Subject: RE: Land At Broom Hill Broomhill Road Bristol BS4 4UD

s. 40(2)

I can confirm no amendments have been made to TPO 1404. The works shown on your plan appear to fall outside of the TPO remit and as the site is not in a Conservation Area there is no requirement to obtain permission from the Planning Authority. I acknowledge the sensitive nature of the works and have sent your email to the Case Officer along with our Tree Officer and Ecologist to keep them informed of the proposed works.

Our Tree Officer is on Annual Leave until 4th Jan. I will ask him to check the details on his return to confirm my findings.

Regards

s. 40(2)

Senior Business Support To Tree Officers
Development Management – Economy of Place
Bristol City Council City Hall College Green Bristol BS1 5TR

Business Support Service
Professional : Resilient : Aspirational



Please note address for post only: Development Management, City Hall, College Green, PO Box 3399 Bristol BS1 9NE
Ts. 40(2)

E development.management@bristol.gov.uk
Web: www.bristol.gov.uk

Confidentiality:

This e-mail is confidential and is intended solely for the use of the individual or entity to whom it is addressed. Any views or opinions presented are solely those of the author and are not binding on the Local Planning Authority. If you are not the intended recipient and you have received this e-mail in error you must take no action based on it. Please delete/destroy and inform the sender immediately

IMPORTANT NOTICE: Privileged and/or confidential information may be contained in this message and any attachments ("this Email"). If you are not the intended addressee (or responsible for the delivery of this Email), you may not copy or deliver this Email to anyone and you should instead destroy it and are requested to notify the sender of your receipt of the Email immediately. No guarantee is given that this Email is free from viruses and/or that this Email or any reply is secure from interception/corruption. Any opinions, recommendations and other information which do not relate to official business of Bristol City Council are included in this Email on the basis that they are personal to the sender and are neither given nor endorsed by Bristol City Council.

From: s. 40(2) <s.40(2)@helygtreesurveys.co.uk>
Sent: 21 December 2022 12:58
To: Development Management <development.management@bristol.gov.uk>
Cc: s. 40(2) s. 40(2)@stephenson-halliday.com
Subject: Land At Broom Hill Broomhill Road Bristol BS4 4UD
Importance: High

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

To whom it may concern,

We are working on behalf of our client Homes England, organising a package of H+S tree works around the Brislington Meadows site.

This email is firstly requesting to confirm that no further changes from the previous TPO plan (attached) have occurred? and secondly to keep you up to date with what we have proposed.

This is mainly due to the contentious nature of activity at this site, as previously a number of concerned residents raised the alarm when hearing chainsaws on site.

The works planned (attached) are solely related to H+S risk and none of the items relate to the trees protected by TPO's (based on the attached plan). An ecologist will be present to supervise and inspect any trees that have habitat potential for protected species, as necessary.

Any works adjacent to public footpaths will be risk assessed, signage installed and may be cordoned off for very short periods of time where necessary to complete the tree work. No footpaths will be closed completely.

The works are planned for the 18-19th January 2023.

Please confirm receipt of this email and if you have any questions, please let myself and my colleague s. 40(2) (cc'd) know as soon as possible.

Kind regards,

s. 40(2)

s. 40(2)
s. 40(2)@helygtreesurveys.co.uk

From: s. 40(2) <s. 40(2) bristol.gov.uk>
Sent: 20 January 2023 15:55
To: s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>; Nitin Bhasin <nitin.bhasin@bristol.gov.uk>; s. 40(2) <s. 40(2) @cornerstonebarristers.com>; s. 40(2) <s. 40(2) wessexeco.co.uk>; s. 40(2) <jfl@flac.uk.com>; s. 40(2) <s. 40(2) ida-design.co.uk>; s. 40(2) <s. 40(2) ida-design.co.uk>; s. 40(2) <s. 40(2) gmail.com>
Cc: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>; s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Subject: 3308537 - Land At Broom Hill/Brislington Meadows

Afternoon all,

Please find attached details of the various room bookings at the Council Offices for the days of the Inquiry.

If you have any queries on arrangements then please feel free to contact me

Best wishes

s. 40(2)

) s. 40(2)

Team Leader- Major Developments
Development Management
Bristol City Council

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

W: www.bristol.gov.uk



Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

DATE	INQUIRY	INSPECTOR	APPELLANT	BCC	RULE 6	PUBLIC
31.01.23	Bordeaux Room (24)	Lady Members Room (10)	Lady Mayors Parlour (12)	1P10 (10)	Hannover Room	Puerto Morazan Room (24)
01.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
02.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
03.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
07.02.23	Beira Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
09.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
10.02.23	Puerto Morazan Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
28.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
01.03.23	Puerto Morazan Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
02.03.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A
03.02.23	Bordeaux Room	Lady Members Room	Lady Mayors Parlour	1P10	Hannover Room	N/A

Please can all visitors arrive via the front door of City Hall which is opposite College Green and check in with the security guard on the front desk. You will need to sign in and be issued with a visitor pass. Please ask for **s. 40(2)** on arrival and I will meet you at the front desk and show you to the various rooms.

Day 1 of the Inquiry will be live streamed into the Puerto Morazan Room so members of the public can attend and observe if the Bordeaux Room reaches capacity. There will be no live streaming on any other days of the Inquiry.

All rooms are booked from 08:00-18:00 and will be locked overnight

RFI4313 - Annex C

APPEAL REF: APP/Z0116/W/22/3308537

Land Broom Hill/Brislington Meadows, Broomhill Road, Brislington, Bristol

The Bristol City Council address is:

City Hall, College Green, Bristol BS1 5TR

<https://goo.gl/maps/1ahdpm5z5ebGT3FS6>

Not in Scope

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 24 January 2023 15:57
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: CIL Compliance Schedule- 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Hi s. 40(2)

Please find attached the CIL Compliance Schedule that will accompany the s106.

Please can you let me have any comments by tomorrow before I send to PINS on Thursday with the s106

Many thanks

s. 40(2)

() BA (Hons), MSc, MRTPI
Team Leader- Major Developments
Development Management
Bristol City Council

Section 106 Agreement for Planning Application no. 22/01878/P- Land at Broom Hill/Brislington Meadows

Compliance with s.122 of the CIL Regulations

Obligation and Policy Basis	Necessary to make the development acceptable	Directly related to the development	Fairly and reasonably related in scale and kind to the development
<p>Affordable Housing</p> <p>Core Strategy Policy BCS17: Affordable Housing</p> <p>Core Strategy Policy BCS11 Infrastructure and developer contributions.</p> <p>Planning Obligations SPD p12</p> <p>Affordable Housing Practice Note</p>	<p>A proportion of housing on the site to be designated as affordable housing is required to meet the high need for affordable housing with the Local Authority area.</p>	<p>The proposal is required by policy to provide 30% of residential units to be affordable</p>	<p>The proportion of housing units to be affordable is clearly set out in the policy documents.</p>
<p>Fire Hydrant Contribution</p> <p>Core Strategy Policy BCS11 Infrastructure and developer contributions.</p> <p>The relevant section of the Building Regulations that require the provision of fire hydrants is Approved Document B – Fire Safety Volume 2 Part B5 (Access and</p>	<p>The provision of a fire hydrant is essential for safety reasons and must be operational prior to occupation</p>	<p>The proposed development is for 10 or more dwellings and will be erected more than 100m2 from the nearest existing fire hydrant. development</p>	<p>Required expenditure by the Council on the provision installation and five (5) years maintenance of 10 (ten) new fire hydrant(s) and related appropriately-sized water mains for fire-fighting purposes at a location within the vicinity of the development</p>

<p>facilities for the fire service), Section 15 (Fire mains and hydrants).</p>			
<p>Travel Plan Monitoring Fee</p> <p>Core Strategy Policy BSC10 Transport and Access Improvements and Policy BSC11): Infrastructure and Developer Contributions</p> <p>Policy DM23 Transport Development Management</p> <p>Planning Obligations SPD (pg 33) Travel Plan Guide for New Developments</p>	<p>The travel plan to be provided as part of the development must be audited and reviewed by the Council to ensure it is effective.</p>	<p>The travel plan is only required as a result of the development and the anticipated increase in travel by those accessing the development.</p>	<p>The monitoring fee is required, together with the provision and maintenance of supporting systems, to:</p> <ol style="list-style-type: none"> 1. Set up and update the database to ensure monitoring takes place at appropriate times. 2. Attend the development Travel Plan Steering Group meetings to monitor progress and to support the delivery and success of the Travel Plan. 3. Provide training to developer Travel Plan Co-ordinators. 4. Audit and review biennial monitoring over the 5-year period of the Travel Plan. 5. Review Travel Plan progress in light of monitoring results. 6. Discuss the results and future measures with the site Travel Plan Co-ordinator.

<p>Traffic Regulation Order Fee Core Strategy Policy BSC10: Transport and Access Improvements and Policy BSC11: Infrastructure and Developer Contributions</p> <p>Policy DM23 Transport Development Management</p> <p>Planning Obligations SPD (pg 18)</p>	<p>The TRO is required to be used by the Council for the making and implementation of four (4) traffic orders for the Development comprised as follows:</p> <p>1 New pedestrian crossing on School Road;</p> <p>2 New road humps on School Road (crossing site) and Bonville Road (emergency access site);</p> <p>3 Area wide waiting restrictions on new “adopted” development roads and roads surrounding the development site;</p> <p>4 20mph on new adopted roads within development site.</p>	<p>The TRO is only required as a result of the development and the anticipated increase in travel by those accessing the development.</p>	<p>The TRO cost is a standard charge by the Council and reasonably reflects the expense incurred by the Council in making a TRO</p>
<p>Employment and Skills Plan Core Strategy Policy BCS8 Delivering a thriving economy</p>	<p>In recognition of the local employment opportunities offered in the construction phase of the development</p>	<p>The proposed development will involve the construction of up to 260 new residential units will involve a substantial construction phase</p>	<p>The sum of £2,000.00 (two thousand pounds) Index Linked to be used by the Council towards the Council’s costs and expenses incurred by the Council in</p>

<p>Core Strategy Policy BCS11 Infrastructure and developer contributions.</p> <p>Delivering Employment and Skills through Development: A guide for applicants and developers</p>			<p>monitoring the implementation of the Employment and Skills Plan</p>
<p>Tree Replacement Contribution</p> <p>Policy BCS9 Green Infrastructure</p> <p>Policy BSC11: Infrastructure and Developer Contributions</p> <p>Policy DM15 Green Infrastructure Provision</p> <p>Policy DM17 Development Involving Existing Green Infrastructure</p> <p>Planning Obligations SPD (pg 20)</p>	<p>Off-site planting of replacement trees in mitigation for the loss of those trees located on the Land and identified for removal (but not capable of replacement on the Land)</p>	<p>The development results in the loss of trees on the development site, and it has not been demonstrated that the appellant can provide replacement tree planting on site.</p> <p>Following approval of an arboricultural survey pursuant to the Planning Permission but prior to Commencement of Development the Developer shall agree with the Council in writing the total sum to be paid by the Developer for the Tree Replacement Contribution</p>	<p>Sum to be agreed with the Council towards the costs and expenses incurred by the Council in the event of any off-site planting of replacement trees</p>
<p>Transport Infrastructure Contribution</p> <p>Core Strategy Policy BSC10: Transport and Access Improvements</p>	<p>Cost of works to make the network safe and appropriate for the proposed use.</p>	<p>Financial contributions are required as a result of the development and the anticipated increase in travel by public</p>	<p>The sum of £143,208.00 (one hundred and forty three thousand two hundred and eight pounds) Index Linked to be used for</p>

<p>Core Strategy Policy BSC11: Infrastructure and Developer Contributions</p> <p>Policy DM23 Transport Development Management</p> <p>Planning Obligations SPD (pg 15)</p>		<p>transport by those accessing the development.</p>	<p>expenditure by the Council on new and upgraded public transport facilities in the vicinity of the Land to include the provision of real-time information displays, raised kerbs and new shelters for two locations.</p>
---	--	--	--

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 25 January 2023 14:45
To: s. 40(2) <s. 40(2)@wbd-uk.com>
Cc: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>
Subject: RE: APP/Z0116/W/22/3308537: Land Broom Hill / Brislington Meadows, Broomhill Road, Brislington, Bristol [WBDUK-AC.FID124207612]

Dear s. 40(2)

The Council explained to the Inspector at the CMC on the 23rd that the 24 stated on the accommodation programme was the maximum number if the room was set out in Board room style. However when the Bordeaux room is set up for the Inquiry it is anticipated that there will be a capacity for a minimum of 20 members of the public who can be accommodated in the Inquiry room itself and an additional 40 can be accommodated in the Puerto Morazán Room. All of these numbers comply with health and safety standards.

At the time the accommodation for the Inquiry was being booked the rooms shown in the Inquiry programme were the only ones available on the required dates. The largest venue, the Council chamber is unavailable and the Inquiry rooms booked are the next largest in size. The Council is liaising with community representatives about the likely numbers attending on the first day and we are confident that these arrangements will be satisfactory. There is the option for local residents to view the first day of the Inquiry on line, and the link is being posted on the Councils web page. Details of the link were also included in the site notice.

Kind regards

s. 40(2)

s. 40(2)

Lawyer and Team Manager
Property Planning and Transport team
Legal Services
Bristol City Council
PO Box 3399
Bristol BS1 9NE

DX 7827 Bristol

s. 40(2)

e-mail s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Please communicate with us only by email and not by post/DX wherever possible. Our lawyers and support colleagues may be working from different locations.

IMPORTANT NOTICE: Privileged and/or confidential information may be contained in this message and any attachments ("this Email"). If you are not the intended addressee (or responsible for the delivery of this Email) you may not copy or deliver this Email to anyone and you should instead destroy it and are requested to notify the sender of your receipt of the Email immediately. No warranty is given that this Email is free from viruses and /or that this Email or any reply is secure from interception/corruption. Any opinions, recommendations and other information which do not relate to the business of Bristol City Council are included in this Email on the basis that they are personal to the sender and are neither given nor endorsed by Bristol City Council.

From: s. 40(2) <s. 40(2)@wbd-uk.com>

Sent: 23 January 2023 17:41

To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Subject: APP/Z0116/W/22/3308537: Land Broom Hill / Brislington Meadows, Broomhill Road, Brislington, Bristol [WBDUK-AC.FID124207612]

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Dear s. 40(2)

I note that the Inquiry Room Timetable was circulated on Friday last week. It appears the stated capacity of the Bordeaux Room, where the inquiry will be held in the first week, is 24. We note that on the first day of the inquiry, members of the public will be accommodated in the Puerto Morazán Room; the stated capacity of which also appears to be 24.

The Appellant is concerned that the Puerto Morazán Room will not be large enough to accommodate the number of people who may wish to attend the first day of the inquiry. The Appellant is keen to ensure the health and safety of members of the public wishing to attend. We would therefore urge the Council, if at all possible, to make a larger room, or an additional room, available to members of the public to ensure there is sufficient capacity to accommodate all those who may wish to attend.

Kind regards,

s. 40(2)

s. 40(2)
Managing Associate
Womble Bond Dickinson (UK) LLP

s. 40(2)

e: s. 40(2) wbd-uk.com

[Sign up for legal updates, e-newsletters and event invitations](#)

womblebonddickinson.com



Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. s. 40(2) bristol.gov.uk only is authorised to access this e-mail and any attachments. If you are not s. 40(2) bristol.gov.uk please notify s. 40(2) wbd-uk.com as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB1233393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebonddickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

From: s. 40(2) <s. 40(2) bristol.gov.uk>
Sent: 26 January 2023 09:05
To: s. 40(2) <s. 40(2) lda-design.co.uk>
Cc: s. 40(2) <s. 40(2) lda-design.co.uk>
Subject: Inquiry Catering

Morning s. 40(2)

Our caterers can be contacted at:

pegasuscatering@btconnect.com

I've also found the attached on our intranet for your info.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2) lda-design.co.uk>
Sent: 25 January 2023 13:21
To: s. 40(2) <s. 40(2) bristol.gov.uk>
Cc: s. 40(2) <s. 40(2) lda-design.co.uk>
Subject: RE: Brislington Meadows: Notification of Designation Decision

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Thanks s. 40(2)

I think generally about 15 people from side, this will fluctuate and likely tail off after the first week or so.

Please let me know details of the caterer and I can discuss with our team what we want to do.

s. 40(2)

(2)

Associate

[REDACTED]

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

tel: +44 (0)117 203 3628 | mob: 007866 053679

email: s. 40(2) [REDACTED] lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) [REDACTED] <s. 40(2) [REDACTED] bristol.gov.uk>

Sent: 25 January 2023 12:01

To: s. 40(2) [REDACTED] <s. 40(2) [REDACTED] lda-design.co.uk>

Subject: RE: Brislington Meadows: Notification of Designation Decision

Thanks s. 40(2) [REDACTED] – was a complete surprise to us!

Whilst writing – I'm trying to sort out drinks for the Inquiry. You've got a room and I can sort out tea / coffee for breaks etc, but would need to know general numbers for your side to place an order.

I'll also give you details of our in-house caterer who can provide sandwich lunches at reasonable rates, if you are interested.

Regards

s. 40(2) [REDACTED]

From: s. 40(2) [REDACTED] <s. 40(2) [REDACTED] lda-design.co.uk>

Sent: 25 January 2023 11:56

To: s. 40(2) [REDACTED] <s. 40(2) [REDACTED] bristol.gov.uk>; s. 40(2) [REDACTED] <s. 40(2) [REDACTED] planninginspectorate.gov.uk>; s. 40(2) [REDACTED]

<s. 40(2) [REDACTED] gmail.com>; s. 40(2) [REDACTED] <s. 40(2) [REDACTED] gmail.com>; s. 40(2) [REDACTED]

<s. 40(2) [REDACTED] bristol.gov.uk>

Cc: s. 40(2) [REDACTED] <s. 40(2) [REDACTED] lda-design.co.uk>; s. 40(2) [REDACTED] s. 40(2) [REDACTED] @tep.uk.com>

Subject: RE: Brislington Meadows: Notification of Designation Decision

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2) [REDACTED]

We were only recently notified of this decision by Historic England and were not aware any request had been submitted.

We have referred to the HE decision and report in our rebuttal evidence and have suggested the report is added as a core document – may be needed in the archaeology RTS.

Thanks

s. 40(2) [REDACTED]

s. 40(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 25 January 2023 11:51

To: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: FW: Brislington Meadows: Notification of Designation Decision

Dear All

The Council received notification yesterday that Historic England have considered a request to designate the appeal site as a Scheduled Ancient Monument and decided not to designate.

I would add that the Council was not aware of this request until the receipt of this e-mail.

Regards

s. 40(2)

(2)

Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR
T: s. 40(2)
E: s. 40(2)@bristol.gov.uk
Web: www.bristol.gov.uk

From: s. 40(2) <s. 40(2)@HistoricEngland.org.uk>

Sent: 23 January 2023 14:15

To: Development Management <development.management@bristol.gov.uk>

Subject: Brislington Meadows: Notification of Designation Decision

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)
s. 40(2)
Bristol City Council
Development Management
City Hall
PO Box 3399
Bristol
BS1 9NE

Our Ref: 1484609
Direct Line: s. 40(2)
EMail: s. 40(2) HistoricEngland.org.uk

23 January 2023

Dear s. 40(2)

Brislington Meadows, Broom Hill Road, Bristol, BS4 4UD

I am writing to inform you that we have carried out an initial assessment to consider whether the above monument should be added to the Schedule of Monuments.

The Secretary of State for Digital, Culture, Media and Sport has asked us to consider this application in our role as the Government's statutory adviser on the historic environment. We have now considered the application and completed an assessment of the monument based on the material provided. The Secretary of State has decided not to add Brislington Meadows to the Schedule at this time.

Please follow the link below to download a copy of the report setting out the reasons for this decision.

<http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=7423B26D-B40F-4481-A02E-9876DDEE5357&cn=BD562D5D-EB84-47C3-97C2-8E433D784BED>

If you consider that this decision has been wrongly made you may contact the Department for Digital, Culture, Media & Sport within 28 days of the date of this letter to request that the Secretary of State review the decision. An example of a decision wrongly made would be where there was a factual error or an irregularity in the process which affected the outcome. You may also ask the Secretary of State to review the decision if you have any significant evidence relating to the national importance of the monument which was not previously considered. Further details of the scheduling review criteria and process and how to request a review are contained in the annex to this letter.

Please do not hesitate to contact me if I can be of any further assistance. Further information can also be found on our website at <https://historicengland.org.uk/listing/what-is-designation>.

Yours sincerely

s. 40(2)

Listing Department
1st Floor Fermentation North
Finzels Reach
Hawkins Lane
Bristol

BS1 6JQ

Privacy Policy

We will always store your personal details securely. We collect data that you provide to us and only ever collect the information we need in order to carry out our statutory purposes and that helps us to deliver and improve our services. We will only share personal data when we are required to by law or with carefully selected partners who work for us. If you would like to know more or understand your data protection rights, please take a look at our privacy policy.

<https://historicensland.org.uk/terms/privacy/>

For a hard copy of the privacy policy please contact us.

Freedom of Information

Historic England is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a general right of access to information we hold. We may provide the information you have supplied in response to a request made under this legislation, subject to any exemptions which apply. Historic England will consult with external parties as necessary prior to releasing information.

Annex 1

Scheduling Review Criteria and Process

A review will only be carried out of a scheduling decision in the following circumstances:

1. there is evidence that the original decision has been wrongly made. Examples would include:

- Where there has been a significant factual error, e.g. the wrong monument was scheduled; or
- Where there has been some irregularity in the process that has affected the outcome, e.g. significant relevant considerations have not been taken into account/significant irrelevant considerations have been taken into account.

(2) there is significant new evidence, not previously considered, relating to the national importance of the monument as defined by the Ancient Monuments and Archaeological Areas Act 1979. For example where significant new evidence relating to the extent or survival of the monument has been discovered.

Having conducted a review, the Secretary of State will either affirm or overturn the original decision. It is important to understand that the original decision will stand until the Secretary of State has made a decision on whether the original decision should be affirmed or overturned. If the original decision is overturned, this will not have retrospective effect.

How to request a review of a scheduling decision

Reviews are carried out by the Department of Digital, Culture, Media & Sport and review requests should be made on the Department's 'Scheduling Review Request Form'. The Form is accompanied by Guidance to assist you in making a review request. Both the Form and the Guidance can be found at:

<https://www.gov.uk/how-to-challenge-our-decision-to-schedule-or-not-to-schedule-a-monument>

If you are unable to access the website please contact:

The Listing and Scheduling Review Team (Heritage)
 Department for Digital, Culture, Media and Sport
 4th Floor
 100 Parliament Street
 London
 SW1A 2BQ

s. 40(2)

From: s. 40(2) <s. 40(2)> bristol.gov.uk>
Sent: 26 January 2023 15:30
To: s. 40(2) s. 40(2)
Cc: s. 40(2) s. 40(2)
Subject: s. 43 Brislington Meadows

Hi s. 40(2)

s. 40(2) is currently on holiday until next week but I will look to pick this up with him on his return

Regards

s. 40(2) s. 40(2)
Bristol City Council | City Hall
Postal Address : Property, Bristol City Council, City Hall, College Green, Bristol, BS1 5TR

Mobile : s. 40(2)
Email : s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)
Website : www.bristol.gov.uk



Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)> homesengland.gov.uk>
Sent: 26 January 2023 10:50
To: s. 40(2) <s. 40(2)> bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)> bristol.gov.uk>; s. 40(2) <s. 40(2)> homesengland.gov.uk>; s. 40(2) <s. 40(2)> bristol.gov.uk>
Subject: s. 43 - Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Please can you provide an update on this.

Thanks

s. 40(2)

(2)
Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 22 December 2022 09:20
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: s. 43 - Brislington Meadows

Hi s. 40(2)

To provide an update on this before the Christmas break

s. 43
[Redacted]

s. 43
[Redacted]

Kind regards

s. 40(2)

s. 40(2) s. 40(2)

[Bristol City Council | City Hall](#)



Mobile: s. 40(2)
Email: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)
Website: www.bristol.gov.uk

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 21 December 2022 16:36
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Please can you respond to me on this. It is now three weeks since you last emailed me and I am being pressed to report back to senior management here on this issue.

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 29 November 2022 15:41
To: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

Hi s. 40(2)

s. 43

Will revert back to you on this as soon as I am able.

Kind regards

s. 40(2)

s. 40(2)

Bristol City Council | City Hall

Postal Address: Bristol City Council, PO Box 3399, Bristol BS3 9NE



Mobile: s. 40(2)
Email: s. 40(2)@bristol.gov.uk
Website: www.bristol.gov.uk

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 22 November 2022 14:25
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: FW: s. 43 - Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Sorry to chase but can you come back to me s. 43

Thanks

s. 40(2)

s. 40(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2)

Sent: 08 November 2022 14:04

To: s. 40(2) bristol.gov.uk

Cc: s. 40(2) <s. 40(2)> bristol.gov.uk

Subject: FW: s. 43 - Brislington Meadows

Hi s. 40(2)

s. 43

s. 43

Many thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 19 October 2022 10:48
To: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

Hi s. 40(2)

Apologies but my legal team have been slow in getting back to me on this. I have asked them to review the draft heads and comment. I will chase again.

Regards

s. 40(2) | s. 40(2)
Bristol City Council | City Hall
Postal Address : Property, Bristol City Council, City Hall, College Green, Bristol, BS1 5TR

Mobile : s. 40(2)
Email : s. 40(2)@bristol.gov.uk
Website : www.bristol.gov.uk



Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 19 October 2022 10:03
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: FW: s. 43 - Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Sorry to chase but have you managed to make any progress with BCC Legal on this matter. Do you need any further info?

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2)
Sent: 22 September 2022 15:51

To: s. 40(2) bristol.gov.uk

Subject: s. 43 [redacted] Brislington Meadows

Hi s. 40(2) [redacted]

s. 43 [redacted]

s. 43 [redacted]

s. 43 [redacted]

Let me know if you need anything more.

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

Homes England is the trading name of the Homes and Communities Agency. Our address for service of legal documents is One Friargate, Coventry, CV1 2GN. VAT no: 941 6200 50. Unless expressly agreed in writing, Homes England accepts no liability to any persons in respect of the contents of this email or attachments.

Please forward any requests for information to: infogov@homesengland.gov.uk

CONFIDENTIALITY AND PRIVACY

This message is intended solely for the addressee and may contain confidential information. If you have received this message in error, please reply to this e-mail highlighting the error to the sender, then immediately and permanently delete it.

Do not use, copy or disclose the information contained in this message or in any attachment.

For information about how we process data and monitor communications please see our [Personal Information Charter](#).

s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 26 January 2023 18:15
To: s. 40(2)
Cc: s. 40(2); s. 40(2); s. 40(2); s. 40(2)
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

You will recall I informed I am working with s. 40(2) and s. 40(2) (copied into this e-mail), s. 43

Regards

s. 40(2)

s. 40(2) s. 40(2)
Property Manager
Bristol City Council - Growth and Regeneration - Property
s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 26 January 2023 10:51
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Please can you provide an update.

Thanks

s. 40(2)

s. 40(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Sent: 09 January 2023 17:12

To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>

Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2)

<s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>

Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

I note s. 40(2) replied to the matter in his e-mail to you of 22nd December 2022. s. 43

Regards

s. 40(2)

s. 40(2) s. 40(2)

Property Manager
Bristol City Council - Growth and Regeneration - Property

s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 21 December 2022 16:34
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender
This message came from outside Bristol City Council, think before opening attachments or clicking links

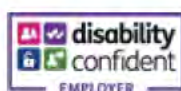
Hi s. 40(2)

Please can you respond to the email below.

Thanks

s. 40(2)

(2)
Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)
[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2)
Sent: 09 December 2022 07:35
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s. 40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s. 40(2)@homesengland.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hi s. 40(2)

Can you provide me with a timescale for this please. s. 43

Many thanks

s. 40(2)

(2)
Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)
[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 08 December 2022 18:20
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

s. 43
[Redacted]

Regards

s. 40(2)
[Redacted]

Property Manager
Bristol City Council - Growth and Regeneration - Property
s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Sent: 02 December 2022 10:42
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Can you please update me on s. 43 [Redacted]

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 20 October 2022 14:32
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

s. 43

s. 43

Regards

s. 40(2)

Property Manager
Bristol City Council - Growth and Regeneration - Property
s. 40(2) bristol.gov.uk

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 19 October 2022 10:01
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Sorry to chase but can you come back to me on this matter. s. 43

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay

Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 06 October 2022 17:08
To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

s. 43

Regards

s. 40(2)

Property Manager
Bristol City Council - Growth and Regeneration - Property
s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Sent: 06 October 2022 16:43
To: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Thanks s. 40(2)

s. 43

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) bristol.gov.uk>
Sent: 06 October 2022 16:06
To: s. 40(2) <s. 40(2) homesengland.gov.uk>
Cc: s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>
Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

Thank you for your patience.

s. 43

s. 43

s. 43

s. 43

Regards

s. 40(2)

Property Manager
Bristol City Council - Growth and Regeneration - Property
s. 40(2) bristol.gov.uk

Work Days: Monday to Thursday

Please Note: I will not necessarily read e-mails where I am only CC'd into.



From: s. 40(2) <s. 40(2) homesengland.gov.uk>
Sent: 30 September 2022 10:49
To: s. 40(2) <s. 40(2) bristol.gov.uk>
Cc: s. 40(2) <s. 40(2) bristol.gov.uk>; s. 40(2) <s. 40(2) bristol.gov.uk>
Subject: FW: Brislington Meadows - Footpath at Broomhill Junior School

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Sorry to chase but can you get back to me on the points below please.

Many thanks

I hope this is all clear but please get in touch if not.

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

[#MakingHomesHappen](#)

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Sent: 30 August 2022 16:32

To: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>

Cc: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>

Subject: RE: Brislington Meadows - Footpath at Broomhill Junior School

Hello s. 40(2)

s. 43

[Redacted]

[Redacted]

From: s. 40(2) <s. 40(2) [redacted] bristol.gov.uk>
Sent: 27 January 2023 13:22
To: s. 40(2) <s. 40(2) [redacted] lda-design.co.uk>; s. 40(2) <s. 40(2) [redacted] planninginspectorate.gov.uk>
Cc: s. 40(2) <s. 40(2) [redacted] planninginspectorate.gov.uk>; s. 40(2) <s. 40(2) [redacted] lda-design.co.uk>; s. 40(2) <s. 40(2) [redacted] lda-design.co.uk>; s. 40(2) <s. 40(2) [redacted] gmail.com>; s. 40(2) <s. 40(2) [redacted] lda-design.co.uk>
Subject: RE: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Dear s. 40(2) [redacted]

Thank you for your e-mail.

I can confirm that the Council will provide the photographs in question and the explanations as soon as possible.

The Council also reserves its position on costs relating to this matter.

Regards

s. 40(2) [redacted]

s. 40(2) [redacted]
Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

tel: s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 26 January 2023 12:06

To: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>

Cc: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2)

<s. 40(2)@gmail.com>

Subject: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol

Importance: High

Dear s. 40(2)

I am writing with an update that I would like you to advise the Inspector of please. This results from a review of the Appellant's rebuttal evidence.

Firstly, we will be referring to Keepers of Time - the Government's position statement on ancient woodland and veteran trees. We propose to add this as a Core Document, but the link is here in the meantime:

[Keepers of time: ancient and native woodland and trees policy in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/keepers-of-time)

Secondly, I must advise that insofar as the Appellant declined to submit a Proof of Evidence from s. 40(2) setting out the Appellant's position on veteran trees at exchange of Proofs four weeks ahead of the Inquiry (contrary to The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 at Rule 13(3)(a)) and has now submitted such a Proof (albeit branded a Rebuttal Proof); and further insofar as material within said Proof is at some variance to the Council's understanding of certain facts on the ground, s. 40(2) intends to revisit the site on Monday 30 January to photograph relevant trees, and to then introduce those photographs into evidence, annotated with the relevant tree numbers, as soon as the logistics of copying and printing permit on the morning of Tuesday 31 January.

Regards

s. 40(2)

(2)

Head of Development Management

Growth & Regeneration

Bristol City Council

City Hall, College Green, Bristol BS1 5TR

s. 40(2)

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 27 January 2023 15:42
To: s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>; s. 40(2) <s. 40(2) [planninginspectorate.gov.uk](mailto:s.40(2)@planninginspectorate.gov.uk)>
Cc: s. 40(2) <s. 40(2) [gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>; s. 40(2) <s. 40(2) [gmail.com](mailto:s.40(2)@gmail.com)>
Subject: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol - Statement of Common Ground

Dear S. / s. 40(2)

I'm very sorry to report that it doesn't appear that there will be an agreed SoCG in time for the weekend. We realise that this is unfortunate because an agreed SoCG would be helpful for the Inspector.

At close of business yesterday we were close to an agreed document with relatively minor matters to be resolved.

This morning the Appellant submitted an updated document which, whilst resolving the outstanding disputed matters, introduced significant new points (at paras 1.6, 8.2, 8.19 and 8.51). These points, which the Council feels at this stage are for Counsel submissions or witness evidence, and having not been raised before today, cannot be agreed at this very late stage by the Council. The Council considers the request to incorporate the new points to be unreasonable.

Therefore, the Council attaches the latest version of the SoCG in order to assist the Inspector.

Of course, should the Appellant revise their position on these matters the Council is willing to agree to sign the SoCG by return.

I attach the SoCG and also today's correspondence.

Regards

s. 40(2)

(2)

Head of Development Management

Growth & Regeneration

Bristol City Council

City Hall, College Green, Bristol BS1 5TR

T 0117 922 3762

M 07392 108958

E s. 40(2) bristol.gov.uk

Web: www.bristol.gov.uk

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 27 January 2023 15:44
To: s. 40(2) | s. 40(2)
Cc: EXTERNAL s. 4U(2)
Subject: RE: Brislington Meadows SOCG

s. 40(2)

I agree with the suggestion in your final paragraph and have sent it to PINS.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 27 January 2023 14:49
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

-

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

The SOCG is still under negotiation. It is therefore entirely within the Appellant's right to suggest changes to provide further clarity on relevant points of agreement, or (if they are not agreed) points of dispute, which would assist the Inspector.

We address the four points in turn.

s. 42

s. 42

s. 42

We will not be signing the SOCG unless these points are recorded either as agreed or as not agreed. We consider your current stance to be wholly unreasonable. If we cannot make further progress we suggest the latest non-agreed draft including these points in track changes is submitted to the Inspector as a current working draft.

Yours sincerely

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 27 January 2023 13:35
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

Dear s. 40(2)

The points in question have been added to the draft SoCG at a very late stage and the Council has not been given a reasonable opportunity to consider them.

We are of the view that these points do not belong in the SoCG and instead should form part of the Appellant's submissions. The Council does not agree to the points being either in the main document or set out in the matters not agreed, and to expect the Council to do so at this very late stage is plainly unreasonable.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 27 January 2023 12:20
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

I have accepted those changes that are agreed.

The text which you refer in para's 1.6, 8.2, 8.19 and 8.51 is to assist the Inspector by setting out points which ought not to be controversial and which will assist him in identifying the key issues of dispute to focus on. Either the Council agrees or disagrees these points. If they are not agreed, we suggest they are listed under 'Matters Not Agreed' but we will have to add a further point of dispute being whether the Council is reasonable in disagreeing with them.

Kind regards

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 27 January 2023 11:11

To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows SOCG

Morning s. 40(2)

s. 40(2) will come back to you shortly regarding the conditions.

On the SoCG, I also share the objective of getting the final version to the Inspector as soon as possible.

Firstly, I am pleased to note the agreement to the narrow range of positions re HLS, so hopefully the associated round table session will not be needed.

However, I note that there are some new additions (1.6, 8.2 and 8.19) which appear to be points that the appellant wishes to make. I feel that it is too late to put these into the SoCG now, and they are better put in your Counsel's submissions or witness evidence.

The other changes are all accepted.

If you could return a final version taking out the new additions highlighted I will be happy to sign this off by return.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 27 January 2023 07:55
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG
Importance: High

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

Please find the SOCG attached with some final amends from the Appellant. Please let us know if the remaining changes can be agreed asap. Can we aim to get back to the Inspector with the final version by lunchtime?

Have you got an update on the draft conditions and a response to our comments?

Thanks

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 26 January 2023 16:01
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

Dear s. 40(2)

Please find attached the latest version of the SoCG – hopefully we are almost there and can finalise soon.

Have you come to a view on whether the narrow range of 5YHLS can now be agreed, having seen our rebuttal on that subject?

Regards

s. 40(2)

From: s. 40(2)
Sent: 26 January 2023 14:56
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

Thanks s. 40(2)

I can confirm that all of these amendments are acceptable and will feature in the SoCG that I will return to you shortly.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 25 January 2023 17:20
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows SOCG

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Thanks for this. Apologies I hadn't amended Appendix A.

We would just request following amends:

- Tree Replacement Contribution – add to the end 'in accordance with the Council's Planning Obligations SPD'
- Travel Plan Audit Fee – please insert '(or, if the Travel Plan is prepared and implemented by the Council)' before Contribution £220 per unit
- Traffic Regulation Orders – please delete 'amending' and replace with 'making and implementing four'

Hope those changes make sense and grateful if you could update in the version you're looking at.

Thanks

s. 40(2)

(2)

Associate



First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 25 January 2023 15:51

To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows SOCG

Afternoon s. 40(2)

Thank you for this. Our team are going through it and I am aiming to get it back to you tomorrow.

In advance of that, I wanted to share proposed changes to the Heads of Terms, which our lawyers have amended in light of the final agreed s106. They are as follows:

S. 43

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 25 January 2023 11:29

To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows SOCG

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

Thanks for sharing comments on the SOCG.

We have reviewed and I return an updated version "Appellant further comments 25.01.23". This is a cleaner version which has accepted the changes both parties have agreed to be included / removed, and then moved some matters to not agreed where the position has not been resolved. Your previous version is attached for ease of reference.

I also attach the BNG Metric position statement agreed with s. 40(2) which we suggest can be appended.

Please let us know if you have any final comments on this and hopefully we're nearly in a position for this to be finalised and sent back to the Inspector.

I'll return comments on the draft conditions later today.

Thanks

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 24 January 2023 12:40

To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows SOCG

Dear s. 40(2)

Please find attached BCC's latest comments on the draft SoCG.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 20 January 2023 09:10

To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: Brislington Meadows SOCG

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Both

Please see attached the Appellants latest comments on the draft SoCG.

I have also attached the separated draft list of conditions which we have made some amends to. In the absence of any feedback from the Council yet, please can you include any comments you have on the conditions on this version.

Thank you

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 27 January 2023 16:07
To: s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@gmail.com>
Subject: RE: Bris Meadows Conditions List

Hi s. 40(2)

I attach the most up to date Conditions list with the vast majority of your suggestions incorporated. A few points points:

Condition 14 SUDS- this is our standard condition. I have asked the BCC Flood Risk Officer if your wording is acceptable but have not had a response as of yet

Condition 19 BNG Assessment- I have reverted back to Metric 3.0 as per the NE guidance you quote. However please can you provide the exact guidance reference note on this issue so that I can double check if this is acceptable. Trees and hedgerows proposed in front and rear gardens cannot be included in the BNG assessment and so I have kept his part in the condition.

Condition 27 Nesting birds- This is a standard condition on many consents. If it is removed then it BCC does not have any oversight of the process.

Condition 28 Invasive Species- Same as above

I am still awaiting confirmation from our Ecologist and Expert Witness as to whether or not the R6 party suggestions are acceptable and so will update and re-send in due course.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 26 January 2023 10:15
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@wbd-uk.com>; s. 40(2) <s. 40(2)@gmail.com>
Subject: RE: Bris Meadows Conditions List

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi both

Please see attached the Appellants comments on the draft conditions list.

A lot of the comments relate to phasing and triggers. There are several new conditions when compared to the list drafted by the Appellant but we note that these are essentially recommendations in the EcIA copied directly into the condition list. It was our intention that the combination of the CEMP, EMS, LEMP and PIP would have covered all these. If separated out in the manner proposed, it may that one document will be used to discharge multiple conditions in the future.

Please let us know what comments can be agreed now. We suggest to assist the Inspector that we move conditions into separate lists of those Agreed / Not Agreed. Under those Not Agreed we can summarise these by topic and include proposed wording from both parties.

Thanks

s. 40(2)

(2)

Associate

First Floor, Hanover House, Queen Charlotte Street, Bristol, BS1 4EX

s. 40(2)

email: s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk) | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

The climate and nature crises change everything. We're on the side of people and planet. Find out what we've been doing: <http://lda-design.co.uk/>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 23 January 2023 15:26

To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@gmail.com>

Cc: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2)

<s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Subject: Bris Meadows Conditions List

Dear s. 40(2) and s. 40(2)

Please find attached the DRAFT Conditions list set out and formatted as instructed by PINS.

Please can you let me have any comments ASAP so that we can get them agreed by Thursday

Many thanks

s. 40(2)

) s. 40(2)

Team Leader- Major Developments
Development Management
Bristol City Council

E: s. 40(2)@bristol.gov.uk

W: www.bristol.gov.uk



Bristol City Council Minutes of the Development Control B Committee

7 December 2022 at 2.00 pm



Members Present:-

Councillors: s. 40(2) (Chair), s. 40(2) (Vice-Chair), s. 40(2)

Officers in Attendance:-

s. 40(2) and s. 40(2) (Democratic Services Officer)

11 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the arrangements in the event of an emergency evacuation procedure.

12 Apologies for Absence

Apologies for absence were received from Councillor s. 40(2) Councillor s. 40(2) substituting.

13 Declarations of Interest

Councillor s. 40(2) as local Ward Member will withdraw from committee for the matter of 22.01878.P Land at Broom Hill Brislington Meadows; Councillor s. 40(2) as local Ward Member will withdraw from committee for the matter of 22.01199.PB Former School Site New Fosseway Road.

14 Minutes of the previous meeting

Resolved – that the Minutes of the 26th October 2022 be agreed as a correct record and signed by the chair.

15 Action Sheet

There were none.



16 Appeals

The Planning Co-ordinator, Development Management introduced the report.

The Land at Home Gardens Redland Hill Bristol: An appeal to the Planning Inspectorate, against the decision by this committee to refuse, has been heard with the decision pending. An update will be provided at the next meeting.

17 Enforcement

The Planning Co-ordinator, Development Management introduced the Report.

An update will be provided on the action taken, and being challenged, against a large HMO at 71 Ashley Hill.

18 Public forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

19 Planning and Development

The Committee considered the following applications.

20 Amendment Sheet

The amendment sheet was shared with committee in advance of the meeting.

21 22.01878.P Land at Broom Hill Brislington Meadows BS4 4UD

Officer's presentation:

- a. Officers advised that this was a high profile application that was subject to an appeal against non-determination. The public inquiry was set to start on the 31st January 2023 and would run for 11 days over a 5 week period.
- b. Committee were asked to consider the grounds for refusal; Officers provided a brief overview of issues arising from the application.
- c. The application was for Outline Planning Permission in the Brislington East ward and comprises an irregular shaped parcel of land extending to 9.6 hectares; development of up to 260 new



residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking.

- d. The public consultation resulted in; 6 letters of support; 575 objections; 3 neutral to the development; In summary the concerns covered; impact on biodiversity and ecology; loss of open space for recreation. Health and wellbeing; loss of important/ancient hedgerows; loss of trees; impact on highway network.
- e. Officer's recommendation to Members was to resolve that if Committee had the power to determine the application, it would 'refuse' planning permission. The reasons for refusal had been amended following input from the Council's expert witnesses and were set out in the Amendment Sheet. These were:
 - 1) The proposed development is considered to result in significant harm to biodiversity, for which it provides neither adequate mitigation nor compensation (whether on or off site). The application is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM17 and DM19 of the Site Allocations and Development Management (2014), and paragraphs 174, 179 and 180a of the NPPF (2021).
 - 2) The proposed development fails to retain important hedgerows and trees within the proposal site and is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014).
 - 3) The proposal would lead to the loss and deterioration of Irreplaceable Habitat without either a wholly exceptional reason or a suitable compensation strategy. It is therefore contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014) and paragraph 180c of the NPPF.
 - 4) The proposed development fails to adhere to the landscape and urban design policy considerations by virtue of excessive damage to the existing features on the site. The proposed plans and supporting documents present unsympathetic responses to the natural assets on the site and surrounding context and would prejudice the future design and delivery of an appropriate scheme. The proposal will fail to meet the requirements of the NPPF; policy BCS21 of the Core Strategy 2011; and policies SA1, DM26, DM27, DM28 and BSA1201 of the Site Allocations and Development Management Policies 2014.
 - 5) In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to make provision for the following:
 - Affordable Housing,
 - Ecological Mitigation (including BNG Biodiversity Off Setting),
 - Financial Contributions towards Fire Hydrants, Public Transport Facilities, amending Traffic
 - Regulation Orders, Tree Planting, Training and Employment Initiatives,
 - Management and Maintenance of on-site Public Open Space,
 - Travel Plan Audit Fee and contribution,



- Highway works including cycle and pedestrian works though Bonville Trading Estate.
 - These are required in order to mitigate the impacts of the development. The proposal is therefore contrary to policies BCS10, BCS11 and BCS17 of the Bristol Local Plan: Core Strategy (2011) policies DM15, DM16, DM17, DM19, DM23 of the Bristol Local Plan: Development Management Policies (2014) and the Planning Obligations SPD (Adopted 2012).
- f. Officers request Members to agree that the Head of Development Management in consultation with the Head of Legal Services be authorised :-
- (a) To draft and sign the Council's Statement of Case for the appeal
 - (b) To agree and sign the Statement of Common Ground for the appeal
 - (c) To negotiate and complete any s106 obligation that can be negotiated with the applicant that mitigates the impact of the development
 - (d) To prepare and present the evidence on behalf of the Council based on the recommended reasons for refusal outlined in this report
 - (e) To take all necessary decisions arising during the course of the Inquiry proceedings relating to the presentation of the Council's case.

Debate

- a. Cllr **s. 40(2)** expressed disappointment that the decision on the application is with the Planning Inspector; thanked Officers for compiling reasons for refusal.
- b. There was general consensus on the frustration of having a major application removed from the decision-making remit of committee.

Councillor **s. 40(2)** moved, seconded by Councillor **s. 40(2)** and upon being put the vote, it was:

RESOLVED - (For (7); Against (0); Abstain (0))to accept the grounds for refusal as set out above, (e)1 – 5 and, the Delegated Authority set out in section (f) a-e.

Not In Scope



From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 31 January 2023 07:49
To: s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@planninginspectorate.gov.uk>; s. 40(2) <s. 40(2)@ida-design.co.uk>; s. 40(2) <s. 40(2)@gmail.com>; s. 40(2) <s. 40(2)@gmail.com>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: 3308537 - Land At Broom Hill/Brislington Meadows, Bristol - Veteran Tree Photographs
Importance: High

Dear All

Please find attached photographs taken yesterday, each marked up to show:

- VH tree number
- 1.3m AGL red dashed line
- 1.5m AGL green dashed line

Regards

s. 40(2)
Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR
s. 40(2)
E: s. 40(2)@bristol.gov.uk
Web: www.bristol.gov.uk

Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: s. 40(2) <s. 40(2) bristol.gov.uk>
Sent: 31 January 2023 10:04
To: s. 40(2) <s. 40(2) planninginspectorate.gov.uk>
Cc: s. 40(2) <s. 40(2) lida-design.co.uk>; s. 40(2) <s. 40(2) gmail.com>; s. 40(2) <s. 40(2) bristol.gov.uk>
Subject: Draft Conditions- 3308537 - Appeal at Land At Broom Hill/Brislington Meadows, Bristol

Hi s. 40(2),

Please find attached the draft conditions list.

The vast majority of conditions are broadly agreed between the appellant and LPA

I have also included at the end of the document the amended conditions as suggested by the R6 Party but these are yet to be agreed by the appellant and LPA- I will forward in due course once agreed

Best wishes

s. 40(2)

s. 40(2) BA (Hons), MSc, MRTPI
Team Leader- Major Developments
Development Management
Bristol City Council

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

W: www.bristol.gov.uk



Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 01 February 2023 08:36
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@gmail.com>
Subject: Draft Conditions- 3308537 - Appeal at Land At Broom Hill/Brislington Meadows, Bristol

Morning both,

Please find the updated version of the condition list that was sent to PINS yesterday.

I have added the BCC Ecologist's input (purple text) on the condition amendments as advised by the Rule 6 (in yellow)

Please can you provide further comments so we can look to getting these agreed

Many thanks

s. 40(2)

s. 40(2) BA (Hons), MSc, MRTPI
Team Leader- Major Developments
Development Management
Bristol City Council

E: s. 40(2)@bristol.gov.uk
W: www.bristol.gov.uk



Council services: <http://www.bristol.gov.uk/service>
Latest council news: <http://www.bristol.gov.uk/ournews>
Consultations: <http://www.bristol.gov.uk/consult>
Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Brislington Meadows - Draft conditions V5

	Council	Appellant	Rule 6 Party
1	<p>Approval of the details of appearance, layout, scale and landscaping (hereinafter called "the reserved matters") in relation to each phase of the development shall be obtained from the council in writing before any development within that phase is commenced.</p> <p>Reason: This is outline permission only and these matters have been reserved</p>	Agreed	Agreed
2	<p>Outline Permission</p> <p>Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>	Agreed	Agreed
3	<p>Phasing Plan</p> <p>No development shall take place until a phasing/sequence plan of the development has been submitted to and approved in writing by the Local Planning Authority.</p>	Agreed	Agreed

	Reason: In the interest of the orderly development of the site		
4	<p>Approved Design Code</p> <p>Detailed plans and particulars of the reserved matters above shall be in compliance with the approved Design Code (April 2022) and each reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code.</p> <p>Reason: In the interest of visual amenity</p>	Agreed – just to check date of Design Code if there is any update to the Regulating Plan	Agreed
5	<p>Broomhill Road Access</p> <p>No development shall take place above ground level until full details of the junction between the site and Broomhill Road have been approved in writing by the Local Planning Authority; The details shall be in broad accordance with KTC Drawing No. 1066-007.D</p> <p>No dwelling hereby approved shall be occupied until that junction has been constructed in accordance with the approved details.</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p>	Agreed	Agreed
6	School Link Connection	Agreed	Agreed

	<p>No development shall take place above ground level until details of the pedestrian / cycle link to Allison Road / Fermaine Avenue have been submitted to and approved in writing by the Local Planning Authority. The details shall be in general accordance with KTC Drawing No. 1066-003.</p> <p>The works shall conform to the approved details and be completed in accordance with the agreed phasing programme.</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p>		
7	<p>Bonville Road Access</p> <p>No development shall take place above ground level until details of the emergency vehicle / pedestrian / cycle link to Bonville Road have been submitted to and approved in writing by the Local Planning Authority, including details of construction access arrangements and measures to prevent vehicular access (other than emergency vehicle access) once the development is complete. The details shall be in general accordance with KTC Drawing No. 1066--014</p> <p>Once the development is complete, the link shall at no time be used as a vehicular access apart from in</p>	Agreed	Agreed

	<p>accordance with the approved temporary construction access arrangements and emergency access details.</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p>		
8	<p>School Road Pedestrians/Cyclists Access</p> <p>No development shall take place above ground level until details of the improvements to the existing footpath to provide a pedestrian/cycle link to School Road have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The works shall conform to the approved details and be completed in accordance with the agreed phasing programme</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p>	Agreed	Agreed
9	<p>Proposed Adoption</p> <p>The reserved matters submission(s) for each phase of the development shall include a plan showing all roads, paths and parking spaces proposed for adoption.</p>	Agreed	Agreed

	Reason: To ensure that the internal access roads, paths and parking spaces can be adopted and that development does not unacceptably affect highway safety.		
10	<p>Construction Management Plan</p> <p>No development shall take place, including any demolition works, until a construction management plan or construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:</p> <ul style="list-style-type: none"> • 24 hour emergency contact number; • Hours of operation; • Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); • Routes for construction traffic; • Locations for loading/unloading and storage of plant, waste and construction materials; • Method of preventing mud being carried onto the highway; • Measures to protect vulnerable road users (cyclists and pedestrians) • Any necessary temporary traffic management measures; • Arrangements for turning vehicles; • Arrangements to receive abnormal loads or unusually large vehicles; 	Agreed – to note this picks up concerns raised by third parties about impacts from construction activities and vehicle routing	

	<ul style="list-style-type: none"> • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. • Methods to reduce the effects of noise, vibration, dust and site lighting. <p>Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development</p>		
11	<p>Highway Condition Survey</p> <p>No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:</p> <ul style="list-style-type: none"> • A plan to a scale of 1:1000 showing the location of all defects identified; and • A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey. <p>Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.</p>	Agreed	

<p>12</p>	<p>Internal Access Roads and Transport Measures – Key Elements</p> <p>Prior to the commencement of development each subsequent Reserved Matters application shall include the following in respect of transport and highways and in relation to the internal roads. Details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> • A plan showing swept path analysis for all carriageways for a refuse truck and a large car. • A plan showing appropriate forward visibility splays. • A plan showing vehicular visibility splays at junctions. • Speed reduction measures where appropriate. • Cross and long sections with spot heights and gradients for the carriageways/shared surfaces. • A plan showing all areas to be put forward for adoption. • A plan showing the details of car parking. • A plan showing the details of secure cycle parking. • A plan showing the solutions for the storage and collection of refuse and recycling. • A proposal for the upgrade of the walking and cycling links through the site <p>Reason: To ensure that the internal access roads can be adopted and that development does not unacceptably affect highway safety.</p>	<p>Agreed</p>	
-----------	---	---------------	--

13	<p>Ownership and Management Plan</p> <p>Prior to the commencement of each phase of the development an Open Space Design and Management Plan shall be submitted and approved in writing by the Local Planning Authority. Details shall include:</p> <ul style="list-style-type: none"> • Details of the land identified for open space for public recreation and sport; • Details of how the open space shall be laid out and/or constructed; • Details of the management company responsible for maintaining and repairing the open space. <p>The Open Space Design and Management Plan shall be implemented as approved and the open space shall be used and maintained for public recreation and sport in accordance with the approved Open Space Design Management Plan for the lifetime of the development.</p> <p>Reason: In the interests of the ongoing management of the site</p>	Agreed	
14	<p>Sustainable Drainage System (SUDS)</p> <p>No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the</p>	<p>The Appellant needs this to allow phasing and suggests alternate wording:</p> <p><i>Full details of a scheme for the provision of surface water management for the site and the phasing thereof shall accompany or shall be submitted before the first submission for approval of reserved matters. The scheme shall accord with the principles and objectives of the Flood Risk Assessment and outline drainage</i></p>	

	<p>building commencing and maintained thereafter for the lifetime of the development.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.</p>	<p><i>strategy (April 2022) and the Design Code (April 2022). The development shall be carried out in accordance with the approved details.</i></p> <p><i>Each reserved matters submission shall include further details of surface water management within that reserved matters area and will demonstrate compliance and compatibility with the Surface Water Management Scheme for the site approved above. The development shall be carried out in accordance with the approved details.</i></p> <p>This is being reviewed and to agree with BCC.</p>	
15	<p>Landscaping details (Soft and Hard) – (Major applications)</p> <p>Prior to the commencement of the development in any phase of the development hereby approved, details of treatment of all parts of the site comprised in that phase and not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority</p> <p>Each phase of the site shall be landscaped strictly in accordance with the approved details for that phase and in the first planting season after completion or first occupation of the development within that phase, whichever is the sooner. Details shall include:</p> <ol style="list-style-type: none"> 1. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted; 	<p>Agreed Council’s wording – to review R6 wording</p>	<p>Landscaping details (Soft and Hard) – (Major applications)</p> <p>Prior to the commencement of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority</p> <p>The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p>

<p>2. location, type and materials to be used for hard landscaping including Stockholm specifications for:</p> <ul style="list-style-type: none"> a. permeable paving b. underground modular systems c. soil aeration vents d. soil type, biochar content and soil volumes available for each tree e. sustainable urban drainage integration, utilizing rainwater runoff to supplement tree planting pits. f. Use within tree Root Protection Areas (RPAs); <p>3. a schedule detailing sizes and numbers/densities of all proposed trees/plants; the number of trees shall comply with the calculation to be made in accordance with Bristol Tree Replacement Standard to be provided as part of Condition [16], replacement trees shall be in locations where they are able to thrive to full size and trees in rear and front gardens shall not be acceptable as replacements.</p> <p>4. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>5. types and dimensions of all boundary treatments</p> <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.</p>		<p>1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;</p> <p>2) location, type and materials to be used for hard landscaping including Stockholm specifications for:</p> <ul style="list-style-type: none"> a) permeable paving b) underground modular systems c) soil aeration vents d) soil type, biochar content and soil volumes available for each tree e) sustainable urban drainage integration, utilizing rainwater runoff to supplement tree planting pits. f) Use within tree Root Protection Areas (RPAs); <p>3) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants; the number of trees shall comply with the calculation to be made in accordance with Bristol Tree Replacement Standard which shall identify the trees to be removed and the number of replacements for each to be provided as part of Condition [16], replacement trees shall be in locations where they are able to thrive to full size</p>
---	--	---

	<p>Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with DM15 and DM17.</p>		<p>and trees in rear and front gardens shall not be acceptable as replacements.</p> <p>4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>5) types and dimensions of all boundary treatments</p> <p>There shall be no excavation or raising or lowering of levels or storage of materials within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.</p> <p>Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.</p>
16	<p>Arboricultural implications assessment, arboricultural method statement & Tree protection plan</p> <p>Prior to the commencement of each phase of the development hereby approved (including demolition and</p>	Agreed	

<p>all preparatory work), a scheme for the protection of retained trees within that phase, in accordance with BS5837:2012, including a tree protection plan (TPP), arboricultural implications assessment (AIA) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Tree removal and retention b) mitigation in accordance with DM17: Development involving existing green infrastructure and Planning Obligations SPD (Tree replacement standard). c) Location and installation of services/ utilities/ drainage d) Details of construction within the RPA or that may impact on the retained trees e) A full specification for the installation of boundary treatment works. f) Soil analysis and foundation design in accordance with NHBC 4.2 for development within influencing distance of retained trees g) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the road, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant cross sections through them. h) Detailed levels and cross-sections to show that the raised levels of surfacing, where the 		
---	--	--

	<p>installation of a no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses</p> <ul style="list-style-type: none"> i) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. All fencing should comply with BS5837:2012 Figure 2 Default specification for protective barrier j) A specification for scaffolding and ground protection within tree protection zones. k) Tree protection during construction on a TPP and construction activities clearly identified as a prohibited in this area. l) Details of how site facilities including site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, concrete mixing and use of fires will not have any adverse impact on trees within the site. m) Boundary treatments within the RPA. n) Methodology and detailed assessment of root pruning. o) Arboricultural supervision and inspection by a suitably qualified tree specialist. p) Reporting of inspection and supervision. q) Methods to improve the rooting environment for retained and proposed trees and landscaping. r) Veteran and ancient tree protection and management. 		
--	--	--	--

	<p>The development of each phase thereafter shall be implemented in strict accordance with approved details, including:</p> <ul style="list-style-type: none"> a) Inclusion within the Construction Management Plan of enabling tree works and erection of tree protection fencing. b) Pre-start site meeting between Site Agent, project arboriculturist, project ecologist, earthworks contractor, and tree works contractor, to confirm final details of enabling tree works and tree protection completion audit. c) Enabling tree works to be undertaken as the first operation on site, under on-site supervision of an arboricultural clerk of works (ACOW). d) Tree protection fencing to be erected site wide after enabling tree works and before any further operations on site. Correct installation of tree protection fencing to be confirmed to the Council by ACOW prior to any other operations on site other than installation of site hoarding. <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DM17 and pursuant to section 197 of the Town and country planning Act 1990.</p>		
--	--	--	--

17	<p>Ecological Impact Assessment</p> <p>Prior to the commencement of each phase of the development an updated Ecological Impact Assessment (EclA) in accordance with published (CIEEM) guidelines shall be submitted to and approved in writing by the Local Planning Authority. This shall include repeat protected species surveys</p> <p>Reason: Policy DM19 in the Bristol Local Plan states that: Development which would take place on or adjacent to Habitat, Species and Features of Nature Conservation in Bristol which might have an impact upon them should be supported by an appropriate survey and assessment of impacts.</p>	Agreed	
18	<p>Ecological Mitigation Method Statement</p> <p>Prior to the commencement of the development hereby approved, individual or combined mitigation method statements should be submitted to and approved in writing by the Local Planning Authority in relation to the following:</p> <ul style="list-style-type: none"> • Native bluebell (preservation, translocation or mitigation for loss); • Invasive species (prevention of spread); • Slow worm (protection of slow worms, translocation plan in line with Natural England guidelines, and mitigation for habitats); • Birds (protection of nests and mitigation for nesting habitat); 	Agreed	

	<ul style="list-style-type: none"> • Invertebrates (protection of key habitat features and mitigation for habitats); • Badgers (protection and mitigation for habitats and/or setts) • Hedgehogs and other small wildlife including terrestrial amphibians (protection of animals and mitigation for habitats, including permeability measures); and • Bats (protection of and mitigation for tree roost habitats and commuting/foraging habitat). <p>Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations.</p>		
19	<p>Biodiversity Net Gain Assessment</p> <p>Prior to the commencement of the development hereby approved, an updated Biodiversity Net Gain (BNG) Assessment undertaken using Biodiversity Metric 3.0 Calculation Tool, based on an updated ecological survey of the site and the detailed design proposals that is submitted through Reserved Matters, shall be submitted and approved in writing by the Local Planning Authority. Trees and hedgerows proposed in rear and front gardens, or other spaces inaccessible for maintenance, shall not be included in the BNG Assessment</p> <p>Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy</p>	<p>Agree Council's wording.</p>	<p>Prior to the commencement of the development hereby approved, an updated Biodiversity Net Gain (BNG) Assessment undertaken using Biodiversity Metric 3.1 Calculation Tool or such Biodiversity Metric Calculation Tool as shall be published by Natural England at the time, based on an updated ecological survey of the site and the detailed design proposals that is submitted through Reserved Matters, shall be submitted and approved in writing by the Local Planning</p>

Commented [MCDA1]: We understand that BNG 4.0 is about to be published and that this will be the adopted version when the remainder of the EA 2021 takes effect later in the year.

	<p>Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that “Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity”.</p>		<p>Authority. Trees and hedgerows proposed in rear and front gardens, or other spaces inaccessible for maintenance, shall not be included in the BNG Assessment</p>
<p>20</p>	<p>Biodiversity Net Gain Strategy</p> <p>Prior to the commencement of development hereby approved, a strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) identified through the BNG Assessment to be required to deliver the target 10% uplift shall be submitted and approved in writing by the Local Planning Authority. This shall be informed by the recommended measures set out in the updated BNG assessment and the updated EclA.</p> <p>Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that “Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity.”.</p>	<p>Question whether it’s necessary or appropriate to specify the 10% BNG. Whilst the appellant commits to this, it is not a policy requirement so no legal basis?</p>	<p>Prior to the commencement of development hereby approved, a strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) which shall have been selected in this application and identified through the BNG Assessment to be required to deliver the target a minimum 10% uplift and which complies with the Biodiversity Metric habitat trading requirements applicable at the time shall be submitted and approved in writing by the Local Planning Authority. This shall be informed by the recommended measures set out in the updated BNG assessment and the updated EclA.</p>

21	<p>Project Implementation Plan</p> <p>Prior to the commencement of each phase of the development, a Project Implementation Plan (PIP) for the delivery of on and offsite ecological and BNG mitigation and compensation, in accordance with the approved Biodiversity Net Gain Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The purpose of this plan shall be to ensure that a framework is adopted by all relevant parties which ensures a consistent, integrated and common approach for the delivery of the agreed scheme targets for ecology and BNG. The plan shall include timescales, phasing, critical pathways, programme risks, roles and responsibilities, communication pathways, and project controls as may be required to ensure the successful delivery of the combination of mitigation and compensation measures on and off site.</p> <p>Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."</p>	Agreed	
22	<p>Brislington Meadows SNCI Protection Method Statement</p> <p>Prior to the commencement of development hereby approved, a method statement outlining measures to avoid and reduce damage to Brislington Meadows SNCI during construction works shall be submitted and approved in writing by the Local Planning Authority. The</p>	Agree with the R6 amends	<p>Brislington Meadows Site of Nature Conservation Interest (SNCI) Protection Method Statement</p> <p>Prior to the commencement of development hereby approved, a method statement outlining</p>

	<p>method statement should include detailed methods and timings for:</p> <ul style="list-style-type: none"> • Drainage connection works within the SNCI south of the site; and • Maintaining and enhancing functionality through the cycle/pedestrian link as it traverses part of the SNCI; • Details for turf recovery, storage and maintenance during works. <p>Reason: To comply with policy DM19 in Bristol Site Allocations and Development Management Policies, which states that: "Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted."</p>		<p>measures to avoid and reduce damage to Brislington Meadows SNCI (all SNCI land outside of the site allocation BSA1202 boundary) during construction works shall be submitted approved in writing by the Local Planning Authority. The method statement should include detailed methods and timings for:</p>
23	<p>Construction Ecological Management Plan</p> <p>Prior to each phase, or concurrent with the submission of the first reserved matters application, a Construction Ecological Management Plan (CEcMP) shall be submitted to the Local Planning Authority for approval. The CEcMP shall include the following:</p> <ul style="list-style-type: none"> • Risk assessment of potentially damaging construction activities. • Identification of "biodiversity protection zones" and tree protection measures. • Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction e.g pollution events (may be provided as a set of method statements). 	Agree	

Commented [MCDA2]: Please define what is meant by the Brislington Meadows SNCI. We take it to mean the whole of the SNCI as defined and mapped by BRECC and now accepted by the Council.

	<ul style="list-style-type: none"> • The location and timings of sensitive works to avoid harm to biodiversity features. • The times during construction when specialist ecologists need to be present on site to oversee works. • Responsible persons and lines of communication. • The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. • Use of protective fences, exclusion barriers and warning signs if applicable. E.g tree protection measures <p>The approved CEcMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.</p>		
24	<p>Landscape and Ecological Management Plan</p> <p>Prior to each phase, or concurrent with the submission of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for approval. The LEMP shall include the following:</p>	Agree	<p>Prior to each phase, or concurrent with the submission of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to</p>

<ul style="list-style-type: none"> • Description and evaluation of features to be managed. • Ecological trends and constraints on site that might influence management. • Aims and objectives of management, including how a minimum of 10% in biodiversity net gain will be achieved. • Appropriate management options for achieving aims and objectives. • Prescriptions for management actions • Programme of ecological monitoring, setting out key performance indicators for each feature of interest covered by the plan against which monitoring results should be reviewed • Prescription of a work schedule (including a thirty year annual work plan – to be reviewed every 5 years) • Details of the body or organisation responsible for implementation of the plan and defined role and responsibilities • Ongoing monitoring and remedial measures • Resourcing and funding budget. <p>This management plan should cover a 30-year period and be subject to at least five yearly reviews.</p> <p>Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and the Environment Act</p>		<p>the local planning authority for approval. The LEMP shall include the following:</p> <ul style="list-style-type: none"> • Description and evaluation of features to be managed. • Ecological trends and constraints on site that might influence management. • Aims and objectives of management, including how a minimum of 10% in biodiversity net gain which complies with the Biodiversity Metric habitat trading requirements applicable at the time will be achieved. • Appropriate management options for achieving aims and objectives. • Prescriptions for management actions. • Programme of ecological monitoring, setting out key performance indicators for each feature of interest covered by the plan against which monitoring results should be reviewed
---	--	--

	<p>(2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity.</p>		<ul style="list-style-type: none"> • Prescription of a work schedule (including a thirty year annual work plan – to be reviewed every 5 years) • Details of the body or organisation responsible for implementation of the plan and defined role and responsibilities • Ongoing monitoring and remedial measures • Resourcing and funding budget. <p>This management plan should cover a 30-year period from the date of the creation or enhancement of the habitats identified in the approved Biodiversity Metric Calculation and be subject to at least five yearly reviews thereafter.</p>
25	<p>Ecological Mitigation and Protection Management Plan (EMP)</p> <p>Prior to the commencement of the development of any phase hereby approved an Ecological Mitigation and Protection Management Plan (EMP) detailing measures to protect wildlife and their habitats within that phase</p>	Agree	

	<p>prior to and during construction should be submitted to and approved in writing by the Local Planning Authority.</p> <p>An ecological clerk of works (ECOW) will be appointed prior to the onset of construction. All method statements and construction phase management plans will be provided to the ECOW prior to the onset of construction. The role of the ECOW will be set out in the EMP/CEMP and should include:</p> <ul style="list-style-type: none"> • Ensuring the construction (including site clearance, construction and landscaping works) comply with the site protocols regarding ecological receptors and are completed following best practice guidelines in relation to ecology; • Delivering toolbox talks and on-site supervision where necessary; • Answering questions as they arise and to advise accordingly; • Carrying out an Ecological Watching Brief (EWB) throughout the construction period; • Raising Quality Alerts for any non-compliance with the ecological protocols; • Reporting any changes to the site and compliance concerns to the Site Environmental Manager. If insufficient action is taken, stopping the works and reporting to Homes England; • Liaise with the Site Environmental Manager and Homes and keep a site log. The site log will contain a log of daily activities, details of any recommendations made, details of any further actions required and with whom the responsibility for those action lies; and 		
--	---	--	--

	<ul style="list-style-type: none"> • Provide periodic reports to Homes England and BCC with respect to the progress of works. <p>The ECOW or otherwise an experienced botanist should assess planting schemes before the designs are finalised to ensure appropriateness of species in respect to ecological objectives for habitat types, habitat conditions and species requirements, particularly invertebrates.</p> <p>Reason: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.</p>		
26	<p>Lighting Plan</p> <p>Prior to works above ground level for each phase of the development details for any proposed external lighting within that phase shall be submitted to and agreed in writing by the Local Planning Authority in the form of a Lighting Impact Assessment (requiring a baseline light survey and the detailed lighting scheme showing lux levels).</p> <p>Sensitive lighting design will be required to avoid indirect impacts of lighting on nocturnal and crepuscular species and be in line with the following four lighting design principles:</p> <ul style="list-style-type: none"> • Spatial spread of lighting – the horizontal and vertical spread of artificial light will be minimised and will 		<ul style="list-style-type: none"> • Prior to the commencement of the development details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority in the form of a Lighting Impact Assessment (requiring a baseline light survey and the detailed lighting scheme showing lux levels). • Sensitive lighting design will be required to avoid direct and indirect impacts of lighting on nocturnal and crepuscular species and be in line with the following four lighting design principles: • Spatial spread of lighting – the horizontal and vertical spread of artificial light will be minimised and will take into account both primary and reflected light sources.

<p>take into account both primary and reflected light sources.</p> <ul style="list-style-type: none"> • Directional lighting should be designed into the luminaire and specifically angle and orientation of beam – while mitigation can be achieved by use of a retro-fitted cowl, louvre or other light shield, or a combination of these, these latter measures are considered ‘last resort’ only where integral design measures remain insufficient to adequately mitigate impacts; • Timing and duration of lighting – timers and bespoke dimming regimes may be used to ensure that luminaires are reduced at times of predicted low use. These can be set to change with the seasons and therefore reflect the shifting time of dusk and dawn throughout the year. Motion sensors provide further control to ensure that areas are illuminated only when required. In particular, use of motion sensors and timers are recommended for the Cycle Link (located within Brislington Meadows SNCI) in the event that lighting of this route cannot be avoided. • Intensity and colour of lighting – light intensity will be as low as possible whilst meeting the objectives of the intended function. The colour of lighting will need to take into account the sensitivity of the ecological receptors on site. Light sources selected should emit zero ultra-violet light wherever possible. Guidance from the Institute of Lighting Professionals and the Bat Conservation Trust (2018)⁶ recommends that white and blue spectrum light should be avoided or, where white lights are required, these should be of warm/neutral colour (below 3000K, preferably 2700K) and have a peak wavelength above 550 		<ul style="list-style-type: none"> • Directional lighting should be designed into the luminaire and specifically angle and orientation of beam – while mitigation can be achieved by use of a retro-fitted cowl, louvre or other light shield, or a combination of these, these latter measures are considered ‘last resort’ only where integral design measures remain insufficient to adequately mitigate impacts; • Timing and duration of lighting – timers and bespoke dimming regimes may be used to ensure that luminaires are reduced or switched off at times of predicted low use. These can be set to change with the seasons and therefore reflect the shifting time of dusk and dawn throughout the year. Motion sensors provide further control to ensure that areas are illuminated only when required. In particular, use of motion sensors and timers are recommended for the Cycle Link (located within Brislington Meadows SNCI) in the event that lighting of this route cannot be avoided. • Intensity and colour of lighting – light intensity will be as low as possible whilst meeting the objectives of the intended function. The colour of lighting will need to take into account the sensitivity of the ecological receptors on site. Light sources selected should emit zero ultra-violet light wherever possible. Guidance from the Institute of Lighting Professionals and the Bat Conservation Trust (2018)⁶ recommends that white and blue spectrum light should be
---	--	---

	<p>nanometres. Narrow spectrum light sources should be used (to lower the range of species affected by lighting).</p> <p>No new artificial lighting should be introduced within the southern greenspaces of the site.</p> <p>Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended). According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'</p>		<p>avoided or, where white lights are required, these should be of warm/neutral colour (below 3000K, preferably 2700K) and have a peak wavelength above 550 nanometres. Narrow spectrum light sources should be used (to lower the range of species affected by lighting).</p> <p>No new artificial lighting should be introduced within the southern greenspaces of the <u>site</u>.</p> <p>Reason: To conserve legally protected bats and other nocturnal and crepuscular wildlife complying with the 1981 Wildlife & Countryside Act (as amended). According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'</p>
27	<p>Nesting Birds</p> <p>All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No clearance of vegetation or structures suitable for nesting birds shall take place whilst birds are nesting, which is typically between March and August inclusive in any year without the prior written approval of the Local Planning Authority. If works are proposed within this period, the Authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be</p>	<p>Matter of legal compliance so not necessarily needed as a condition</p>	

Commented [MCDA3]: These green spaces need to be identified.

	<p>adversely affected including by disturbance before giving any approval under this condition. Where checks for nesting birds are required, they shall be undertaken by a qualified ecological consultant no more than 48 hours prior to the removal of vegetation or the demolition of/works to buildings.</p> <p>Reason: To ensure that wild birds, building or using their nests are protected, in accordance with para 179 of National Planning Policy Framework (NPPF, 2021) and to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).</p>		
28	<p>Invasive Species Management</p> <p>Prior to the commencement of any phase of the development, a Method Statement for the removal of invasive, non-native plant species within that phase shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.</p> <p>Reason: To comply with the 1981 Wildlife & Countryside Act (as amended) and the Natural Environment and Rural Communities Act (NERC) 2006.</p>	<p>Matter of legal compliance so not necessarily needed as a condition</p>	

29	<p>Detailed Enhancement Strategy for Woodlands</p> <p>Prior to the commencement of the development an enhancement strategy for woodlands should be submitted to and approved in writing by the Local Planning Authority</p> <p>This should be developed according to specialist arboricultural advice but should include measures to address the following ecological objectives to ensure 'good' condition in accordance with the Biodiversity Metric 3.0 habitat condition assessment criteria.</p> <p>Diversification of woodland structure – to maintain at least two and promote establishment of three classes (generally young (0-20 years), intermediate (21-150 years) and old (>150 years);</p> <ul style="list-style-type: none"> • To maintain more than 80% native tree cover • Removal of invasive species • To promote natural woodland regeneration (seedlings, saplings and young trees 4-7cm diameter or advanced coppice regrowth); • To promote tree health (tree mortality <10%, no pests, diseases or crown die back); • To enhance ground flora to encourage persistence to ancient woodland indicator species and generate a recognisable woodland ground flora community; • Diversification of vertical structure to create at least three woodland storeys (e.g., ground flora, shrub layer and upper canopy); 		<p>Prior to the commencement of the development an enhancement strategy for woodlands should be submitted to and approved in writing by the Local Planning Authority.</p> <p>This should be developed according to specialist arboricultural and ecology advice but should include measures to address the following ecological objectives to ensure 'Good' condition in accordance with the Biodiversity Metric 3.1 habitat Woodland habitat condition assessment criteria (or such Biodiversity Metric Woodland habitat condition assessment criteria as shall be published by Natural England at the time).</p>
----	--	--	--

	<ul style="list-style-type: none"> To increase standing and ground dead wood through implementation of a dead wood management strategy. <p>Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...".</p>		
30	<p>Detailed enhancement strategy for retained grasslands and creation method statement for new grasslands</p> <p>Prior to the commencement of the development an enhancement strategy for retained grasslands and creation method statement for new grasslands should be submitted to and approved in writing by the Local Planning Authority.</p> <p>New grasslands should be designed and managed to maximise flora diversity and to maximise value to invertebrates.</p> <p>'Dry' meadow grasslands should achieve g3c6 Lolium-Cynosurus neutral grassland "neutral grassland with a mixture of grass species including palatable grasses such as perennial rye grass and other grasses such as crested</p>		<p>30. Detailed enhancement strategy for retained and enhanced grasslands and creation method statement for new grasslands</p> <p>Prior to the commencement of the development an enhancement strategy for the retained grasslands to be enhanced and creation method statement for new grasslands should be submitted to and approved in writing by the Local Planning Authority.</p> <p>New grasslands should be designed and managed to maximise flora diversity and to maximise value to invertebrates.</p> <p>'Dry' meadow grasslands should achieve g3c6 Lolium-Cynosurus neutral grassland "neutral</p>

Commented [MCDA4]: The Appellant plan to retain, enhance and create grasslands of different habitat distinctiveness. Each will need to be managed to the habitat condition proposed for each habitat

<p>dog's-tail and sweet vernal grass" in good target condition in accordance with the Biodiversity Metric 3.0 habitat condition assessment criteria.</p> <p>'Wet' meadows should achieve g3c8 Holcus-Juncus neutral grassland "neutral grassland with Yorkshire fog and rushes dominant" in a good target condition in accordance with the Biodiversity Metric 3.1 habitat condition assessment criteria.</p> <p>with:</p> <ul style="list-style-type: none"> • A minimum average of 9 species per square metre to be established and maintained (long-term targets should aim to achieve a species diversity mix at least equivalent to that present in field F6 with an average of at least 12 species per square metre); • The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type – 'other neutral grassland' g3c: • Varied sward height (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) to create microclimates which provide opportunities for insects, birds and small mammals to live and breed; • Cover of bare ground not to exceed 5% including localised areas <p>Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF,</p>		<p>grassland with a mixture of grass species including palatable grasses such as perennial rye grass and other grasses such as crested dog's-tail and sweet vernal grass" in good target condition in accordance with the Biodiversity Metric habitat condition assessment criteria (or such Biodiversity Metric Grassland habitat condition assessment criteria as shall be published by Natural England at the time).</p> <p>'Wet' meadows should achieve g3c8 Holcus-Juncus neutral grassland "neutral grassland with Yorkshire fog and rushes dominant" in a good target condition in accordance with the Biodiversity Metric 3.1 habitat condition assessment criteria (or such Biodiversity Metric Grassland habitat condition assessment criteria as shall be published by Natural England at the time).</p> <p>.....</p>
---	--	--

Commented [LA5]: Should be Metric 3.0

	<p>2021) states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...".</p>		
31	<p>Hedgerows and scrub creation method statement</p> <p>Prior to the commencement of the development a hedgerow and scrub creation method statement should be submitted to and approved in writing by the Local Planning Authority.</p> <p>New hedgerow planting should seek to replace and maintain local ecological connectivity within and through the site and should target:</p> <ul style="list-style-type: none"> • connection from the retained vegetation on the north boundary of field F4 to link towards the 'School Link' • connection between woodland W2 and the retained section of hedgerow H3 • connections to the east boundary of the site (from woodland W1 to Broomhill Road); and • any additional east-west connectivity that can be created, for example along the base of the retaining wall north of the western drainage basin. <p>Retained hedgerows and new hedgerows planted in ecological corridors should be retained and managed</p>		<p>Prior to the commencement of the development a hedgerow and scrub enhancement and creation method statement should be submitted to and approved in writing by the Local Planning Authority.</p> <p>New hedgerow planting will create Native Species Rich Hedgerow habitats and enhance existing Native Hedgerow with trees habitats in 'Good' or 'Moderate condition as proposed by the Appellant and in accordance with the Biodiversity Metric 3.1 hedgerow habitat condition assessment criteria (or such Biodiversity Metric Hedgerow habitat condition assessment criteria as shall be published by Natural England at the time).</p> <p>It should seek to replace and maintain local ecological connectivity within and through the site and should target:</p>

	<p>with a minimum 2m buffer to the hedgerow bases within which no development should occur.</p> <p>The species composition of the new hedgerows should be similar to that currently present, namely comprise a 'core' of blackthorn <i>Prunus spinosa</i>, hawthorn <i>Crataegus monogyna</i> and hazel <i>Corylus avellana</i>. All new hedgerows should also incorporate additional native woody species such that they would all be considered species rich (a minimum of 5 woody species within an average 30m length). Any gap planting or supplementary planting to retained hedgerows (subject to arboricultural advice) should also aim to increase woody species diversity).</p> <p>Retained and new hedgerows should be enhanced with or planted to include species such as honeysuckle <i>Lonicera periclymenum</i>, old man's beard <i>Clematis vitalba</i>, dog violet <i>Viola riviniana</i> elm <i>Ulmus</i> spp. and field maple <i>Acer campestre</i> to enhance foraging opportunities for invertebrate and bird species.</p> <p>Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...".</p>		
--	---	--	--

<p>32</p>	<p>Ecological Mitigation and Enhancement Strategy (EMES)</p> <p>Prior to the commencement of any phase of the development the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES) for that phase to be approved in writing by the Local Planning Authority. This shall include details of the provision of bird, bat, insect and hedgehog* boxes in the phase. The location, specification, height and orientation of these features within the relevant phase shall be shown on a site plan.</p> <p>The new development should be provided with at least one of the following per new residential unit:</p> <ul style="list-style-type: none"> • Swift nest terrace – to be sited into preferably at or near the eaves of new buildings and at least 5m above ground with a clear flight path; • House martin nest – to be sited directly under the eaves at a minimum height of 2m; • Swallow nest - to be sited under the eaves at a minimum height of 2m, preferably 3m; • House sparrow terrace or tower – to be sited into (if integrated model) or onto the wall of a building at a height between 2-5m; • ‘Open-front’ nest box either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site); • Cavity nest box with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved 		<p>Prior to the commencement of the development the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES) to be approved in writing by the Local Planning Authority. This shall include details of the provision of bird, bat, insect and hedgehog* boxes. The location, specification, height and orientation of these features shall be shown on a site plan.</p> <p>The new development should be provided with at least one of the following per new residential unit:</p> <ul style="list-style-type: none"> - Swift nest terrace – to be sited into the of the building preferably at or near the eaves of new buildings and at least 5m above ground with a clear flight path; - House martin nest – to be sited directly under the eaves at a minimum height of 2m; - Swallow nest - to be sited in the fabric of the building or under the eaves at a minimum height of 2m, preferably 3m;
-----------	--	--	---

Commented [MCDA6]: How is it proposed that these features will be maintained or replaced if lost into the future?

<ul style="list-style-type: none"> • A 'bee' brick or similar ecological enhancement for invertebrates. <p>In addition to the above nest box provisions:</p> <ul style="list-style-type: none"> • two owl nest boxes should be installed into suitable retained trees. At least one should be suitable for tawny owl and be sited at least 4m above ground, with the entrance facing away from prevailing winds • brash piles and grass piles using arisings generated initially from site clearance activities and then from ongoing landscape management should be created in discrete areas across the site • every new residence should be provided with either (a) 'seedballs' or a 'seedbomb' from a sustainable source (UK origin) to promote inclusion of wildflowers in private gardens; or (b) a bird feeder, accompanied by an advisory leaflet with hints and tips on how to provide forage and nesting resources for wild birds. • For every two residential units, one bat box suitable should be incorporated, installed ideally at 3m above ground level. If installed on trees, two or three may be installed per tree. • For every five residential units, one hedgehog box shall be installed, and permeability measures for hedgehogs shall be incorporated throughout all boundaries of the development site <p>Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far</p>		<p>House sparrow terrace or tower to be sited into (if integrated model) or onto the wall of a building at a height between 2-5m;</p> <p>'Open front' nest box either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site);</p> <p>Cavity nest box with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved</p> <p>- A 'bee' brick or similar ecological enhancement for invertebrates will be installed in the fabric of the building.</p> <p>In addition to the above nest box provisions:</p> <ul style="list-style-type: none"> - two owl nest boxes should be installed into suitable retained trees. At least one should be suitable for tawny owl and be sited at least 4m above ground, with the entrance facing away from prevailing winds
--	--	--

<p>as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible;</p> <p>(2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'. * Hedgehog is a Priority Species in the Bristol Biodiversity Action Plan.</p>		<ul style="list-style-type: none"> - brash piles and grass piles using arisings generated initially from site clearance activities and then from ongoing landscape management should be created in discrete areas across the site - every new residence should be provided with either (a) 'seedballs' or a 'seedbomb' from a sustainable source (UK origin) to promote inclusion of wildflowers in private gardens; or (b) a bird feeder, accompanied by an advisory leaflet with hints and tips on how to provide forage and nesting resources for wild birds. - For every two residential units, one bat box suitable should be incorporated into the structure of the building, installed ideally at 3m above ground level. - If installed on trees, two or three bat boxes may be installed per tree. - For every five residential units, one hedgehog box shall be installed, and permeability
--	--	---

			<p>measures for hedgehogs shall be incorporated throughout all boundaries of the development site</p> <p><u>The following features should be incorporated into the development but their management should fall under the Landscape and Ecological Management plan to secure their long-term benefits for wildlife. They should therefore not be incorporated on to private/residential dwelling where their long-term management cannot be secured.</u></p> <ul style="list-style-type: none">- <u>House sparrow terraces or towers – to be sited into (if integrated model) or onto walls of buildings at a height between 2-5m;</u>- <u>‘Open-front’ nest boxes either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site);</u>
--	--	--	--

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

			- <u>Cavity nest boxes with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved</u>
33	<p>Local Employment Opportunities</p> <p>No development shall take place including any works of demolition until the developer/occupier enters into an agreement with the City Council to produce and implement an Employment and Skills Plan in collaboration with Building Bristol that aims to maximise the opportunities for local residents to access employment offered by the development. The approved plan shall be undertaken in accordance with an agreed timetable.</p> <p>Reason: In recognition of the employment opportunity offered by the early phases of the construction and operation of the development.</p>		
34	<p>Archaeological WSI</p> <p>No development shall take place within each phase until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.</p>		

	Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction		
35	<p>Sustainability Statement</p> <p>Prior to construction of each phase, the development hereby approved shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development for approval in writing by the Local Planning Authority.</p> <p>The development shall be constructed in full accordance with the sustainability statement prior to occupation.</p> <p>Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate in accordance with Policies BCS13 (Climate Change), BC14 (Sustainable energy), BCS15 (Sustainable design and construction) and DM29 (Design of new buildings) of the Bristol Core Strategy (Adopted June 2011) and the Site Allocations and Development Management Policies Local Plan (Adopted July 2014).</p>		
36	<p>Energy Statement</p> <p>Prior to the commencement of each phase of the construction of each phase, the development hereby approved shall submit an energy statement to the Local</p>		

	<p>Planning Authority to be approved in writing. The energy statement shall demonstrate how the energy hierarchy has been followed, how the heat hierarchy has been applied and how a 20% reduction in carbon dioxide emissions beyond residual emissions through renewable technologies has been achieved including full technology specifications and locations.</p> <p>Prior to occupation of each phase, evidence demonstrating that the approved measures have been implemented, together with detail of ongoing management and maintenance to ensure the measures continue to achieve the predicted CO2 emissions reduction shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate in accordance with Policies BCS13 (Climate Change), BC14 (Sustainable energy), BCS15 (Sustainable design and construction) and DM29 (Design of new buildings) of the Bristol Core Strategy (Adopted June 2011) and the Site Allocations and Development Management Policies Local Plan (Adopted July 2014).</p>		
37	<p>Overheating</p> <p>No development within each phase shall take place until an overheating risk assessment (based on a recognised methodology and criteria such as C.I.B.S.E TM52/ TM59, or equivalent, against weather files including 2020, 2050 and 2080, based on a medium emissions, 50th percentile</p>		

	<p>scenario), together with details of mitigation measures (without increase to the energy use of the development and carbon dioxide emissions) in the event that the overheating risk assessment identifies risks for any units/rooms, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved measures must then be implemented prior to the first occupation of that phase.</p> <p>Reason: To ensure that new dwellings are designed to be resilient to projected changes in the local climate during the lifetime of the scheme, and in accordance with BCS13, to avoid responses to climate change which will increase energy demand and emissions in the future.</p>		
38	<p>Noise Mitigation Measures</p> <p>Prior to the commencement of each phase of the development, a scheme of noise mitigation measures for the residential accommodation within that phase shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall take into account the Noise Impact Assessment A3949/N/02 submitted with the outline application and any further assessments of noise from the neighbouring Brislington Trading Estate.</p> <p>The approved scheme of noise mitigation measures shall detail the required façade insulation, means of ventilation and acoustic fencing.</p>		

	<p>The scheme of noise mitigation measures shall be implemented in full prior to the commencement of the use permitted within that phase.</p> <p>Reason: In the interest in residential amenity</p>		
39	<p>Remediation Strategy/Further investigation</p> <p>Prior to commencement of each phase of the development approved by this planning permission no development shall take place in that phase until a remediation strategy for that phase that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> 1. A site investigation scheme, to provide information for appropriate assessment of the risk to all receptors that may be affected, including those off site. 2. The results of the site investigation and the risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components 		

	<p>require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: For protection of controlled water from contamination sources on site</p>		
40	<p>Verification</p> <p>No occupation of a phase of development shall take place until a verification report demonstrating completion of works for that particular phase set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without</p>		

	unacceptable risks to workers, neighbours and other offsite receptors.		
41	<p>Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's "Land Contamination Risk Management (LCRM)", and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>		

42	<p>Completion of Vehicular Access – Shown on approved plans</p> <p>No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.</p> <p>Reason: To ensure that the vehicular access point is safe and includes adequate drainage</p>	<p>Question whether this is needed in addition to Conditions 5 – 8?</p>	
43	<p>Completion of Pedestrians/Cyclists Access - Shown on approved plans</p> <p>No building or use within a phase of the development hereby permitted shall be occupied or the use commenced until the means of access in relation to that phase for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.</p> <p>Reason: In the interests of highway safety.</p>		
44	<p>Travel Plan Statement - Not Submitted</p>		

	<p>No residential unit within a phase of the development hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the council.</p> <p>Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.</p>		
45	<p>Electric Vehicle Charging Points</p> <p>No residential unit within each phase shall be occupied until details of Electrical Vehicle Charging infrastructure, management plan and phasing for implementation has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:</p> <ul style="list-style-type: none"> • Final Layout • Number and location of EV parking spaces • Number and location of EV charging points • Type of EV charging points (fast, rapid) • Indicative locations for feeder pillars and protective infrastructure • Evidence of power supply from WPD (to ensure substation capacity is adequate) 		

	<ul style="list-style-type: none"> • Indicative location of substation (where required) • Indicative cable routing • Management plan outlining proposed management of spaces, charging network and infrastructure • Electrical Layout and Schematic Design • Feeder Pillar Design/Electrical Layout/Schematic Layout Designs <p>The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to occupation / as per the agreed phasing plan and retained in that form thereafter for the lifetime of the development.</p> <p>Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change</p>		
46	<p>Archaeological Investigation Assessment</p> <p>No building within each phase shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 30 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p>		

	Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction		
47	<p>Broadband</p> <p>Prior to occupation of any phase of development, evidence of the provision of 'next generation broadband' shall be provided by providing evidence that the relevant phase of development has been registered with a broadband provider. Registration should show the speed rating/specification of the connection.</p> <p>Prior to occupation of the relevant phase of development, the development shall be connected to the broadband infrastructure to achieve the speeds stated.</p> <p>Reason: To ensure that residents and businesses will have access to ultrafast broadband from occupation.</p>		
48	<p>Public Art</p> <p>Prior to the occupation of each phase of development or as otherwise agreed in writing by the Local Planning Authority, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the specific commissions developed and programme illustrating how the public art commission for the development would accord with the City Council's Public Art Policy and Strategy. The Public Art Plan shall also contain a timetable for delivery and details of future</p>	Not specifically requested previously and consider whether this is necessary for this application?	

	<p>maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan.</p> <p>Reason: In order to secure public art as part of the development in the interests of the amenity of the area.</p>		
49	<p>EMES evidence</p> <p>Prior to occupation of each phase of the development, the applicant shall submit evidence that ecological enhancements such as the bird, bat and hedgehog boxes, or bee/bug bricks have been installed as outlined in the applicant's Ecological Mitigation and Enhancement Strategy (EMES) to the Local Planning Authority. This is in order that the council may verify that the agreed ecological enhancement/mitigation measures proposed are in place when the development is complete. Evidence can be submitted electronically as photos.</p> <p>Reason: to support Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: 'Proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks'. And, in order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that 'Planning policies and</p>	<p>Appellant would request this is within one year of first occupation</p>	

	<p>decisions should contribute to and enhance the natural and local environment...'. * Hedgehog is a Priority Species in the Bristol Biodiversity Action Plan</p>		
50	<p>Noise from plant & equipment</p> <p>The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background noise level as determined by BS4142+A1:2019 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: In the interests of residential amenity</p>		
51	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and or any subsequent amendment to these plans which may be subsequently approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> • Site Location Plan (LDA Design Drawing No. 7456_016) • Design Code Version 1 dated 8th April 2022 • Parameter Plans • Land Use (LDA Design Drawing No. 7456_103 PL2) • Heights (LDA Design Drawing No. 7456_104 PL2) • Access and Movement (LDA Design Drawing No. 7456_101 PL2) 		

	<ul style="list-style-type: none"> • Landscape (LDA Design Drawing No. 7456_102 PL2) <p>Access Layout Details:</p> <ul style="list-style-type: none"> • Broomhill Road Preliminary Access Layout Plan (KTC No. 1066-007.D) • Bonville Road Emergency Vehicle Access (KTC Drawing No. 1066-014) • School Road Pedestrian and Cycle Link (KTC Drawing No. 1066-016) • Allison Road Pedestrian and Cycle Link (KTC Drawing No. 1066003.H) <p>Reason: For the avoidance of doubt.</p>		
--	--	--	--

Advices

1. The Construction Management Plan should also include but is not limited to reference to the following:
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants .
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Time limit for commencement of development

1. Reserved Matters

Approval of the details of appearance, layout, scale and landscaping (hereinafter called "the reserved matters") in relation to each phase of the development shall be obtained from the council in writing before any development within that phase is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority

2. Outline Permission

Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

3. Phasing Plan

No development shall take place until a phasing/sequence plan of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the orderly development of the site

4. Approved Design Code

Detailed plans and particulars of the reserved matters above shall be in compliance with the approved **Design Code (April 2022)** and each

Commented [RS1]: Check final version. Design Code to include amended Regulating Plan?

reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code.

Reason: In the interest of visual amenity

5. Broomhill Road Access

No development shall take place above ground level until full details of the junction between the site and Broomhill Road have been approved in writing by the Local Planning Authority; The details shall be in broad accordance with KTC Drawing No. 1066-007.D

No dwelling hereby approved shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

6. School Link Connection

No development shall take place above ground level until details of the pedestrian / cycle link to Allison Road / Fermaine Avenue have been submitted to and approved in writing by the Local Planning Authority. The details shall be in general accordance with KTC Drawing No. 1066-003.

The works shall conform to the approved details and be completed in accordance with the agreed phasing programme.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

7. Bonville Road Access

No development shall take place above ground level until details of the emergency vehicle / pedestrian / cycle link to Bonville Road have been submitted to and approved in writing by the Local Planning Authority, including details of construction access arrangements and measures to prevent vehicular access (other than emergency vehicle access) once the development is complete. The details shall be in general accordance with KTC Drawing No. 1066--014

Once the development is complete, the link shall at no time be used as a vehicular access apart from in accordance with the approved temporary construction access arrangements and emergency access details.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

8. School Road Pedestrians/Cyclists Access

No development shall take place above ground level until details of the improvements to the existing footpath to provide a pedestrian/cycle link to School Road have been submitted to and approved in writing by the Local Planning Authority.

The works shall conform to the approved details and be completed in accordance with the agreed phasing programme

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

9. Proposed Adoption

The reserved matters submission(s) for each phase of the development shall include a plan showing all roads, paths and parking spaces proposed for adoption.

Reason: To ensure that the internal access roads, paths and parking spaces can be adopted and that development does not unacceptably affect highway safety.

10. Construction Management Plan

No development shall take place, including any demolition works, until a construction management plan or construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Methods to reduce the effects of noise, vibration, dust and site lighting.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

11. Highway Condition Survey

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey

of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified; and
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

12. Internal Access Roads and Transport Measures – Key Elements

Prior to the commencement of development each subsequent Reserved Matters application shall include the following in respect of transport and highways and in relation to the internal roads. Details shall be submitted to and approved in writing by the Local Planning Authority:

- A plan showing swept path analysis for all carriageways for a refuse truck and a large car.
- A plan showing appropriate forward visibility splays.
- A plan showing vehicular visibility splays at junctions.
- Speed reduction measures where appropriate.
- Cross and long sections with spot heights and gradients for the carriageways/shared surfaces.
- A plan showing all areas to be put forward for adoption.
- A plan showing the details of car parking.
- A plan showing the details of secure cycle parking.
- A plan showing the solutions for the storage and collection of refuse and recycling.
- A proposal for the upgrade of the walking and cycling links through the site

Reason: To ensure that the internal access roads can be adopted and that development does not unacceptably affect highway safety.

13. Ownership and Management Plan

Prior to the commencement of each phase of the development an Open Space Design and Management Plan shall be submitted and approved in writing by the Local Planning Authority. Details shall include:

- Details of the land identified for open space for public recreation and sport;
- Details of how the open space shall be laid out and/or constructed;
- Details of the management company responsible for maintaining and repairing the open space.

The Open Space Design and Management Plan shall be implemented as approved and the open space shall be used and maintained for public recreation and sport in accordance with the approved Open Space Design Management Plan for the lifetime of the development.

Reason: In the interests of the ongoing management of the site

14. Sustainable Drainage System (SUDS)

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of

Commented [LA2]: BCC standard condition wording.

The Appellant needs this to allow phasing and suggests alternate wording:
Full details of a scheme for the provision of surface water management for the site and the phasing thereof shall accompany or shall be submitted before the first submission for approval of reserved matters. The scheme shall accord with the principles and objectives of the Flood Risk Assessment and outline drainage strategy (April 2022) and the Design Code (April 2022). The development shall be carried out in accordance with the approved details. Each reserved matters submission shall include further details of surface water management within that reserved matters area and will demonstrate compliance and compatibility with the Surface Water Management Scheme for the site approved above. The development shall be carried out in accordance with the approved details.

Commented [RS3R2]: Awaiting confirmation from BCC Flood Risk Officer

sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

15. Landscaping details (Soft and Hard) – (Major applications)

Prior to the commencement of the development in any phase of the development hereby approved, details of treatment of all parts of the site comprised in that phase and not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority

Each phase of the site shall be landscaped strictly in accordance with the approved details for that phase and in the first planting season after completion or first occupation of the development within that phase, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including Stockholm specifications for:
 - a) permeable paving
 - b) underground modular systems
 - c) soil aeration vents
 - d) soil type, biochar content and soil volumes available for each tree
 - e) sustainable urban drainage integration, utilizing rainwater runoff to supplement tree planting pits.
 - f) Use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants; the number of trees shall comply with the calculation to be made in accordance with Bristol Tree Replacement Standard to be provided as part of Condition [16], replacement trees shall be in

locations where they are able to thrive to full size and trees in rear and front gardens shall not be acceptable as replacements.

- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with DM15 and DM17.

16. Arboricultural implications assessment, arboricultural method statement & Tree protection plan

Prior to the commencement of each phase of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees within that phase, in accordance with BS5837:2012, including a tree protection plan (TPP),

arboricultural implications assessment (AIA) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Tree removal and retention
- b) mitigation in accordance with DM17: Development involving existing green infrastructure and Planning Obligations SPD (Tree replacement standard).
- c) Location and installation of services/ utilities/ drainage
- d) Details of construction within the RPA or that may impact on the retained trees
- e) A full specification for the installation of boundary treatment works.
- f) Soil analysis and foundation design in accordance with NHBC 4.2 for development within influencing distance of retained trees
- g) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the road, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant cross sections through them.
- h) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of a no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses
- i) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. All fencing should comply with BS5837:2012 Figure 2 *Default specification for protective barrier*

- j) A specification for scaffolding and ground protection within tree protection zones.
- k) Tree protection during construction on a TPP and construction activities clearly identified as a prohibited in this area.
- l) Details of how site facilities including site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, concrete mixing and use of fires will not have any adverse impact on trees within the site.
- m) Boundary treatments within the RPA.
- n) Methodology and detailed assessment of root pruning.
- o) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- p) Reporting of inspection and supervision.
- q) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- r) Veteran and ancient tree protection and management.

The development of each phase thereafter shall be implemented in strict accordance with approved details, including:

- (a) Inclusion within the Construction Management Plan of enabling tree works and erection of tree protection fencing.
- (b) Pre-start site meeting between Site Agent, project arboriculturist, project ecologist, earthworks contractor, and tree works contractor, to confirm final details of enabling tree works and tree protection completion audit.
- (c) Enabling tree works to be undertaken as the first operation on site, under on-site supervision of an arboricultural clerk of works (ACOW).

(d) Tree protection fencing to be erected site wide after enabling tree works and before any further operations on site. Correct installation of tree protection fencing to be confirmed to the Council by ACOW prior to any other operations on site other than installation of site hoarding.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DM17 and pursuant to section 197 of the Town and country planning Act 1990.

17. Ecological Impact Assessment

Prior to the commencement of each phase of the development an updated Ecological Impact Assessment (EclIA) in accordance with published (CIEEM) guidelines shall be submitted to and approved in writing by the Local Planning Authority. This shall include repeat protected species surveys

Reason: Policy DM19 in the Bristol Local Plan states that: Development which would take place on or adjacent to Habitat, Species and Features of Nature Conservation in Bristol which might have an impact upon them should be supported by an appropriate survey and assessment of impacts.

18. Ecological Mitigation Method Statement

Prior to the commencement of the development hereby approved, individual or combined mitigation method statements should be

submitted to and approved in writing by the Local Planning Authority in relation to the following:

- Native bluebell (preservation, translocation or mitigation for loss);
- Invasive species (prevention of spread);
- Slow worm (protection of slow worms, translocation plan in line with Natural England guidelines, and mitigation for habitats);
- Birds (protection of nests and mitigation for nesting habitat);
- Invertebrates (protection of key habitat features and mitigation for habitats);
- Badgers (protection and mitigation for habitats and/or setts)
- Hedgehogs and other small wildlife including terrestrial amphibians (protection of animals and mitigation for habitats, including permeability measures); and
- Bats (protection of and mitigation for tree roost habitats and commuting/foraging habitat).

Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations.

19. Biodiversity Net Gain Assessment

Prior to the commencement of the development hereby approved, an updated Biodiversity Net Gain (BNG) Assessment undertaken using Biodiversity Metric 3.0 Calculation Tool, based on an updated ecological survey of the site and the detailed design proposals that is submitted through Reserved Matters, shall be submitted and approved in writing by the Local Planning Authority. Trees and

hedgerows proposed in rear and front gardens, or other spaces inaccessible for maintenance, shall not be included in the BNG Assessment

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The **NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."**

20. Biodiversity Net Gain Strategy

Prior to the commencement of development hereby approved, a strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) identified through the BNG Assessment to be required to deliver the target 10% uplift shall be submitted and approved in writing by the Local Planning Authority. This shall be informed by the recommended measures set out in the updated BNG assessment and the updated EclA.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The **NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."**

21. Project Implementation Plan

Prior to the commencement of each phase of the development, a Project Implementation Plan (PIP) for the delivery of on and offsite ecological and BNG mitigation and compensation, in accordance with the approved Biodiversity Net Gain Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The purpose of this plan shall be to ensure that a framework is adopted by all relevant parties which ensures a consistent, integrated and common approach for the delivery of the agreed scheme targets for ecology and BNG. The plan shall include timescales, phasing, critical pathways, programme risks, roles and responsibilities, communication pathways, and project controls as may be required to ensure the successful delivery of the combination of mitigation and compensation measures on and off site.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The **NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."**

22. Brislington Meadows SNCI Protection Method Statement

Prior to the commencement of development hereby approved, a method statement outlining measures to avoid and reduce damage to Brislington Meadows SNCI during construction works shall be submitted and approved in writing by the Local Planning Authority. The method statement should include detailed methods and timings for:

- Drainage connection works within the SNCI south of the site; and
- Maintaining and enhancing functionality through the cycle/pedestrian link as it traverses part of the SNCI;
- Details for turf recovery, storage and maintenance during works.

Reason: To comply with policy DM19 in Bristol Site Allocations and Development Management Policies, which states that: ***"Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted."***

23. Construction Ecological Management Plan

Prior to each phase, or concurrent with the submission of the first reserved matters application, a Construction Ecological Management Plan (CEcMP) shall be submitted to the Local Planning Authority for approval. The CEcMP shall include the following:

- Risk assessment of potentially damaging construction activities.
- **Identification of "biodiversity protection zones" and tree protection measures.**
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction e.g pollution events (may be provided as a set of method statements).
- The location and timings of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs if applicable. E.g tree protection measures

The approved CEcMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.

24. Landscape and Ecological Management Plan

Prior to each phase, or concurrent with the submission of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for approval. The LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management, including how a minimum of 10% in biodiversity net gain will be achieved.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions

- Programme of ecological monitoring, setting out key performance indicators for each feature of interest covered by the plan against which monitoring results should be reviewed
- Prescription of a work schedule (including a thirty year annual work plan – to be reviewed every 5 years)
- Details of the body or organisation responsible for implementation of the plan and defined role and responsibilities
- Ongoing monitoring and remedial measures
- Resourcing and funding budget.

This management plan should cover a 30-year period and be subject to at least five yearly reviews.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The **NPPF states in paragraph 174 (d) on page 50 that** "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*" and the Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity.

25. Ecological Mitigation and Protection Management Plan (EMP)

Prior to the commencement of the development of any phase hereby approved an Ecological Mitigation and Protection Management Plan (EMP) detailing measures to protect wildlife and their habitats within that phase prior to and during construction should be submitted to and approved in writing by the Local Planning Authority.

An ecological clerk of works (ECOW) will be appointed prior to the onset of construction. All method statements and construction phase management plans will be provided to the ECOW prior to the onset

of construction. The role of the ECOW will be set out in the EMP/CEMP and should include:

- Ensuring the construction (including site clearance, construction and landscaping works) comply with the site protocols regarding ecological receptors and are completed following best practice guidelines in relation to ecology;
- Delivering toolbox talks and on-site supervision where necessary;
- Answering questions as they arise and to advise accordingly;
- Carrying out an Ecological Watching Brief (EWB) throughout the construction period;
- Raising Quality Alerts for any non-compliance with the ecological protocols;
- Reporting any changes to the site and compliance concerns to the Site Environmental Manager. If insufficient action is taken, stopping the works and reporting to Homes England;
- Liaise with the Site Environmental Manager and Homes and keep a site log. The site log will contain a log of daily activities, details of any recommendations made, details of any further actions required and with whom the responsibility for those action lies; and
- Provide periodic reports to Homes England and BCC with respect to the progress of works.

The ECOW or otherwise an experienced botanist should assess planting schemes before the designs are finalised to ensure appropriateness of species in respect to ecological objectives for habitat types, habitat conditions and species requirements, particularly invertebrates.

Reason: To demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.

26. Lighting Plan

Prior to works above ground level for each phase of the development details for any proposed external lighting within that phase shall be submitted to and agreed in writing by the Local Planning Authority in the form of a Lighting Impact Assessment (requiring a baseline light survey and the detailed lighting scheme showing lux levels).

Sensitive lighting design will be required to avoid indirect impacts of lighting on nocturnal and crepuscular species and be in line with the following four lighting design principles:

- Spatial spread of lighting – the horizontal and vertical spread of artificial light will be minimised and will take into account both primary and reflected light sources.
- Directional lighting should be designed into the luminaire and specifically angle and orientation of beam – while mitigation can be achieved by use of a retro-fitted cowl, louvre or other light shield, or **a combination of these, these latter measures are considered 'last resort' only where integral design measures remain insufficient to adequately mitigate impacts;**
- Timing and duration of lighting – timers and bespoke dimming regimes may be used to ensure that luminaires are reduced at times of predicted low use. These can be set to change with the seasons and therefore reflect the shifting time of dusk and dawn throughout the year. Motion sensors provide further control to ensure that areas

are illuminated only when required. In particular, use of motion sensors and timers are recommended for the Cycle Link (located within Brislington Meadows SNCI) in the event that lighting of this route cannot be avoided.

- Intensity and colour of lighting – light intensity will be as low as possible whilst meeting the objectives of the intended function. The colour of lighting will need to take into account the sensitivity of the ecological receptors on site. Light sources selected should emit zero ultra-violet light wherever possible. Guidance from the Institute of Lighting Professionals and the Bat Conservation Trust (2018)⁶ recommends that white and blue spectrum light should be avoided or, where white lights are required, these should be of warm/neutral colour (below 3000K, preferably 2700K) and have a peak wavelength above 550 nanometres. Narrow spectrum light sources should be used (to lower the range of species affected by lighting).

No new artificial lighting should be introduced within the southern greenspaces of the site.

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended). According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... **limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.**'

|

27. Nesting Birds

All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No clearance of vegetation or structures suitable for nesting birds shall take place whilst birds are nesting, which is typically between March and August inclusive in

any year without the prior written approval of the Local Planning Authority. If works are proposed within this period, the Authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected including by disturbance before giving any approval under this condition. Where checks for nesting birds are required, they shall be undertaken by a qualified ecological consultant no more than 48 hours prior to the removal of vegetation or the demolition of/works to buildings.

Reason: To ensure that wild birds, building or using their nests are protected, in accordance with para 179 of National Planning Policy Framework (NPPF, 2021) and to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

28. Invasive Species Management

Prior to the commencement of any phase of the development, a Method Statement for the removal of invasive, non-native plant species within that phase shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To comply with the 1981 Wildlife & Countryside Act (as amended) and the Natural Environment and Rural Communities Act (NERC) 2006.

Commented [LA4]: BCC standard conditions. The Appellant notes these are matters of legal compliance.

29 Detailed Enhancement Strategy for Woodlands

Prior to the commencement of the development an enhancement strategy for woodlands should be submitted to and approved in writing by the Local Planning Authority

This should be developed according to specialist arboricultural advice but should include measures to address the following ecological **objectives to ensure 'good' condition in accordance with the Biodiversity Metric 3.0 habitat condition assessment criteria.**

- Diversification of woodland structure – to maintain at least two and promote establishment of three classes (generally young (0-20 years), intermediate (21-150 years) and old (>150 years);
- To maintain more than 80% native tree cover
- Removal of invasive species
- To promote natural woodland regeneration (seedlings, saplings and young trees 4-7cm diameter or advanced coppice regrowth);
- To promote tree health (tree mortality <10%, no pests, diseases or crown die back);
- To enhance ground flora to encourage persistence to ancient woodland indicator species and generate a recognisable woodland ground flora community;
- Diversification of vertical structure to create at least three woodland storeys (e.g., ground flora, shrub layer and upper canopy);
- To increase standing and ground dead wood through implementation of a dead wood management strategy.

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed

development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*".

30. Detailed enhancement strategy for retained grasslands and creation method statement for new grasslands

Prior to the commencement of the development an enhancement strategy for retained grasslands and creation method statement for new grasslands should be submitted to and approved in writing by the Local Planning Authority.

New grasslands should be designed and managed to maximise flora diversity and to maximise value to invertebrates.

'Dry' meadow grasslands should achieve g3c6 Lolium-Cynosurus neutral grassland "*neutral grassland with a mixture of grass species including palatable grasses such as perennial rye grass and other grasses such as crested dog's-tail and sweet vernal grass*" in good target condition in accordance with the Biodiversity Metric 3.0 habitat condition assessment criteria.

'Wet' meadows should achieve g3c8 Holcus-Juncus neutral grassland "*neutral grassland with Yorkshire fog and rushes dominant*" in a good target condition in accordance with the Biodiversity Metric 3.1 habitat condition assessment criteria.

with:

- A minimum average of 9 species per square metre to be established and maintained (long-term targets should aim to achieve a species

diversity mix at least equivalent to that present in field F6 with an average of at least 12 species per square metre);

- The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type – **'other neutral grassland' g3c**:
- Varied sward height (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) to create microclimates which provide opportunities for insects, birds and small mammals to live and breed;
- Cover of bare ground not to exceed 5% including localised areas

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*".

31. Hedgerows and scrub creation method statement

Prior to the commencement of the development a hedgerow and scrub creation method statement should be submitted to and approved in writing by the Local Planning Authority.

New hedgerow planting should seek to replace and maintain local ecological connectivity within and through the site and should target:

- connection from the retained vegetation on the north boundary of field F4 to link towards the 'School Link'

- connection between woodland W2 and the retained section of hedgerow H3
- connections to the east boundary of the site (from woodland W1 to Broomhill Road); and
- any additional east-west connectivity that can be created, for example along the base of the retaining wall north of the western drainage basin.

Retained hedgerows and new hedgerows planted in ecological corridors should be retained and managed with a minimum 2m buffer to the hedgerow bases within which no development should occur.

The species composition of the new hedgerows should be similar to that currently present, namely comprise a 'core' of blackthorn *Prunus spinosa*, hawthorn *Crataegus monogyna* and hazel *Corylus avellana*. All new hedgerows should also incorporate additional native woody species such that they would all be considered species rich (a minimum of 5 woody species within an average 30m length). Any gap planting or supplementary planting to retained hedgerows (subject to arboricultural advice) should also aim to increase woody species diversity).

Retained and new hedgerows should be enhanced with or planted to include species such as honeysuckle *Lonicera periclymenum*, old man's beard *Clematis vitalba*, dog violet *Viola riviniana* elm *Ulmus* spp. and field maple *Acer campestre* to enhance foraging opportunities for invertebrate and bird species.

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "Planning policies

and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...".

32. Ecological Mitigation and Enhancement Strategy (EMES)

Prior to the commencement of any phase of the development the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES) for that phase to be approved in writing by the Local Planning Authority. This shall include details of the provision of bird, bat, insect and hedgehog* boxes in the phase. The location, specification, height and orientation of these features within the relevant phase shall be shown on a site plan.

The new development should be provided with at least one of the following per new residential unit:

- Swift nest terrace – to be sited into preferably at or near the eaves of new buildings and at least 5m above ground with a clear flight path;
- House martin nest – to be sited directly under the eaves at a minimum height of 2m;
- Swallow nest - to be sited under the eaves at a minimum height of 2m, preferably 3m;
- House sparrow terrace or tower – to be sited into (if integrated model) or onto the wall of a building at a height between 2-5m;
- **'Open-front' nest box either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site);**

- Cavity nest box with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved

- **A 'bee' brick or similar ecological enhancement for invertebrates.**

In addition to the above nest box provisions:

- two owl nest boxes should be installed into suitable retained trees. At least one should be suitable for tawny owl and be sited at least 4m above ground, with the entrance facing away from prevailing winds
- brush piles and grass piles using arisings generated initially from site clearance activities and then from ongoing landscape management should be created in discrete areas across the site
- **every new residence should be provided with either (a) 'seedballs' or a 'seedbomb' from a sustainable source (UK origin) to promote inclusion of wildflowers in private gardens; or (b) a bird feeder, accompanied by an advisory leaflet with hints and tips on how to provide forage and nesting resources for wild birds.**
- For every two residential units, one bat box suitable should be incorporated, installed ideally at 3m above ground level. If installed on trees, two or three may be installed per tree.
- For every five residential units, one hedgehog box shall be installed, and permeability measures for hedgehogs shall be incorporated throughout all boundaries of the development site

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '*... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of

the revised National Planning Policy Framework (2021) which states **(in paragraph 174) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'**.

* Hedgehog is a Priority Species in the Bristol Biodiversity Action Plan

33. Local Employment Opportunities

No development shall take place including any works of demolition until the developer/occupier enters into an agreement with the City Council to produce and implement an Employment and Skills Plan in collaboration with Building Bristol that aims to maximise the opportunities for local residents to access employment offered by the development. The approved plan shall be undertaken in accordance with an agreed timetable.

Reason: In recognition of the employment opportunity offered by the early phases of the construction and operation of the development.

34. Archaeological WSI

No development shall take place within each phase until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction

35. Sustainability Statement

Prior to construction of each phase, the development hereby approved shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development for approval in writing by the Local Planning Authority.

The development shall be constructed in full accordance with the sustainability statement prior to occupation.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate in accordance with Policies BCS13 (Climate Change), BC14 (Sustainable energy), BCS15 (Sustainable design and construction) and DM29 (Design of new buildings) of the Bristol Core Strategy (Adopted June 2011) and the Site Allocations and Development Management Policies Local Plan (Adopted July 2014).

36. Energy Statement

Prior to the commencement of each phase of the construction of each phase, the development hereby approved shall submit an energy statement to the Local Planning Authority to be approved in writing. The energy statement shall demonstrate how the energy hierarchy has been followed, how the heat hierarchy has been applied and how a 20% reduction in carbon dioxide emissions beyond residual emissions through renewable technologies has been achieved including full technology specifications and locations.

Prior to occupation of each phase, evidence demonstrating that the approved measures have been implemented, together with detail of ongoing management and maintenance to ensure the measures

continue to achieve the predicted CO2 emissions reduction shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate in accordance with Policies BCS13 (Climate Change), BC14 (Sustainable energy), BCS15 (Sustainable design and construction) and DM29 (Design of new buildings) of the Bristol Core Strategy (Adopted June 2011) and the Site Allocations and Development Management Policies Local Plan (Adopted July 2014).

37. Overheating

No development within each phase shall take place until an overheating risk assessment (based on a recognised methodology and criteria such as C.I.B.S.E TM52/ TM59, or equivalent, against weather files including 2020, 2050 and 2080, based on a medium emissions, 50th percentile scenario), together with details of mitigation measures (without increase to the energy use of the development and carbon dioxide emissions) in the event that the overheating risk assessment identifies risks for any units/rooms, has been submitted to and approved in writing by the Local Planning Authority.

The approved measures must then be implemented prior to the first occupation of that phase.

Reason: To ensure that new dwellings are designed to be resilient to projected changes in the local climate during the lifetime of the scheme, and in accordance with BCS13, to avoid responses to climate change which will increase energy demand and emissions in the future.

38. Noise Mitigation Measures

Prior to the commencement of each phase of the development, a scheme of noise mitigation measures for the residential accommodation within that phase shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall take into account the Noise Impact Assessment A3949/N/02 submitted with the outline application and any further assessments of noise from the neighbouring Brislington Trading Estate.

The approved scheme of noise mitigation measures shall detail the required façade insulation, means of ventilation and acoustic fencing.

The scheme of noise mitigation measures shall be implemented in full prior to the commencement of the use permitted within that phase.

Reason: In the interest in residential amenity

39. Remediation Strategy/Further investigation

Prior to commencement of each phase of the development approved by this planning permission no development shall take place in that phase until a remediation strategy for that phase that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, to provide information for appropriate assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For protection of controlled water from contamination sources on site

Pre occupation condition(s)

40. Verification

No occupation of a phase of development shall take place until a verification report demonstrating completion of works for that particular phase set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also **include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.** The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

41. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's "**Land Contamination Risk** Management (LCRM), and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

42. Completion of Vehicular Access – Shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage

43. Completion of Pedestrians/Cyclists Access - Shown on approved plans

No building or use within a phase of the development hereby permitted shall be occupied or the use commenced until the means of access in relation to that phase for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

44. Travel Plan Statement - Not Submitted

No residential unit within a phase of the development hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the council.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

45. Electric Vehicle Charging Points

No residential unit within each phase shall be occupied until details of Electrical Vehicle Charging infrastructure, management plan and phasing for implementation has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

- Final Layout
- Number and location of EV parking spaces
- Number and location of EV charging points

- Type of EV charging points (fast, rapid)
- Indicative locations for feeder pillars and protective infrastructure
- Evidence of power supply from WPD (to ensure substation capacity is adequate)
- Indicative location of substation (where required)
- Indicative cable routing
- Management plan outlining proposed management of spaces, charging network and infrastructure
- Electrical Layout and Schematic Design
- Feeder Pillar Design/Electrical Layout/Schematic Layout Designs

The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to occupation / as per the agreed phasing plan and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change

46. Archaeological Investigation Assessment

No building within each phase shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 30 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction

47. Broadband

Prior to occupation of any phase of development, evidence of the **provision of 'next generation broadband' shall be provided by** providing evidence that the relevant phase of development has been

registered with a broadband provider. Registration should show the speed rating/specification of the connection.

Prior to occupation of the relevant phase of development, the development shall be connected to the broadband infrastructure to achieve the speeds stated.

Reason: To ensure that residents and businesses will have access to ultrafast broadband from occupation.

48. Public Art

Prior to the occupation of each phase of development or as otherwise agreed in writing by the Local Planning Authority, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the specific commissions developed and programme illustrating how the public art commission for the development would accord with the City Council's Public Art Policy and Strategy. The Public Art Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan.

Reason: In order to secure public art as part of the development in the interests of the amenity of the area.

49. EMES evidence

Prior to occupation of each phase of the development, the applicant shall submit evidence that ecological enhancements such as the bird, bat and hedgehog boxes, or bee/bug bricks have been installed as outlined in the applicant's Ecological Mitigation and Enhancement Strategy (EMES) to the Local Planning Authority. This is in order that the council may verify that the agreed ecological enhancement/mitigation measures proposed are in place when the development is complete. Evidence can be submitted electronically as photos.

Reason: to support Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: *'Proposals for new buildings will be expected to incorporate*

Commented [LA5]: Appellant would request this is within one year of first occupation

opportunities for green infrastructure such as green roofs, green walls and green decks'. And, in order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states **(in paragraph 174) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'**.

* Hedgehog is a Priority Species in the Bristol Biodiversity Action Plan
Post occupation management

50. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background noise level as determined by BS4142+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of residential amenity

List of Approved Plans and Drawings

51. The development hereby permitted shall be carried out in accordance with the following approved plans and or any subsequent amendment to these plans which may be subsequently approved in writing by the Local Planning Authority.

- Site Location Plan (LDA Design Drawing No. 7456_016)
- Design Code Version 1 dated 8th April 2022
- Parameter Plans
 - Land Use (LDA Design Drawing No. 7456_103 PL2)
 - Heights (LDA Design Drawing No. 7456_104 PL2)
 - Access and Movement (LDA Design Drawing No. 7456_101 PL2)
 - Landscape (LDA Design Drawing No. 7456_102 PL2)

- Access Layout Details:
 - Broomhill Road Preliminary Access Layout Plan (KTC No. 1066-007.D)
 - Bonville Road Emergency Vehicle Access (KTC Drawing No. 1066-014)
 - School Road Pedestrian and Cycle Link (KTC Drawing No. 1066-016)
 - Allison Road Pedestrian and Cycle Link (KTC Drawing No. 1066003.H)

Reason: For the avoidance of doubt.

Advices

1. The Construction Management Plan should also include but is not limited to reference to the following:

- **All works and ancillary operations which are audible at the site boundary**, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- **Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites** shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- **Control measures for dust and other air-borne pollutants** .
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Rule 6 party proposed amendments in yellow- yet to be agreed between parties

15. Landscaping details (Soft and Hard) – (Major applications)

Prior to the commencement of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority

The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including Stockholm specifications for:
 - a) permeable paving
 - b) underground modular systems
 - c) soil aeration vents
 - d) soil type, biochar content and soil volumes available for each tree
 - e) sustainable urban drainage integration, utilizing rainwater runoff to supplement tree planting pits.
 - f) Use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing **species,** sizes and numbers/densities of all proposed trees/plants; the number of trees shall comply with the calculation to be made in accordance with Bristol Tree Replacement Standard **which shall identify the trees to be removed and the number of replacements for each** to be provided as part of Condition [16],

replacement trees shall be in locations where they are able to thrive to full size and trees in rear and front gardens shall not be acceptable as replacements.

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels or storage of materials within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with DM15 and DM17.

19. Biodiversity Net Gain Assessment

Prior to the commencement of the development hereby approved, an updated Biodiversity Net Gain (BNG) Assessment undertaken using Biodiversity Metric 3.1 Calculation Tool or such Biodiversity Metric Calculation Tool as shall be published by Natural England at the time, based

Commented [MCDA6]: We understand that BNG 4.0 is about to be published and that this will be the adopted version when the remainder of the EA 2021 takes effect later in the year.

on an updated ecological survey of the site and the detailed design proposals that is submitted through Reserved Matters, shall be submitted and approved in writing by the Local Planning Authority. Trees and hedgerows proposed in rear and front gardens, or other spaces inaccessible for maintenance, shall not be included in the BNG Assessment

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states **in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."**

20. Biodiversity Net Gain Strategy

Prior to the commencement of development hereby approved, a strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) **which shall have been selected in this application and** identified through the BNG Assessment to be required to deliver the target **a minimum** 10% uplift **and which complies with the Biodiversity Metric habitat trading requirements applicable at the time** shall be submitted and approved in writing by the Local Planning Authority. This shall be informed by the recommended measures set out in the updated BNG assessment and the updated EclA.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states **in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity."**

22. Brislington Meadows Site of Nature Conservation Interest (SNCI) Protection Method Statement

Prior to the commencement of development hereby approved, a method statement outlining measures to avoid and reduce damage to Brislington Meadows SNCI (all SNCI land outside of the site allocation BSA1202 boundary) during construction works shall be submitted and approved in writing by the Local Planning Authority. The method statement should include detailed methods and timings for:

- Drainage connection works within the SNCI south of the site; and
- Maintaining and enhancing functionality through the cycle/pedestrian link as it traverses part of the SNCI;
- Details for turf recovery, storage and maintenance during works.

Reason: To comply with policy DM19 in Bristol Site Allocations and Development Management Policies, which states that: "*Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted*"

24. Landscape and Ecological Management Plan

Prior to each phase, or concurrent with the submission of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for approval. The LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.

Commented [MCDA7]: Please define what is meant by the Brislington Meadows SNCI. We take it to mean the whole of the SNCI as defined and mapped by BRERC and now accepted by the Council.

- Aims and objectives of management, including how a minimum of 10% in biodiversity net gain **which complies with the Biodiversity Metric habitat trading requirements applicable at the time** will be achieved.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Programme of ecological monitoring, setting out key performance indicators for each feature of interest covered by the plan against which monitoring results should be reviewed
- Prescription of a work schedule (including a thirty year annual work plan – to be reviewed every 5 years)
- Details of the body or organisation responsible for implementation of the plan and defined role and responsibilities
- Ongoing monitoring and remedial measures
- Resourcing and funding budget.

This management plan should cover a 30-year period **from the date of the creation or enhancement of the habitats identified in the approved Biodiversity Metric Calculation** and be subject to at least five yearly reviews thereafter.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states **in paragraph 174 (d) on page 50 that** "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*" and the Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity

26. Lightning Plan

Prior to the commencement of the development details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority in the form of a Lighting Impact Assessment (requiring a baseline light survey and the detailed lighting scheme showing lux levels).

Sensitive lighting design will be required to avoid **direct and** indirect impacts of lighting on nocturnal and crepuscular species and be in line with the following four lighting design principles:

- Spatial spread of lighting – the horizontal and vertical spread of artificial light will be minimised and will take into account both primary and reflected light sources.
- Directional lighting should be designed into the luminaire and specifically angle and orientation of beam – while mitigation can be achieved by use of a retro-fitted cowl, louvre or other light shield, or **a combination of these, these latter measures are considered 'last resort' only where integral design measures remain insufficient to adequately mitigate impacts;**
- Timing and duration of lighting – timers and bespoke dimming regimes may be used to ensure that luminaires are reduced **or switched off** at times of predicted low use. These can be set to change with the seasons and therefore reflect the shifting time of dusk and dawn throughout the year. Motion sensors provide further control to ensure that areas are illuminated only when required. In particular, use of motion sensors and timers are recommended for the Cycle Link (located within Brislington Meadows SNCI) in the event that lighting of this route cannot be avoided.

- Intensity and colour of lighting – light intensity will be as low as possible whilst meeting the objectives of the intended function. The colour of lighting will need to take into account the sensitivity of the ecological receptors on site. Light sources selected should emit zero ultra-violet light wherever possible. Guidance from the Institute of Lighting Professionals and the Bat Conservation Trust (2018)⁶ recommends that white and blue spectrum light should be avoided or, where white lights are required, these should be of warm/neutral colour (below 3000K, preferably 2700K) and have a peak wavelength above 550 nanometres. Narrow spectrum light sources should be used (to lower the range of species affected by lighting).

No new artificial lighting should be introduced within the southern greenspaces of the site.

Commented [MCDA8]: These green spaces need to be identified.

Reason: To conserve legally protected bats and other nocturnal **and crepuscular** wildlife complying with the 1981 Wildlife & Countryside Act (as amended). According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

29 Detailed Enhancement Strategy for Woodlands

Commented [MCDA9]: A similar condition will be required for establishing and maintaining the 'Good' condition of the Urban tree Habitats which the Appellant plans to create.

Prior to the commencement of the development an enhancement strategy for woodlands should be submitted to and approved in writing by the Local Planning Authority.

This should be developed according to specialist arboricultural **and ecology** advice but should include measures to address the following ecological objectives to ensure 'Good' condition in accordance with the Biodiversity Metric 3.1 habitat **Woodland habitat** condition assessment criteria **(or such**

Biodiversity Metric Woodland habitat condition assessment criteria as shall be published by Natural England at the time).

- Diversification of woodland structure – to maintain at least two and promote establishment of three classes (generally young (0-20 years), intermediate (21-150 years) and old (>150 years);
- To maintain more than 80% native tree cover
- Removal of invasive species
- To promote natural woodland regeneration (seedlings, saplings and young trees 4-7cm diameter or advanced coppice regrowth);
- To promote tree health (tree mortality <10%, no pests, diseases or crown die back);
- To enhance ground flora to encourage persistence to ancient woodland indicator species and generate a recognisable woodland ground flora community;
- Diversification of vertical structure to create at least three woodland storeys (e.g., ground flora, shrub layer and upper canopy);
- To increase standing and ground dead wood through implementation of a dead wood management strategy.

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*".

30. Detailed enhancement strategy for retained **and enhanced** grasslands and creation method statement for new **grasslands**

Prior to the commencement of the development an enhancement strategy for **the** retained grasslands **to be enhanced** and creation method statement for new grasslands should be submitted to and approved in writing by the Local Planning Authority.

New grasslands should be designed and managed to maximise flora diversity and to maximise value to invertebrates.

'Dry' meadow grasslands should achieve g3c6 Lolium-Cynosurus neutral grassland "*neutral grassland with a mixture of grass species including palatable grasses such as perennial rye grass and other grasses such as crested dog's-tail and sweet vernal grass*" in good target condition in accordance with the Biodiversity Metric 3.1 habitat condition assessment criteria **(or such Biodiversity Metric Grassland habitat condition assessment criteria as shall be published by Natural England at the time).**

'Wet' meadows should achieve g3c8 Holcus-Juncus neutral grassland "*neutral grassland with Yorkshire fog and rushes dominant*" in a good target condition in accordance with the Biodiversity Metric 3.1 habitat condition assessment criteria **(or such Biodiversity Metric Grassland habitat condition assessment criteria as shall be published by Natural England at the time).**

with:

- A minimum average of 9 species per square metre to be established and maintained (long-term targets should aim to achieve a species diversity mix at least equivalent to that present in field F6 with an average of at least 12 species per square metre);

Commented [MCDA10]: The Appellant plan to retain, enhance and create grasslands of different habitat distinctiveness. Each will need to be managed to the habitat condition proposed for each habitat

- The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type – ‘other neutral grassland’ g3c:
- Varied sward height (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) to create microclimates which provide opportunities for insects, birds and small mammals to live and breed;
- Cover of bare ground not to exceed 5% including localised areas

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that “*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*”.

31. Hedgerows ~~and scrub~~ creation method statement

Prior to the commencement of the development a hedgerow and scrub **enhancement and** creation method statement should be submitted to and approved in writing by the Local Planning Authority.

New hedgerow planting **will create Native Species Rich Hedgerow habitats and enhance existing Native Hedgerow with trees habitats in ‘Good’ or ‘Moderate condition as proposed by the Appellant and in accordance with the Biodiversity Metric 3.1 hedgerow habitat condition assessment criteria (or such Biodiversity Metric Hedgerow habitat condition assessment criteria as shall be published by Natural England at the time).**

Commented [MCDA11]: This Condition only applies to hedgerow habitats. As hedgerows and scrub are two different habitat types - linear and area. There should be a separate condition which deals with the proposed creation and enhancement of scrub habitats.

The same should apply to all the other habitat types proposed to be created or enhanced - brown roof, vegetated garden and Urban tree.

It should seek to replace and maintain local ecological connectivity within and through the site and should target:

- connection from the retained vegetation on the north boundary of field F4 to link towards the 'School Link'
- connection between woodland W2 and the retained section of hedgerow H3
- connections to the east boundary of the site (from woodland W1 to Broomhill Road); and
- any additional east-west connectivity that can be created, for example along the base of the retaining wall north of the western drainage basin.

Retained hedgerows and new hedgerows planted in ecological corridors should be retained and managed with a minimum 2 metre buffer to the hedgerow bases within which no development should occur.

The species composition of the new hedgerows should be similar to that **currently present, namely comprise a 'core' of blackthorn** *Prunus spinosa*, hawthorn *Crataegus monogyna* and hazel *Corylus avellana*. All new hedgerows should also incorporate additional native woody species such that they would all be considered species rich (a minimum of 5 woody species within an average 30m length). Any gap planting or supplementary planting to retained hedgerows (subject to arboricultural advice) should also aim to increase woody species diversity).

Retained and new hedgerows should be enhanced with or planted to include species such as honeysuckle *Lonicera periclymenum*, **old man's beard** *Clematis vitalba*, dog violet *Viola riviniana* elm *Ulmus* spp. and field maple *Acer campestre* to enhance foraging opportunities for invertebrate and bird species.

Reason: to ensure that the aims set out in the BNG assessment for this proposed development are met which in turn ensures net gains in biodiversity on this site are achieved as a result of the proposed development. The revised National Planning Policy Framework (NPPF, 2021) states in paragraph 174 (d) on page 50 that "*Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...*".

32. Ecological Mitigation and Enhancement Strategy (EMES)

Prior to the commencement of the development the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES) to be approved in writing by the Local Planning Authority. This shall include details of the provision of bird, bat, insect and hedgehog* boxes. The location, specification, height and orientation of these features shall be shown on a site plan.

The new development should be provided with at least one of the following per new residential unit:

- Swift nest terrace – to be sited into the fabric of the building preferably at or near the eaves of new buildings and at least 5m above ground with a clear flight path;
- House martin nest – to be sited directly under the eaves at a minimum height of 2m;
- Swallow nest - to be sited in the fabric of the building or under the eaves at a minimum height of 2m, preferably 3m;

~~House sparrow terrace or tower to be sited into (if integrated model) or onto the wall of a building at a height between 2-5m;~~

Commented [MCDA12]: How is it proposed that these features will be maintained or replaced if lost into the future?

- ~~— 'Open-front' nest box either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site);~~
- ~~— Cavity nest box with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved~~
- A 'bee' brick or similar ecological enhancement for invertebrates **will be installed in the fabric of the building.**

In addition to the above nest box provisions:

- two owl nest boxes should be installed into suitable retained trees. At least one should be suitable for tawny owl and be sited at least 4m above ground, with the entrance facing away from prevailing winds
- brush piles and grass piles using arisings generated initially from site clearance activities and then from ongoing landscape management should be created in discrete areas across the site
- **every new residence should be provided with either (a) 'seedballs' or a 'seedbomb' from a sustainable source (UK origin) to promote inclusion of wildflowers in private gardens; or (b) a bird feeder, accompanied by an advisory leaflet with hints and tips on how to provide forage and nesting resources for wild birds.**
- For every two residential units, one bat box suitable should be incorporated **into the structure of the building,** installed ideally at 3m above ground level.
- If installed on trees, two or three **bat boxes** may be installed per tree.
- ~~For every five residential units, one hedgehog box shall be installed, and permeability measures for hedgehogs shall be incorporated throughout all boundaries of the development site~~

The following features should be incorporated into the development but their management should fall under the Landscape and Ecological Management plan to secure their long-term benefits for wildlife. They should therefore not be incorporated on to private/residential dwelling where their long-term management cannot be secured.

- House sparrow terraces or towers – to be sited into (if integrated model) or onto walls of buildings at a height between 2-5m;
- 'Open-front' nest boxes either integrated or attached models, for either buildings or trees (installed into suitable retained trees/mature hedgerows across the site);
- Cavity nest boxes with either a 25mm, 28mm or 32mm entrance hole. An even mix in entrance hole dimensions should be achieved

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA *'... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that *'Planning policies and decisions should contribute to and enhance the natural and local environment...'*.

* Hedgehog is a Priority Species in the Bristol Biodiversity Action Plan

34. Archaeological WSI

No development shall take place within each phase until the developer has secured the implementation of a programme of archaeological work in

accordance with a Written Scheme of Investigation (WSI) which complies with the Archaeology and Development Supplementary Planning Document (SPD7) and has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 16 January 2023 17:25
To: s. 40(2); s. 40(2)
Cc: EXTERNAL s. 40(2)
Subject: Brislington Meadows - urban design proof
Attachments: CD13.13 Brislington Meadows_BCC Proof of Evidence_Urban Design_Final.pdf

Both

We note that the urban design proof from s. 40(2) refers at para. 6.20 to a 'high level desk top assessment' that informed the estimated capacity of the site. This document wasn't included as an appendices with the Proof but we would like to request a copy of this assessment to inform our consideration of the Council's evidence presented.

Grateful if you could confirm this could be shared and send across a copy as a matter of urgency.

Thanks

s. 40(2)

Land at Broom Hill / Brislington Meadows,
Broomhill Road, Brislington, Bristol

Proof of Evidence Urban Design

PINS REF: APP/Z0116/W/21/3308537

1-10-2023

s. 40(2)

Bristol City Council

Planning Ref: 22/01878/P

Table of Contents

1.	Introduction	2
2.	Scope of evidence	3
3.	The site and policy considerations	5
4.	Appeal Proposal and Urban Design Considerations	5
5.	Policy References	6
6.	Excessive disruption to the existing trees and hedges.....	9
7.	Design arrangements and principles established in the Parameter Plans and Design Codes	15
8.	Height Parameter Plan.....	21
9.	Observations on the landscape and bio-diversity corridors	24
10.	Summary and conclusion	25

1. Introduction

- 1.1. My name is s. 40(2) . I am Principal Urban Designer at Bristol City Council.
- 1.2. s. 40(2)
s. 40(2)
s. 40(2)
- 1.3. I **have over 20 years'** professional experience, which includes working as a Project Architect and Urban Designer for private architectural practice; as an Urban Designer in Urban Regeneration Company to develop and deliver regeneration projects; and in Local Planning Authorities on policy formation and assessment of development proposals.
- 1.4. I have provided evidence and been an expert witness at planning appeals and public inquiries. The most recent experience was as an expert witness for refusal of development for 146 residential units on 493-499 Bath Road (APP/Z0116/W/21/3283037), Brislington, Bristol at an informal hearing. The Council successfully defended reasons for refusal which included adverse impact of the proposed development on the character and appearance of the surrounding area and poor living conditions of the future residents.
- 1.5. I confirm that the facts stated in my evidence are within my own knowledge, I have made clear what they are, and I believe them to be true. The opinions I have expressed represent my true and complete professional opinion.

2. Scope of evidence

- 2.1. This proof of evidence focuses on 4th deemed reason for refusal, which states

The proposed development fails to adhere to the landscape and urban design policy considerations by virtue of excessive damage to the existing features on the site. The proposed plans and supporting documents present unsympathetic responses to the natural assets on the site and surrounding context and would prejudice the future design and delivery of an appropriate scheme. The proposal will fail to meet the requirements of the NPPF; policy BCS21 of the Core Strategy 2011; and policies SA1, DM26, DM27, DM28 and BSA1201 of the Site Allocations and Development Management Policies 2014.

- 2.2. I am familiar with the site and its surrounding area, and I have studied the relevant National and Local Plan policy background. I have considered the following documents for this evidence.

- CD1.2 - Land Use Parameter Plan
- CD1.3 - Height Parameter Plan
- CD1.4 - Access and Movement Parameter Plan
- CD1.5 - Landscape Parameter Plan
- CD1.10 - Illustrative Masterplan
- CD1.13 - Design and Access Statement
- CD1.14 - Design Code
- CD1.19 - Arboricultural Impact Assessment
- CD2.3 - **Applicant's response to initial urban design comments received from the Council's City Design Group**
- CD2.3a - Site sections
- CD2.3b - Isopachtyes Plan Formation Against Topsoil Strip Tree Survey Overlay

- CD2.3c - Drawing 3: Tree Conflict Plan
- CD2.6b - Indicative Contour and Retaining Wall Plan
- CD2.7 - **Applicant's response to the statutory consultation comments the Council's Landscape Team**
- CD5.1 - NPPF
- CD5.2 - Site Allocations and Development Management Policies
- CD5.3 - Site Allocations and Development Management Policies – Annex: Site Allocations Information – Site Ref. BSA 1201 extract
- CD5.4 – Policies Map
- CD5.5 – Core Strategy
- CD5.6 - Bristol Urban Living SPD
- CD7.1 - BCC Pre-Application Response
- CD7.2 - Design West Response
- CD8.3 - Sustainability Appraisal Main Report - Site Allocations and Development Management Policies
- CD9.1 - Brislington Meadows Appellants Statement of Case
- CD9.2 - Appendix A – Site Boundary and BCC Policies Map overlay
- CD10.1 - LPA Statement of Case
- National Model Design Code

2.3. My evidence is confined to urban design considerations. Expert evidence in domains of Arboriculture, Ecology and Landscape will be covered by expert witnesses in the specific domains.

2.4. Some overlap with evidence provided by landscape officer is unavoidable, however the overlap has been minimised to present complementary set of considerations from respective points of view.

2.5. It is to be noted that this evidence focuses on specific aspects of the proposal in limited details and has assessed matters in

accordance with the nature of the outline application and the scope of the appeal.

3. The site and policy considerations

- 3.1. Brislington Meadows comprises of sloping landform with a collection of small fields enclosed by mature hedgerows, areas of trees and vegetation and high voltage overhead electric cables with pylons along the lower southern boundary of the site. It is surrounded by suburban housing to the north, suburban housing and allotments to the west, light industrial/warehouse uses to east and Victory Park to the south.
- 3.2. The site is an undeveloped parcel of land in a suburban location. The site is allocated for development under the site allocation policy (CD5.3) BSA1201. I rely upon the evidence from Mr Collins in relation to planning policy considerations for the appeal.

4. Appeal Proposal and Urban Design Considerations

- 4.1. The site benefits from an allocation for housing and its development is supported in principle. However, it is important to satisfactorily address the considerations set out in the site allocation policy as well as the national and local planning policies while designing and assessing the proposal.
- 4.2. The application seeks outline planning consent with only access to be determined. And, the application seeks approval for Design Codes (CD1.14) and 4 parameter plans [Land Use (CD1.2), Height (CD1.3), Access and Movement (CD1.4), and Landscape (CD1.5)]. The supporting documents provide evidence base for the proposal

and/or illustrate the foreseeable design resolution that may emerge at subsequent stages.

- 4.3. The documents put forward for approval, establish important design arrangements and principles which in my view do not conform with relevant national and local plan policies.
- 4.4. The design arrangements and principles that are established in the documents put forward for approval will govern future assessment and negotiations at detailed design stages. The Council will be obliged to honour the parameters established in the approved documents. It is therefore necessary to address the concerns emerging from the documents that are listed for approval at the outline planning stage.
- 4.5. The key Urban design related issues with the current appeal are;
 - Excessive disruption to the existing trees and hedges
 - Design arrangements and principles established in the parameter plans and design codes
 - Height parameters plan and its impact on the surrounding area
- 4.6. The details of the considerations, policy references and recommendations are explained further in sections 6 to 8.

5. Policy References

- 5.1. While assessing the site for allocation in the current Local Plan, sections 4.88.8, 4.88.9, 4.88.10, 4.91.4, 4.91.5 and 4.91.6 of the Sustainability Appraisal supporting the Site Allocations and Development Management Policies (CD8.3) highlights the sensitivity of the site. The assessment acknowledged the risks relating to Local Ecology; Conservation and Wise Use of Land; and Green infrastructure which resulted in specific Development

considerations listed in the allocation policy BSA1201 of the Site Allocations Policy (CD5.3).

- 5.2. I refer to the evidence from Mr Collins to expand on the details of (CD8.3) the Sustainability Appraisal.
- 5.3. The site allocation policy (CD5.3) BSA1201 seeks to **"retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey"**, as part of the development considerations.
- 5.4. The site allocation policy (CD5.3) BSA1201 also noted the site to be of **"city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features"**. The policy calls for the **development "to be informed by an ecological survey of the site."**
- 5.5. I refer to and rely upon the evidence from Mr Forbes-Laird and Mr Higgins relating to trees and ecology and the respective considerations.
- 5.6. Further, the policy also highlights the need for **"a comprehensive masterplan of the whole site, guided by community involvement."**
- 5.7. Site Allocations and Development Management Policies document of the Local Plan (CD5.2) sets out overarching policies for design and development in Bristol.

The design policy DM26: Local Character and Distinctiveness states **"design of development proposals will be expected to contribute towards local character and distinctiveness by:**

- *i. Responding appropriately to and incorporating existing land forms, green infrastructure assets and historic assets and features;*

The policy further states "**development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions**".

5.8. The design policy DM27 expands further by stating "**Development will be expected to:**

- *Incorporate existing and new green infrastructure to reinforce the character of streets and spaces.*

The policy further states under the Landscape Design section, "**in contributing to green infrastructure, design should incorporate valuable existing natural and manmade landscape features, while reinforcing it with new structural tree planting where appropriate.**"

5.9. Policy DM28 states,

iii. Provide an appropriate relationship with the building edge and a suitable transition between clearly defined public and private spaces;

5.10. The detailed policies are consistent with the higher level policies like BCS9, BCS21 and NPPF paras 8c, 130, 131, 134, 174 and 180.

5.11. Paras 126 and 127 of NPPF emphasise the importance of setting out a clear vision and expectations from development which has been set out in the adopted local plan and as highlighted in the above noted policy references.

6. Excessive disruption to the existing trees and hedges

- 6.1. The pre-application feedback (CD7.1) highlighted the policies noted above, emphasised the need for ecology and trees surveys to be prioritised, and early engagement with Arboriculture and Ecology officers to clarify baseline position on existing features on the site in order to inform the design of the proposal. The response also highlighted the need to redesign the layout to retain and incorporate the identified features in the proposed scheme.

- 6.2. Section-3 (pg.42-71) of the Design and Access Statement (CD1.13) shows noteworthy features of the site. The findings of the section are summarised in two Opportunities and Constraints maps which forms the basis for designing the proposal. Pg.42 of the document confirms the same (standard urban design process) **by stating** *“The chapter follows with a detailed analysis of the site itself by explaining its topographical, ecological and landscape features and the opportunities and constraints are summarised. This thorough analysis and understanding of the site and its context ensures the proposals are informed and shaped by the existing characteristics.”*

- 6.3. Section 3.6 (pg.61-62) Arboriculture Survey identifies 7 trees, 2 groups, 1 woodland and 1 Veteran Tree to be present on the site. The information is inaccurate as over 12 more Veteran Trees have been found on site. In addition, the section does not note the presence of important hedgerows on site. I refer to the evidence from Mr Forbes-Laird and note that additional veteran trees and important hedgerows have been identified on the site. These need to be retained and incorporated in the design of the proposal.

- 6.4. The findings of the site assessment summarised in Sections 3.12 and 3.13 (pg.68-71) of the Design and Access Statement (CD1.13)

as Opportunities and Constraints considerations and maps does not cover the important hedgerows and underreports the trees covered by veteran tree status. The exercise not only fails to deliver the objective of *thorough analysis and understanding of the site and its context* but also establishes an inaccurate baseline position of the *existing characteristics to inform and shape* the design of the proposal.

- 6.5. **Applicant's response to the statutory** consultation comments (CD2.7) confirm that 74% of hedgerows will be removed by the proposal. Removal of large proportion of important hedgerow, along with veteran trees is not compliant with the design policy considerations noted above and detrimental to the character of the area.
- 6.6. In view of above explained considerations, the proposal is deemed to be not compliant with policy DM26 noted in Section-5 above.
- 6.7. Section 3.4 (pg.54-57) of the Design and Access Statement (CD1.13) assesses the retention and incorporations of existing trees and hedgerows along the perimeter of the site from design perspective and establishes intended design arrangements.
- 6.8. A completely different methodology is employed for hedges within the site. No assessment for retention and incorporation of the important hedges and veteran trees from design perspective has been shown.
- 6.9. The inconsistency in design methodology is not convincing especially considering the hedges within the site are relatively more significant owing to larger widths, undisturbed settings and most importantly presence of veteran trees.

6.10. My independent assessment of the site shows that width in excess of 50 meters is available between the overgrown hedges in most instances. The distance is likely to increase by several meters once the overgrowth has been cleared.



Diagram showing the distance between hedges on OS imagery

6.11. Extract from the National Model Design Code (NMDC) included below shows that parameter block is deliverable in such instances.

34. Types of Block: There are a wide variety of perimeter block forms that can accommodate housing and other uses:



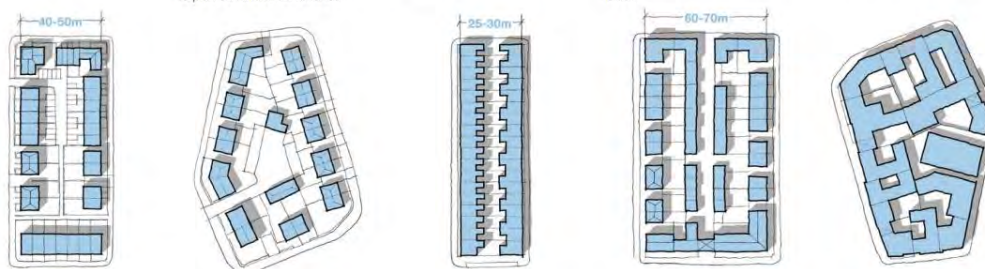
1. Perimeter block: A strip of development around a private courtyard/gardens. The private interior is not accessible to people from outside the scheme. It includes private and communal gardens and car parking.

2. Informal block: Blocks like this can be found in many modern housing schemes. The housing faces outwards onto the surrounding streets with front and back gardens. The extra width allows a parking court to be included alongside houses and garage blocks within the courtyard to provide natural surveillance.

3. Terrace: The most common form is the typical English terrace which may include a rear alleyway. Codes for area types that include existing terraced housing need to consider reductions in back-to-back distances, compared to common practice so that new development relates to the context.

4. Mews block: Mews streets run through blocks, originally accommodating stable blocks to the rear of large houses. Now they have generally been converted to separate homes and workspaces. Modern versions of mews blocks include smaller single aspect homes above garages within the block.

5. Courtyard block: Sometimes buildings join to each other (party wall) not just on either side but also to the rear. This is a characteristic form of many historic cities (like York on the previous page). There are also modern versions of this type of block with deep housing types with an internal courtyard.



Pg. 34 from National Model Design Code – Guidance Notes showing block depths

6.12. It is noted the block in the NMDC extract does not include dimension for external roads, but this can be accommodated while designing the proposal.

Section-6 of the Design Code (CD1.14) show 5.5m wide carriageway and 2m wide footpath for access and movement which reflects standard practice. As per the dimensions, standard arrangement of carriageway with footpath on both sides will be 9.5m. For single aspect roads, it is possible to design the footpath on the side with housing while maintaining soft verge on the opposing inactive edge, which will reduce the width of street to 7.5m. Addition of 2m wide parallel parking/landscape strip alongside the standard road will result in width of 11.5m.

To summarise, the above exercise illustrates the street width that will be needed to serve the blocks to be between 7.5m to 11.5m wide.

- 6.13. Areas with tighter separation distances between the hedges which are unable to accommodate model parameter blocks can consider Terrace or Mews blocks, these can be designed with tighter block dimensions and street widths.
- 6.14. If the suggested approach is adopted, the retained hedgerows can form the setting for the blocks, providing enclosure and context for designing the character areas. The retained hedges will also reduce the visual impact of the proposal by registering their presence between the layers of development blocks on rising topography.
- 6.15. It is acknowledged the design approach outlined above is by no means fully formed or resolved. It is acknowledged that confirmation of multiple factors e.g. confirming the distances between the hedges after clearance, development of character areas, street typologies, house design etc. need to be undertaken before the design can be confirmed.
- 6.16. The exercise is a proof of concept to demonstrate that the trees and hedges can be retained and incorporated in the development proposal. And the blocks can be developed to be in compliance with the adopted policy and its objectives and achieve a policy compliant design proposal of parameter blocks presenting active frontages to the sites assets and public realm.
- 6.17. Such approach will minimise removal of hedges and trees in areas where roads and infrastructure connections are needed. The resultant loss of hedges and trees will be significantly smaller than the appeal scheme.

- 6.18. In view of above explained rational, the proposal is deemed to be non-compliance with policy DM27 noted in para 5.8 above.
- 6.19. It is acknowledged that the housing numbers may be different than the policy estimate or the current proposal, but the context (site conditions and settings) should determine the design of the proposal rather than a number led approach. This is particularly important for this site to address the deliberations in the Sustainability Appraisal of the Local Plan noted above and the resulting Development Considerations noted in the site allocation policy BSA1201 (CD5.3).
- 6.20. The estimated number of 300 units in the allocation was based on a high level desk top assessment which was not informed by detailed site assessments. It does not assess form, location and extent of development, these considerations are not priced into allocation. The allocation relies on further assessment and engagement through development management process to balance these aspects.
- 6.21. The appeal scheme itself is for fewer number of units (up to 260). This illustrates flexibility needs to be afforded to the housing numbers.
- 6.22. It is not possible to estimate the exact number of units that can be delivered at current stage. Design process which places the retention and incorporation of existing trees and hedges need to be undertaken to develop a policy compliant design solution. The appropriate quantum of housing will emerge from the exercise.

- 6.23. NPPF para 130c, 131 and policies DM 26 and 27 of the Local Plan noted above call for sensitive design response to the landscape settings and features. The **applicant's** assessment does not accurately document the important hedgerows and veteran trees on site. And design led consideration for incorporation of the existing trees and hedgerows in the design is missing.
- 6.24. The application is considered contrary to policies NPPF para 130c, 134, BCS21, DM26, DM27 and BSA1201 as identified in the Section-5.

7. Design arrangements and principles established in the Parameter Plans and Design Codes

- 7.1. As noted above the Parameter Plans seek to set the Access and Movement, Landscape, Heights and Land Use for the proposed development, and the Design Codes set out arrangements and principles for designing spaces, streets, levels, parking, public realm details and on-plot details. Collectively the documents that are put forward for approval will establish many key aspects of design.
- 7.2. If the current appeal is allowed, the arrangement and principles established in the approved documents will be formalised and gain relevance for future planning considerations. The council will not be able to seek changes to the arrangements and principles established in the approved documents.
- 7.3. The **Council's** assessment of the detailed design at subsequent stages will be governed by the approved documents. Subsequent design stages will be expected to show compliance with the

approved documents thereby having reduced scope and flexibility for making material changes at later design stages.

7.4. It is therefore necessary to assess the design arrangements and principles set out in the parameter plans and the design code at this stage and test its compliance with the planning policy and site conditions.

7.5. Considering the above the parameter plans and the design codes give rise to the following issues;

7.6. Policy DM27 seeks blocks and plots that;

ii. Create distinct public fronts and private backs with clear and obvious ownership and responsibility for external spaces provided; and

iii. Enable active frontages to the public realm and natural surveillance over all publicly accessible spaces;

7.7. The Access and Movement parameter plan (CD1.4) allow width for only a single row of houses along the southern/lower edge of development. The Illustrative masterplan (CD1.10) confirms the same. The row of houses will address public road to its north and public green space to the south. The houses will face public realm on its front as well as the back where the residents should legitimately expect privacy and inactive defensive space. The arrangement does not comply with the policy cited above.

7.8. The 4 storey high apartment blocks towards the eastern edge of the site appear as isolated islands surrounded by public realm on all sides. The blocks are randomly placed in the landscape and perched on engineered platforms with significant level changes.

7.9. Policy DM26 seeks proposals to:

i. Responding appropriately to and incorporating existing land forms, green infrastructure assets and historic assets and features;

- 7.10. The Access and Movement Parameter Plan (CD1.4) shows the streets and development area of the proposal are orthogonally arranged which in places sit awkwardly against the existing landform. Whereas more flexible block arrangement which offer better relation to the existing features like contours, hedgerows and trees is required as per the policy
- 7.11. The Design Code (CD1.14) formalise the relation between the buildings and landscape which will further establish the arrangement and curtail **Council's ability to seek** meaningful changes at subsequent stage.
- 7.12. The Illustrative Masterplan (CD1.10) provide greater clarity on the proposed arrangement.
- 7.13. For example, the N-W corner of the site can be arranged with better alignment with the site boundaries and topography. The parameter plans establish the angled alignment of the street and block creating leftover space. And the design codes establish the principle for designing the incidental left over space created by the unresolved arrangement.
- 7.14. The parameter plan and the design code establish the formal orthogonal arrangement for the lower/southern edge of the site. This is most evident in the block of single houses facing Meadows to the east of the existing allotments. The straight building line along with repetitive massing and architecture present an abrupt and contrasting interface with the meadow landscape to the south. The contrast will be further accentuated by the level difference between the meadow and the development block as well as lack of

trees in the meadow character area. The resultant impact of the proposed development with the prominent landscape space on the lower/southern edge of the site will be abrupt and stark. The edge can benefit from more organic and softer interface with the landscape space.

- 7.15. Section 7 of the Design Code establish the principle for accommodating level changes in landscape areas throughout the scheme. This is further confirmed by the Proposed Contours & Retaining Walls Plan (CD2.6b) which illustrated the extent of level changes that will be engineered as a result of the approach. The proposal presents high volume of cut and fill causing significant changes to the landform.

The above cited design approach and principles are contrary to DM26 which seeks development to *respond appropriately to and incorporating existing land forms*.

And policy DM28 which states

iii. Provide an appropriate relationship with the building edge and a suitable transition between clearly defined public and private spaces;

- 7.16. The issues arising from the orthogonal layout noted above will further exacerbate by steep level that emerge from the principles established Section-7 of the design code and best presented in Proposed Contours & Retaining Walls Plan (CD2.6b). Some examples of the changes are;

- 7.17. Significant cut and fill proposed along the lower/southern edge of the proposed development addressing the wetland meadow. The resultant steep embankments and retaining walls places house on top of tightly packed contours with 3.5 meters level difference.
- 7.18. Flood attenuation ponds immediately to the south of development requires significant excavation in area set out as biodiverse wetland meadow will further add to the perceived height difference between the landscape and the development block.
- 7.19. The resultant arrangement will present development which is elevated about 10 meters (equivalent to 3.5 residential floors) above the adjacent areas that is retained as natural landscape for public use and enjoyment.
- 7.20. The Height Parameter Plan shows building height of 3 storeys along the frontage. The arrangement will result in combined height of 6.5 storeys when viewed from landscape meadows to the south.
- 7.21. The design code establishes principle of meadow planting which is low level in scale for the Meadow character area, thereby offering limited scope for use of soft landscaping to soften the interface.
- 7.22. Groundworks proposed around the 4 storey high apartment blocks along the eastern edge of development creates series of engineered platforms on rising topography. The platform presents a height difference of 2.3 meters (ceiling height of an average house) between the base of the block and the public realm.
- 7.23. The arrangement results in combined height of the platform and building to be 5 storeys at certain points in the vicinity of the blocks.

- 7.24. Fill proposed in NW corner of the site addressing the allotments to its south adds 2.5 meters on top of already elevated position over a steeply rising topography.
- 7.25. The proposal further places 2.5 storey high residential units on top of the raised fill. The resultant combined height of the topography and building will be 3.5 storeys high.
- 7.26. Expert statements from Mr Forbes-Laird on arboriculture and Ms. Whatmore on Landscape have highlighted concerns about the development/groundworks and its impact on the vegetation and ecological habitats.
- 7.27. Redesigning the house types as split-level units to accommodate part of the level changes needs to be considered. The current arrangement places all the level changes to outdoor areas and exerts excessive pressure on the landscape to absorb the level changes. The approach is contrary to DM26 which seeks development to respond appropriately to existing landform. Split level house types should be considered in areas with steeper contours to reduce the pressure on outdoors/landscape areas.
- 7.28. The detailed plans and design arrangements submitted to support the current application satisfactorily addressed the criteria set out in the parameter plans and the design codes. In effect the Council will find itself committed to the design and unable to refuse or seek

meaningful changes on the issues highlighted above at subsequent stages.

7.29. The issues therefore are highlighted for policy non-compliance and reason for refusal at this stage.

8. Height Parameter Plan

8.1. Local Plan policy DM26 states *"the design of development proposals will be expected to contribute towards local character and distinctiveness by:*

- *iv. Retaining, enhancing and creating important views into, out of and through the site; and*
- *vi. Responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes;"*

The policy further states *"development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions."*

8.2. Local Plan policy 27 states *"height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape."*

8.3. The Height Parameter Plan (CD1.3) seeks to establish the scale of the proposal. The Design Code (CD1.14) sets out principles for designing the blocks of the defined scale.

8.4. The pre-app engagement had highlighted concerns about appropriateness of the proposed height, scale and massing and the

potential visual impact from the development in the suburban context. The 4 storey high apartment blocks were of particular concern due to the larger footprints resulting in accentuation of the scale and massing to the proposed height.

- 8.5. The engagement led to a discussion about TVIA and viewpoints were subsequently agreed. The email exchange has been documented in the Appendix 7 of TVIA Assessment (CD1.20) of the appeal scheme.
- 8.6. Most of photomontages for TVIA agreed with the applicants upon special request have not been provided. Out of the 16 views that were identified only 2 have been developed into photomontages. No photomontages showing the impact of the 4 storey high apartment blocks have been presented. The partial evidence makes it difficult to assess the impact of the proposal.
- 8.7. The 2 photomontages that has been provided illustrate the dominance of the buildings on top of steeply rising topography which is exacerbated by the proposed cut and fill and lack of trees along exposed frontages. The regimented 3 storey high gable end houses present an abrupt response to the suburban informal and verdant setting.
- 8.8. As noted in Section-7 above the design code sets principles for managing the level difference in the landscape and delivery of house types at single level. The parameter plans and supporting documents also support the same. The Indicative Contour and Retaining Wall Plan (2.6b) is most effective in showing the expected changes of level.

- 8.9. Further, Section 10.7 of the Landscape evidence by Ms. Whatmore cites the substantial surplus soil from cut-and-fill exercise which needs to be managed. Some of the surplus soil may need to be managed on the site to reduce disposal costs.
- 8.10. Section-7 above highlights examples of the level changes and the combined height of the level changes in the foreground with the building placed on top. The combined building height resulting from combination of the earthworks and the buildings is significantly taller than the indicated height of the blocks by themselves.
- 8.11. While examples of houses on steep hill/escarpment can be found in Bristol, examples of accommodating the changes within the buildings envelop are often used in the city as well. Accommodating the changes within the building allows for better integration of the development with landscape settings and reduces the visual impact.
- 8.12. Suburban context of the site addressing Victory Park to its south and gradually sloping topography (no escarpments) requires a calmer and less intensive response than currently proposed.
- 8.13. Observers will experience the views in a suburban context and will be in a higher state of sensitivity against dramatic changes especially while enjoying mature landscape settings of parkland to the south.
- 8.14. The proposed arrangement established in the Parameter Plans and the design codes are not in keeping with policy and context considerations explained above. The Height Parameter plan cannot be supported as it is contrary to policies NPPF para 130c, 134, BCS21, DM26 and DM27.

9. Observations on the landscape and bio-diversity corridors

- 9.1. Evidence presented in this section is not promoted as reason for refusal from design point of view. However, the points are noted to present design commentary and context for the evidence presented by other expert witnesses.
- 9.2. Section 7.2 of the Design and Access Statement shows ecological corridors.
- 9.3. The design considerations from the development as well as service and amenity of the residents will take precedence in areas that is immediately surrounding the development blocks and within private ownership. The biodiversity benefits offered by such areas will be of secondary priority and offer limited ecological value.
- 9.4. The landscape planting in the curtilage of the properties, i.e. front, side and rear gardens will be managed and maintained by for benefit of the residents. Usually, the residents manage the private space as per their own interest and the ecological/bio-diversity benefits cannot be assured.
- 9.5. The areas under management company that are adjacent to the development blocks, access routes, parking and services will be designed with human considerations as the primary drivers for its design and management. The areas can offer some benefit as bio-diversity habitats but these will be of secondary priority and of a limited value.
- 9.6. As an example, the ecology led rational for Bonville Glade offers limited scope for bio-diversity led design. The enabling ground

works for the 4 storey high apartment blocks, parking and services will fundamentally alter the space between and areas that are immediately adjacent to the blocks.

- 9.7. Design of the replacement landscape between and immediately adjacent to the buildings will be driven by level changes, access, amenity and service considerations while ecological value will be of secondary importance and offer a limited benefit.
- 9.8. The arrangement will allow for a limited width of landscaped area between the blocks and Bonville Road where biodiversity and ecological considerations can be prioritised. However, these will also face pressure from outlook, access and amenity provision for the residents of the blocks and the users of the path running through the space. Overall, the ecological value from the corridor will be limited by such factors.

10. Summary and conclusion

- 10.1. The application seeks outline consent for access to be determined along with approval of Design Codes and 4 Parameter Plans (Access and Movement, Land-Use, Landscape and Height). The supporting documents present the evidence base for the proposal or illustrate the foreseeable design resolution that can be expected at subsequent stages.
- 10.2. The proposal causes excessive disruption to the existing trees and hedges, which is contrary to the policies in NPPF, BCS21, DM26, DM27 and site allocation policy BSA1201
- 10.3. The documents put forward for approval set out principles and intended design arrangements which do not conform with policies set out in NPPF, BCS21, DM26, DM27 and DM28. The documents

will gain precedence and establish design arrangement and principles for design and development of subsequent stages.

- 10.4. Reservations regarding the height, scale and massing of the proposal are partially confirmed by the available evidence. The council maintains its reservations about the proposed height, scale and massing which cannot be supported with current evidence. The proposal is deemed contrary to policies set out in NPPF, BCS21, DM26 and DM27.
- 10.5. The application cannot be supported from urban design perspective due to the issues explained above.

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 10 January 2023 14:11
To: s. 40(2) <s. 40(2)@wbd-uk.com>
Subject: RE: Brislington Meadows dedicated public footpaths [WBDUK-AC.FID124207612]

Hi s. 40(2)

Sorry for the delay in my response. It has gone back to legal, if they have no issues the Order will be made very soon. Even if there are changes we need to make, it should not take much more than a couple of weeks from now,

Kind regards,

s. 40(2)

s. 40(2)

Public Rights of Way Officer
Highway Network Management
Bristol City Council – Growth & Regeneration

rightsofway@bristol.gov.uk

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. s. 40(2)@homesengland.gov.uk only is authorised to access this e-mail and any attachments. If you are not s. 40(2)@homesengland.gov.uk, please notify s. 40(2)@wbd-uk.com as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebonddickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

Homes England is the trading name of the Homes and Communities Agency. Our address for service of legal documents is One Friargate, Coventry, CV1 2GN. VAT no: 941 6200 50. Unless expressly agreed in writing, Homes England accepts no liability to any persons in respect of the contents of this email or attachments.

Please forward any requests for information to: infogov@homesengland.gov.uk

CONFIDENTIALITY AND PRIVACY

This message is intended solely for the addressee and may contain confidential information. If you have received this message in error, please reply to this e-mail highlighting the error to the sender, then immediately and permanently delete it.

Do not use, copy or disclose the information contained in this message or in any attachment.

s. 40(2)

From: s. 40(2)
Sent: 20 February 2023 16:03
To: s. 40(2) | s. 40(2)
Cc: s. 40(2) | s. 40(2)
Subject: s. 43 - Brislington Meadows

Hi s. 40(2)

I could do 3.00 p.m next Monday. Meet at Bonville Road at the entrance to the PROW nearest the mast?

Thanks

s. 40(2)

s. 40(2)

Senior Planning and Enabling Manager



Ms. 40(2)

Ts. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2)> bristol.gov.uk>
Sent: 20 February 2023 15:29
To: s. 40(2) <s. 40(2)> homesengland.gov.uk>; s. 40(2) <s. 40(2)> bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

Hi s. 40(2)

Would you be able to meet myself and s. 40(2) on-site next week? We have dates available for 1500 on either Monday, Wednesday or Friday, whichever is easier on your end.

s. 40(2) if you are able to also come along, you are very welcome.

Kind regards

s. 40(2)

s. 40(2) s. 40(2)

[Bristol City Council | City Hall](#)

Postal Address: Bristol City Council, PO Box 3399, Bristol BS3 9NE



Mobile: s. 40(2)
Email: s. 40(2)@bristol.gov.uk
Website: www.bristol.gov.uk

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 13 February 2023 15:57
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

I could do this Weds or Thursday afternoon?

s. 40(2)

s. 40(2)

Senior Planning and Enabling Manager



M s. 40(2)

T s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 13 February 2023 13:15
To: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

Hi s. 40(2)

I think it would be a good idea for s. 40(2) and myself us to meet you on site to better understand s. 43
As you will appreciate neither s. 40(2) or myself were involved in s. 43 and a walk around
the site would be beneficial.

Can you let us have some dates please

Regards

s. 40(2) s. 40(2)
Bristol City Council | City Hall
Postal Address : Property, Bristol City Council, City Hall, College Green, Bristol, BS1 5TR

Mobile : s. 40(2)
Email : s. 40(2)@bristol.gov.uk
Website : www.bristol.gov.uk



Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 13 February 2023 11:13
To: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: s. 43 - Brislington Meadows

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>
Sent: 08 March 2023 14:54
To: s. 40(2) | s. 40(2)@landmarkchambers.co.uk; s. 40(2)
Cc: s. 40(2) | s. 40(2)
Subject: FW: Brislington Meadows - SOCG
Attachments: Brislington Meadows - SOCG

Importance: High

Good afternoon.

I've received the email below from s. 40(2) following s. 40(2) email to him on Monday (attached, with SoCG attached to it).

s. 40(2) now away and I've not been directly involved in SoCG discussion - so please advise on our agreed approach or on how this matter should be addressed.

With thanks

S.

s. 40(2)

Director of Planning and Regeneration

LDĀ DESIGN

Kings Wharf, The Quay, Exeter, EX2 4AN

tel: s. 40(2)

email: s. 40(2)@lda-design.co.uk | www.lda-design.co.uk

Please consider the environment before printing this e-mail | Confidentiality Notice

LDA Design is independent and proud to be owned by the people who work here. The brilliance of the collective powers what
lda-design.co.uk/

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 08 March 2023 13:31
To: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>
Subject: RE: Brislington Meadows - SOCG
Importance: High

Afternoon s. 40(2)

Apologies for the delay in responding – I returned from leave yesterday to a full day of meetings.

I have gone through the latest version but I'm struggling to find the alternative wording highlighted below:

s. 42, s. 43

18

OFFICIAL

s. 42, s. 43

It is important that the struck out text appears in matters not agreed and the requested footnote is inserted.

Apologies if I have missed this elsewhere in the document.

Regards

s. 40(2)

From: s. 40(2) <s. 40(2)@lda-design.co.uk>

Sent: 06 March 2023 08:41

To: s. 40(2) <s. 40(2)@bristol.gov.uk>

Cc: s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>

Subject: Brislington Meadows - SOCG

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

s. 40(2)

On Friday the Inspector asked for a final signed copy of the S106. Please see attached signed obo the Appellant. Grateful if BCC could sign and then we can return to PINS.

Thanks

s. 40(2)

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 22 March 2023 11:18
To: s. 40(2)
Cc: s. 40(2) | s. 40(2) | s. 40(2) | s. 40(2)
Subject: RE: Brislington Meadows - s. 43

Hi s. 40(2)

I chased the Council's solicitor last week and was told no legal meeting had yet been arranged!. This is hopefully now being sorted.

I will keep on top of this

Regards

s. 40(2) | s. 40(2)
Bristol City Council | City Hall
Postal Address : Property, Bristol City Council, City Hall, College Green, Bristol, BS1 5TR

Mobile : s. 40(2)
Email : s. 40(2)@bristol.gov.uk
Website : www.bristol.gov.uk



Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 22 March 2023 10:54
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@wbd-uk.com>
Subject: RE: Brislington Meadows - s. 43

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

Hi s. 40(2)

Any news on dates?

Thanks

s. 40(2)

(2)

Senior Planning and Enabling Manager



M s. 40(2)

T s. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

From: s. 40(2) <s. 40(2)> [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Sent: 09 March 2023 08:03

To: s. 40(2) <s. 40(2)> [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

Cc: s. 40(2) <s. 40(2)> [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk); s. 40(2) <s. 40(2)> [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk); s. 40(2)

<s. 40(2)> [homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk); s. 40(2) <s. 40(2)> [wbd-uk.com](mailto:s.40(2)@wbd-uk.com)

Subject: RE: Brislington Meadows - s. 43

Hi s. 40(2)

It was also good to meet you.

Im happy for a call between the solicitors as you suggest. Will come back to you will some times/dates

Regards

s. 40(2) **MRICS** | s. 40(2)

Bristol City Council | City Hall

Postal Address : Property, Bristol City Council, City Hall, College Green, Bristol, BS1 5TR

Mobile : s. 40(2)

Email : s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Website : www.bristol.gov.uk



Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)@homesengland.gov.uk>
Sent: 07 March 2023 09:17
To: s. 40(2) <s. 40(2)@bristol.gov.uk>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@wbd-uk.com>
Subject: Brislington Meadows - s. 43

This Message Is from an External Sender

This message came from outside Bristol City Council, think before opening attachments or clicking links

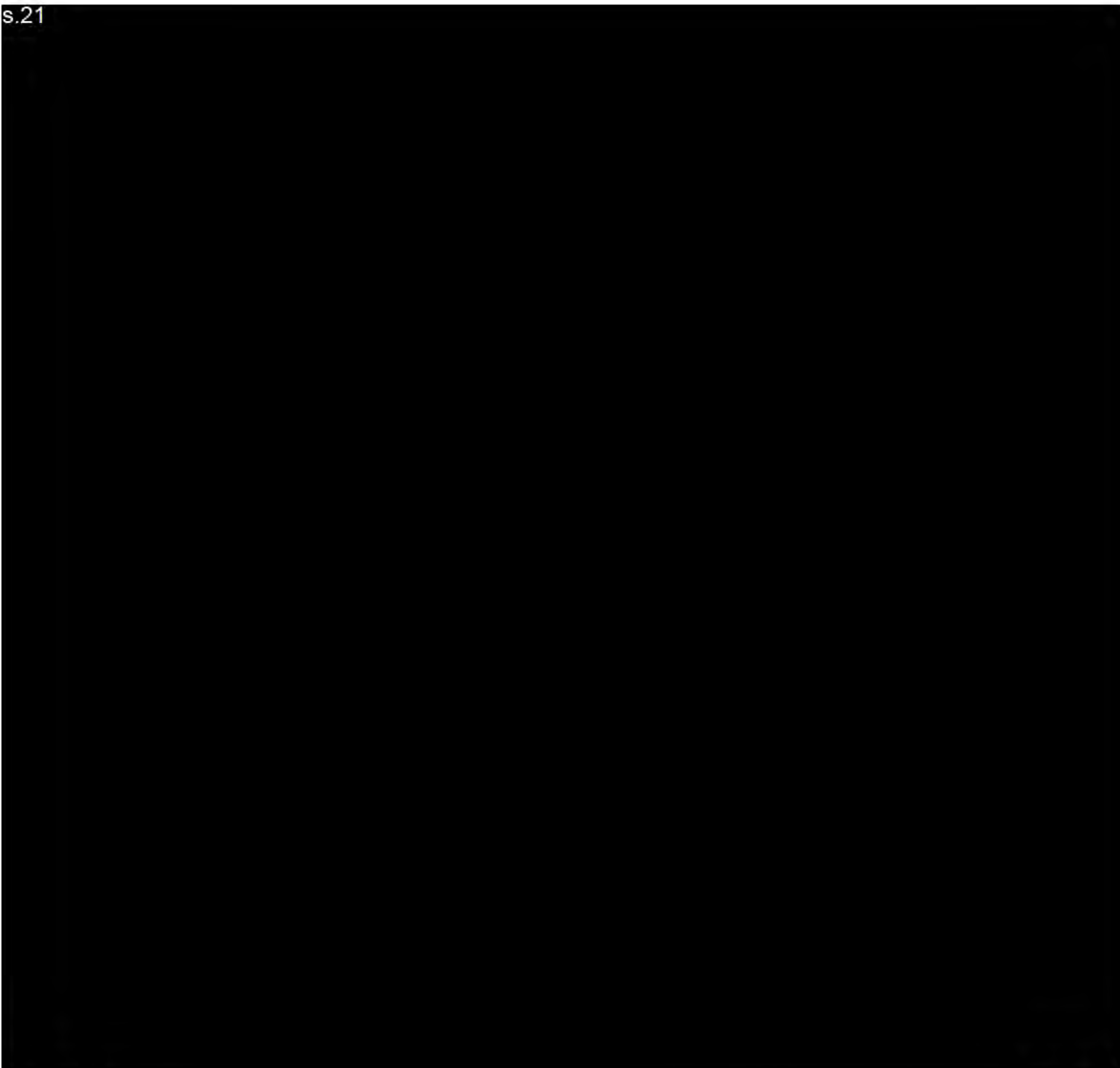
Hi s. 40(2)

Good to meet you on site last week.

s. 43 [Redacted]

s.21 [Redacted]

s. 43 [Redacted]



s. 43 [Redacted]

s. 43 [Redacted] Can you confirm you are agreeable to this and then we can set this up.

Thanks

s. 40(2) [Redacted]

(2) [Redacted]
Senior Planning and Enabling Manager



Ms. 40(2)
Ts. 40(2)

2 Rivergate
Temple Quay
Bristol
BS1 6EH

[Twitter](#)

#MakingHomesHappen

We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



OFFICIAL

Homes England is the trading name of the Homes and Communities Agency. Our address for service of legal documents is One Friargate, Coventry, CV1 2GN. VAT no: 941 6200 50. Unless expressly agreed in writing, Homes England accepts no liability to any persons in respect of the contents of this email or attachments.

Please forward any requests for information to: infogov@homesengland.gov.uk

CONFIDENTIALITY AND PRIVACY

This message is intended solely for the addressee and may contain confidential information. If you have received this message in error, please reply to this e-mail highlighting the error to the sender, then immediately and permanently delete it.

Do not use, copy or disclose the information contained in this message or in any attachment.

For information about how we process data and monitor communications please see our [Personal Information Charter](#).

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

OFFICIAL

Not in Scope

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 15 March 2023 13:54
To: s. 40(2) <s. 40(2)@wbd-uk.com>
Subject: RE: Brislington Meadows - Section 106 Agreement [WBDUK-AC.FID124207612]

Hi s. 40(2)

Many thanks – those formatting changes are fine.

We don't issue invoices for legal fees. I can provide a screen shot of the payment once received, if needed for audit purposes?

I will confirm fees shortly.

Kind regards

s. 40(2)

s. 40(2)

Solicitor - Property Planning and Transport

Legal Services

Bristol City Council

PO Box 3399

Bristol BS1 9NE

DX 7827 Bristol

s. 40(2)

s. 40(2) bristol.gov.uk

Please communicate with us only by email and not by post/DX wherever possible. Our lawyers and support colleagues may be working from different locations.

IMPORTANT NOTICE - Privileged/Confidential information may be contained in this message and its attachments ("this Email). If you are not the intended addressee (or responsible for the delivery of this Email), you may not copy or deliver this Email to anyone; you should instead destroy it and are requested to notify the sender of your receipt by reply Email. No warranty is given that this Email is free of viruses, or that this Email or any reply is secure from interception/corruption. Please advise immediately if you or your employer does not consent to Internet Email or messages of this kind. Any opinions, recommendations and other information which do not relate to the official business of Bristol City Council are included on this Email on the basis that they are neither given nor endorsed by the Council

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. s. 40(2) homesengland.gov.uk only is authorised to access this e-mail and any attachments. If you are not s. 40(2) homesengland.gov.uk, please notify s. 40(2) wbd-uk.com as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

s. 40(2)

From: s. 40(2) <s. 40(2)> wbd-uk.com>
Sent: 27 March 2023 18:15
To: EXTERNAL s. 40(2)
Cc: s. 40(2) EXTERNAL s. 40(2) s. 40(2) s. 40(2)
Subject: FW: Appeal Reference: APP/Z0116/W/22/3308537: Land at Brislington Meadows, Broom Hill, Bristol - New Issue for Consideration [WBDUK-AC.FID124207612]
Attachments: FLAC 42-1061 BNG 4.0 Note.docx; The Biodiversity Metric 4.0 - User guide.pdf; Summary of changes - Biodiversity Metric 3.1 to 4.0.pdf
Importance: High

Good afternoon s. 40(2)

s. 42

[Redacted]

Kind regards,

s. 40(2)

[Redacted]
 Managing Associate
 Womble Bond Dickinson (UK) LLP

d: s. 40(2)
 m: s. 40(2)
 t: s. 40(2)
 e: s. 40(2) wbd-uk.com

[Sign up for legal updates, e-newsletters and event invitations](#)



womblebonddickinson.com



From: s. 40(2) <s. 40(2)> bristol.gov.uk>
Sent: 27 March 2023 18:04
To: s. 40(2) <s. 40(2)> wbd-uk.com>; s. 40(2) <s. 40(2)> lda-design.co.uk <s. 40(2)> lda-design.co.uk>; s. 40(2) <s. 40(2)> gmail.com>; s. 40(2) <s. 40(2)> lda-design.co.uk
Subject: Appeal Reference: APP/Z0116/W/22/3308537: Land at Brislington Meadows, Broom Hill, Bristol - New Issue for Consideration
Importance: High

Dear Appeal Parties

Please see the attached note and appendices, which the Council feels ought to be brought to the attention of the Inspector.

I would welcome any views you may have on this by the end of Weds 29th March.

Regards

s. 40(2)

s. 40(2)

**Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR**

s. 40(2)

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)

Web: www.bristol.gov.uk

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. s. 40(2) homesengland.gov.uk only is authorised to access this e-mail and any attachments. If you are not s. 40(2) homesengland.gov.uk, please notify s. 40(2) [wbd-uk.com](mailto:s.40(2)@wbd-uk.com) as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond Dickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

42-1061_JFL
BRISLINGTON MEADOWS

Biodiversity Net Gain Metric 4.0 –
Changes relating to ancient and other veteran trees

In the matter of S78 Appeal under PINS ref. 3308537, the Appellant advanced the position that the applicable means of identifying ancient and other veteran trees was that set out in the technical guidance accompanying BNG 3.0/ 3.1.

Specifically, it sought to rely on the approach found under the headings in the 3.0/ 3.1 technical guidance for hedgerow and woodland assessment. This approach is that a tree is ancient if it meets certain size-based criteria, and a tree is veteran if four out of five identified habitat features are present.

The Council rejects this position, per its Closing Submissions at §67.

Subsequent to the closing of the Inquiry there has been a material change in circumstances in relation to the BNG, with version 4.0 being published on 21 March 2023.

In the accompanying *Summary of Changes* document, paragraph 1.4.4 states:

All definitions for ancient and veteran trees have been removed, ensuring that contemporary methodologies in identifying these habitats takes precedence.

The Inspector is invited to determine the Appeal within this revised and now current context in relation to identification of ancient and other veteran trees.

The Council draws to the Inspector's attention that the only *contemporary methodology* of which it is aware is RAVEN.

Summary of Changes

The Biodiversity Metric Version 3.1 to 4.0

First published March 2023

Natural England Joint Publication JP039

Natural England Joint Publication JP039

Summary of Changes The Biodiversity Metric Version 3.1 to 4.0

DEFRA Group



March 2023

This report is published by Natural England under the open Government Licence - OGLv3.0 for public sector information. You are encouraged to use, and reuse, information subject to certain conditions. For details of the licence visit [Copyright](#). Natural England photographs are only available for non-commercial purposes. If any other information such as maps or data cannot be used commercially this will be made clear within the report.

ISBN: 978-1-7393388-2-4

© Natural England and other parties 2023

Further information

This report can be downloaded from the Natural England Access to Evidence Catalogue: <http://publications.naturalengland.org.uk/> . For information on Natural England publications contact the Natural England Enquiry Service on 0300 060 3900 or e-mail enquiries@naturalengland.org.uk.

Contents

1. Changes	5
1.1. Summary.....	5
1.2. Guidance documents	5
1.3. Updated habitat classifications.....	5
1.4. Condition assessment changes	6
1.5. Metric calculation tool changes	7
1.6. QGIS.....	9
1.7. Small Sites Metric	9

1. Changes

1.1. Summary

- 1.1.1. The Biodiversity Metric 4.0 is a substantial update to previous versions of the metric. However, the majority of changes are focused on providing an enhanced user experience and are unlikely to have significant impact on the range of outputs generated.
- 1.1.2. Given the scale and breadth of minor changes it is recommended that assessors refamiliarise themselves with the workings and assessment methodology of the metric.
- 1.1.3. Key changes are outline in the sections below.

1.2. Guidance documents

- 1.2.1. The guidance documents have been streamlined to:
- place greater emphasis on ecological expertise
 - provide clarity on several issues raised by metric users
 - reduce repetition between documents
- 1.2.2. Metric guidance documents have been updated to ensure that the guidance covers use of the metric only. Where practical, references to other policy and mechanisms have been removed.

1.3. Updated habitat classifications

- 1.3.1. A number of new habitat classifications are included within The Biodiversity Metric 4.0. These are outlined in the table below.

Table 1-1 Habitat changes

Area habitat name in metric 3.1	Area habitat name in metric 4.0
New habitats	
N/A	Willow scrub
N/A	Tall forbs
N/A	Rural trees

Area habitat name in metric 3.1	Area habitat name in metric 4.0
N/A	Watercourse footprint
Habitats split into two	
Vacant/derelict land/ bareground	Vacant or derelict land
Vacant/derelict land/ bareground	Bare ground
Name changes	
Cereal crops winter stubble	Winter stubble
Floodplain Wetland Mosaic (CFGM)	Floodplain wetland mosaic and CFGM
Sea buckthorn scrub (Annex 1)	Dunes with sea buckthorn (H2160)
Sea buckthorn scrub (other)	Other sea buckthorn scrub
Sustainable urban drainage feature	Sustainable drainage system
Tall herb communities	Tall herb communities (H6430)
Temporary lakes, ponds and pools	Temporary lakes ponds and pools (H3170)

1.3.2. With the exception of ‘watercourse footprint’ and ‘rural trees’ the definitions for these habitat types can be found within source material, as set out in The Biodiversity Metric 4.0 – Technical Annex 1. Notes on the use of ‘Watercourse footprint’ and ‘Rural trees’ can be found in The Biodiversity Metric 4.0 – User guide.

1.3.3. There are other minor formatting and spelling changes to habitat names.

1.4. Condition assessment changes

1.4.1. Natural England have conducted a review of metric condition assessment sheets, resulting in notable changes to the following condition sheets.

- Grassland – low distinctiveness
- Grassland – medium and higher distinctiveness
- Heathland
- Hedgerows
- Limestone pavement
- Line of trees
- Traditional orchards
- Ponds
- Urban

- Woodland
 - Wood-pasture and parkland
- 1.4.2. The 'Urban trees' condition sheet has been changed to 'Individual trees' and now includes urban and rural trees.
- 1.4.3. In addition, there are a large number of minor formatting and usability edits to condition sheets, including; updating habitat names, correcting grammar and using more accessible terms. Where required, additional footnotes have been added to provide assessors with greater clarity.
- 1.4.4. All definitions for ancient and veteran trees have been removed, ensuring that contemporary methodologies in identifying these habitats takes precedent.

1.5. Metric calculation tool changes

Summary tables

- 1.5.1. A summary table, summarising total net change and trading rules, has been added to each habitat data entry sheet.

Spatial risk multiplier (SRM)

- 1.5.2. The formula for the application of the spatial risk multiplier has been amended so that it now applies to any overall off-site net gains in area habitat, hedgerow or watercourse units. Previously, the SRM was applied only to all off-site creation and enhancement, making it difficult to achieve off-site gains in many scenarios.

Additional error and warning flags

- 1.5.3. Additional error and warning flags have been added throughout the tool to help highlight potential errors the user may have made or display warnings when data may not have been entered correctly.

Translation tool

- 1.5.4. The phase 1 to metric habitat translation tool has been updated.

Start page

- 1.5.5. The option for the user to set their own net gain target (defaulted to 10%) has been added to the start page.
- 1.5.6. Information on the total site area and total area of irreplaceable habitats has been added to the start page.
- 1.5.7. The cell style conventions key has been expanded to include additional cell styles and error flags.
- 1.5.8. The user must now specify if there are irreplaceable habitats present on site or not. If irreplaceable habitats are present, this will cause a new irreplaceable habitats tab to open where the user must enter details of irreplaceable habitats on site at baseline.
- 1.5.9. A new off-site site summary tab has been created that summarises the unit gains achieved by individual off-site sites.

Results

- 1.5.10. The results page has been amended to improve usability and accessibility. Additional error flags have been implemented to show users and reviewers where errors may have occurred. A new 'unit deficit' section allows users to quickly see the remaining units that are required to meet their targets.
- 1.5.11. The charts within the details results page have been amended and simplified to improve usability and accessibility

Area habitats

- 1.5.12. A tool that allows the user to convert metres squared to hectares and vice-versa has been added to the bottom of the area habitat sheets.

Hedgerows

- 1.5.13. A new trading summary tab has been created along with updated trading rules for the hedgerow module.

Watercourses

- 1.5.14. The rivers module has been renamed to the watercourse module
- 1.5.15. A new watercourse trading summary has been created alongside updated trading rules for watercourses

- 1.5.16. The user will now only be able to select the option 'N/A - Culverts' for riparian and watercourse encroachment
- 1.5.17. The categories for watercourse and riparian encroachment have been amended
- 1.5.18. Bespoke compensation is now required for any loss of Very high distinctiveness watercourse habitats.

1.6. QGIS

QGIS Template

- 1.6.1. Updated the QGIS template to match the changed habitat names, and reworded options for Strategic Significance, Spatial Risk Multiplier.
- 1.6.2. Added the new habitat types according to the metric changes, and aligned symbology with habitats in the same broad habitat.

QGIS template and GIS import tool guidance:

- 1.6.3. Updated this guidance to reflect that this GIS import tool now works for the Small Sites Metric.
- 1.6.4. Refined wording of this guidance to be more streamlined, directional and accessible.
- 1.6.5. Updated screenshots in the guidance to match the latest version of the QGIS template, as it has different habitat module names.
- 1.6.6. Fixed broken symbology around distinctiveness and added new symbology layers which include renamed and new habitats.

QGIS data standard

- 1.6.7. Updated the data standard to match the updated habitat names and options.

1.7. Small Sites Metric

The small sites metric has undergone small scale changes to improve usability, accessibility and to align it with the main Biodiversity Metric 4.0. For simplicity, the detailed and headline results pages have been combined.



This publication is published by Natural England under the Open Government Licence v3.0 for public sector information. You are encouraged to use, and reuse, information subject to certain conditions. For details of the licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3.

Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England publications are available as accessible pdfs from www.gov.uk/natural-england.

Should an alternative format of this publication be required, please contact our enquiries line for more information: 0300 060 3900 or email enquiries@naturalengland.org.uk.

ISBN 978-1-7393388-2-4

Catalogue code: JP039

Please note: Natural England photographs are only available for non-commercial purposes. For information regarding the use of maps or data visit www.gov.uk/how-to-access-natural-englands-maps-and-data.

© Natural England and other parties
2023



The Biodiversity Metric 4.0

User Guide

First published March 2023

Natural England Joint Publication JP039

Natural England Joint Publication JP039

The Biodiversity Metric 4.0 User Guide

Defra Group



March 2023

The biodiversity metric is hosted by Natural England

This report is published by Natural England under the Open Government Licence - OGLv3.0 for public sector information. You are encouraged to use, and reuse, information subject to certain conditions. For details of the licence visit [Copyright](#). Natural England photographs are only available for non-commercial purposes. If any other information such as maps or data cannot be used commercially this will be made clear within the report.

ISBN: 978-1-7393362-1-9

© Natural England and other parties 2023

Further information

This report can be downloaded from the Natural England Access to Evidence Catalogue: <http://publications.naturalengland.org.uk/>. For information on Natural England publications contact the Natural England Enquiry Service on 0300 060 3900 or e-mail enquiries@naturalengland.org.uk

Acknowledgements

Biodiversity Metric 4.0 builds on a series of previous versions of the biodiversity metric which have been published by Natural England with the input from the Environment Agency and the Forestry Commission, including authors and contributors cited in previous versions.

All versions of the biodiversity metric build on the biodiversity loss/gain framework developed by Jo Treweek and Bill Butcher^{1,2}, incorporating habitat condition and a new concept of distinctiveness scores, which was subsequently adopted by Defra and Natural England for their biodiversity offset pilots and metric³.

The UK Habitat Classification System is used under licence from UKHab Ltd. No onward licence implied or provided and, where applicable, the same shall be out of scope of the OGL v3.0 (and subject to its own licencing terms). Please see <https://ukhab.org> for further details about the UK Habitat Classification System and <https://ukhab.org/EULA> for full licensing terms

¹ Treweek J. et al. (2009) [Scoping study for the design and use of biodiversity offsets in an English Context](#).

² Treweek J., Butcher B., and Temple H. (2010) [Biodiversity offsets: possible methods for measuring biodiversity losses and gains for use in the UK](#). CIEEM In Practice.

³ Defra (2012) *Biodiversity Offsetting Pilots. Technical paper: the metric for the biodiversity offsetting pilot in England* [online]. Defra, London.) [Biodiversity Offsetting Pilots. Technical paper: the metric for the biodiversity offsetting pilot in England](#)

Contents

1. Document guidance	7
1.1. Purpose of this guidance	7
1.2. Competency requirements	7
1.3. Metric documents.....	7
1.4. Metric habitat types	8
1.5. Use of the metric.....	8
2. Key terms and definitions	10
3. Metric rules and principles	12
3.1. Metric rules	12
3.2. Metric trading rules (Rule 3).....	12
3.3. Rule 5	15
3.4. Metric principles	15
3.5. Irreplaceable habitats.....	16
4. Data requirements	19
5. Assessing habitat quality	20
5.1. Quality components	20
5.2. Distinctiveness	20
5.3. Condition.....	20
5.4. Strategic significance	22
6. Habitat interventions	24
6.1. Retention, enhancement and creation	24
6.2. Restoration of existing habitats	25
6.3. Accounting for degraded sites.....	25

6.4.	Modelling realistic targets.....	26
7.	Assessing metric risk.....	28
7.1.	Risk multipliers.....	28
7.2.	Difficulty of creation or enhancement.....	28
7.3.	Temporal risk.....	28
7.4.	Spatial risk.....	29
8.	Area unit module.....	31
8.1.	Scope.....	31
8.2.	Metric-specific recording notes.....	31
8.3.	Assessing individual urban and rural trees.....	34
9.	Hedgerow unit module.....	38
9.1.	Scope.....	38
9.2.	Metric specific recording notes.....	38
10.	Watercourse unit module.....	40
10.1.	Scope.....	40
10.2.	Quality Components.....	42
10.3.	Habitat Interventions.....	45
10.4.	Riparian zone encroachment.....	47
10.5.	Watercourse encroachment.....	50
11.	Metric results.....	51
11.1.	Headline Results.....	51
11.2.	Habitat Trading Summary.....	52
11.3.	Detailed results.....	53

12. Appendix A: Tool Input Guide.....	54
12.1. General information.....	54
12.2. Introduction.....	56
12.3. Start page.....	56
12.4. Other start page buttons.....	58
12.5. Main menu.....	59
12.6. Data entry sheets	61
12.7. Navigating to the results.....	65
12.8. Tool troubleshooting.....	66

1. Document guidance

1.1. Purpose of this guidance

- 1.1.1. This document provides guidance to support a competent person using the Biodiversity Metric 4.0 Calculation Tool. Instructions on how to manually input data into the tool are provided as a short guide in [Appendix A: Tool Input Guide](#).
- 1.1.2. The technical habitat data and calculation methodology of the metric are embedded within the Biodiversity Metric 4.0 Calculation Tool and supporting documents (hereafter referred to as 'the metric' or 'this metric'). This metric has been published for applications across a wide range of scenarios.

1.2. Competency requirements

- 1.2.1. Competency is aligned with the British Standard 'Process for designing and implementing biodiversity net gain: [BS 8683:2021](#)'. A competent person is someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform specified tasks in completing and reviewing metric calculations.
- 1.2.2. To undertake a River Condition Assessment assessors must be trained and accredited in the River Condition Assessment methodology. See the [Watercourse Unit Module](#) for further detail.

1.3. Metric documents

- 1.3.1. The following tools and supporting documents are available [here](#):
 - The Biodiversity Metric 4.0 – Calculation Tool
 - The Biodiversity Metric 4.0 – Technical Annex 1: Condition Assessment Sheets and Methodology
 - The Biodiversity Metric 4.0 – Technical Annex 2: Technical Information
 - The Biodiversity Metric 4.0 – QGIS Template
 - The Biodiversity Metric 4.0 – GIS Import Tool
 - The Biodiversity Metric 4.0 – GIS Data Standard
 - The Biodiversity Metric 4.0 – QGIS Template and GIS Import Tool User Guide

- 1.3.2. Additional case studies on applying the metric in different scenarios are also available.
- 1.3.3. Metric assessors are encouraged to follow developing industry [best practice principles](#) (CIRIA, CIEEM and IEMA) and [BS 8683:2021](#).

1.4. Metric habitat types

- 1.4.1. The majority of habitats within the metric follow definitions set out by [UK Habitat Classification \(UKHab\)](#), [Annex I habitats for Natura 2000](#), [European Nature Information System \(EUNIS\) habitat type hierarchical view](#) or the [Water Framework Directive \(WFD\) Lake typologies](#).
- 1.4.2. A full list of metric habitat types and their source material may be found in [Technical Annex 2 – Technical Information](#). This user guide includes additional details on how to record specific habitats within the metric.

1.5. Use of the metric

- 1.5.1. The metric can be used to inform and improve planning, design, land management and decision-making. The metric uses habitats and 'biodiversity units' as a proxy to describe biodiversity. These biodiversity units are the 'currency' of the metric. There are three types of biodiversity units, which are calculated in three separate 'modules' of the metric (area units, hedgerow units and watercourse units).
- 1.5.2. It is a simple assessment tool and only considers direct impacts on habitats, within the footprint of a development, estate or project. The metric can:
 - assess or audit the biodiversity unit value of an area of land
 - calculate the losses and forecast gains in biodiversity unit value resulting from interventions which affect habitats
 - compare different proposals for a site, allowing more objective assessments of potential biodiversity changes
 - be used to calculate biodiversity units and percentage biodiversity change
- 1.5.3. The metric can be used throughout all stages of a project, from site selection and detailed design to delivery. The earlier it is applied, the greater the opportunity to design for biodiversity and wider ecological benefits. The steps below outline how to make practical use of the metric. These are explained in more detail throughout the guidance.

Step 1: Project planning

- identify sites where the metric will be used

Step 2: Data collection

- collect habitat and other data from the sites to inform habitat baseline
- undertake a desk study determine strategic significance
- identify the planned actions or interventions that will change habitats, such as development or changes to land management

Step 3: Calculation

- identify metric modules to use
- input data into the metric to generate biodiversity unit scores
- identify if off-site habitat data will be required

Step 4: Informing design and decisions

- use results to improve design, communicate gains and losses, and inform planning decisions
- if there are changes to planned interventions run the calculator for pre- and post-change scenarios
- return to steps 1, 2 or 3 if required

1.5.4. If a project site has a baseline of zero biodiversity units, the metric will not provide results as a percentage change, but a unit gain can still be calculated. Where the metric is used to demonstrate BNG, and the baseline is zero biodiversity units, the relevant consenting body or planning authority may set an appropriate biodiversity unit target.

1.5.5. The outputs of this metric are not absolute values but provide a proxy for the relative biodiversity worth of a site pre- and post-intervention. The quality and reliability of outputs will depend on the quality of the inputs. The metric and its outputs should be used alongside ecological expertise as part of the evidence that informs plans and decisions.

2. Key terms and definitions

[Table 2-1](#) sets out key terms that are used within the metric.

Table 2-1 Explanation of metric terms

Metric term	Explanation
Assessor	The competent person completing the metric.
Reviewer	A person reviewing the metric. Usually from a determining body or planning authority.
Habitat type	<p>A habitat classification derived from multiple sources, including:</p> <ul style="list-style-type: none"> • UK Habitat Classification • Annex I habitats for Natura 2000 • European Nature Information System habitat types • Water Framework Directive (WFD) Lake typologies
Biodiversity unit	Biodiversity units are a proxy to describe biodiversity. There are three types of biodiversity units: area units, hedgerow units and watercourse units. These are calculated in separate 'modules' of the metric.
Project timeframe	The timeframe over which the metric calculates gains and losses for specific habitat interventions.
On-site	On-site sheets of the metric are for all land within the boundary of a project. In a planning context, this usually means within the red line boundary of a planning application.
Off-site	Off-site sheets of the metric are for interventions on land outside of the on-site boundary, regardless of proximity or ownership.
Size	The size of the habitat parcel to be retained, enhanced, created, or lost. Size is measured in hectares for area features, or in kilometres for linear features. The metric accepts size measurements to any number of decimal places.

Metric term	Explanation
Distinctiveness	A measure based on the type of habitat and its distinguishing features. This includes consideration of species richness, rarity, the extent to which the habitat is protected by designations and the degree to which a habitat supports species rarely found in other habitats.
Condition	A measure of the habitat against its ecological optimum state. Condition is a way of measuring variation in the quality of patches of the same habitat type.
Condition assessment	The process of assigning habitat condition, to be undertaken by a competent person.
Linear habitat	Habitats recorded in the metric according to length (kilometres) rather than area (hectares). This includes habitats in the hedgerow and watercourse modules and is taken as a centre line measurement along the length of the feature.
Area habitat	Habitats recorded in the metric in area (hectares).
Strategic significance	Describes the local significance of the habitat based on its location and the habitat type.
Parcel	A linked area of habitat of the same distinctiveness, condition and strategic significance.
Difficulty	A measure which represents the uncertainty in the effectiveness of management techniques used to enhance or create habitat.
Time to target condition	The average time taken between starting creation or enhancement of habitats and that habitat reaching its target condition and or distinctiveness.
Spatial risk	Spatial risk represents the relationship between the location of biodiversity loss (on-site) and where the off-site habitat is being delivered. This is applied to off-site interventions only.

3. Metric rules and principles

3.1. Metric rules

- 3.1.1. The rules set out in [Table 3-1](#) must be followed in applying the metric.
- 3.1.2. If these rules are not followed, then a project cannot claim to have achieved a gain in biodiversity.

Table 3-1 Biodiversity metric rules

Rule number	Rule detail
Rule 1	Competency requirements must be complied with.
Rule 2	Biodiversity unit outputs are unique to this metric. The results of other metrics, including previous versions of this metric, are not comparable to those of this metric. The three types of biodiversity units generated by this metric (area, hedgerow and watercourse) cannot be summed, traded, or converted between modules.
Rule 3	The trading rules of this metric (Table 3-2) must be followed.
Rule 4	Losses and deterioration of irreplaceable or very high distinctiveness habitat cannot be accounted for through this metric.
Rule 5	In exceptional ecological circumstances, deviation from this metric methodology may be permitted by the relevant consenting body or planning authority. Any deviation must be fully justified and evidenced, and follow advice set out in Section 3.3 .

3.2. Metric trading rules (Rule 3)

- 3.2.1. Rule 3 is automatically applied by the metric and sets minimum habitat creation and enhancement requirements to compensate for specific habitat losses (up to the point of no net loss). These requirements are based on habitat type and distinctiveness, as set out in [Table 3-2](#).

Table 3-2 Trading rules (Rule 3) to compensate for losses

Baseline habitat distinctiveness	Area module (area units)	Hedgerow module (hedgerow units)	Watercourse module (watercourse units)
Very high	Losses are not permitted within this metric AND bespoke assessment and compensation are required	Losses must be replaced with hedgerow units of the same habitat type	Losses are not permitted within this metric AND bespoke assessment and compensation are required
High	Losses must be replaced with area units of the same habitat type	Losses must be replaced with hedgerow units of the same habitat type or of a higher distinctiveness band	Losses must be replaced with watercourse units of the same habitat type
Medium	Losses must be replaced by area units of either: medium distinctiveness habitats within the same broad habitat type OR any habitat from a higher distinctiveness band (from any broad habitat type)	Losses must be replaced with hedgerow units of the same or higher distinctiveness band	Losses must be replaced with watercourse units of the same habitat type
Low	Losses must be replaced with area units of the same or higher distinctiveness band	Losses must be replaced with hedgerow units of the same or higher distinctiveness band	Losses must be replaced with watercourse units of a higher distinctiveness band

Baseline habitat distinctiveness	Area module (area units)	Hedgerow module (hedgerow units)	Watercourse module (watercourse units)
Very low	Not applicable	Losses must be replaced with hedgerow units of the same or higher distinctiveness band	Not applicable

Compensating for loss of high distinctiveness woodland

3.2.2. If woodland creation is required to compensate for the loss of high distinctiveness woodland, then:

- a 'like for like' replacement must be provided and input into the metric
- target habitat must replicate the woodland type that is being lost
- lower distinctiveness woodland habitat types must not be used
- a realistic target condition should be set (likely poor condition)

Woodland creation

3.2.3. If a woodland is being created, and is not replacing the loss of a high distinctiveness woodland, the newly created woodland should be input into the metric as either:

- Woodland and forest – 'other woodland; broadleaved' or
- Woodland and forest – 'other woodland; mixed' or
- Woodland and forest – 'other coniferous woodland'

Watercourse module

3.2.4. Any compensation for the loss of watercourse units should be on a section of watercourse with similar habitat features (were it in a natural state), and be of a similar size, function and stream order (rivers). For example:

- impacts on headwaters cannot be offset on large lowland rivers
- impacts on canals cannot be offset on rivers
- impacts on ditches cannot be offset on canals or rivers

3.3. Rule 5

3.3.1. Rule 5 allows for deviation from the metric methodology. Its use is not appropriate for the majority of projects. The use of Rule 5 is permitted only through prior agreement with the relevant consenting body or planning authority. How Rule 5 is applied is dependent on the specifics of a project.

3.3.2. An assessor must provide:

- evidence of specific ecological expertise relevant to the site
- robust justification for the decision to apply the rule
- robust evidence demonstrating the ecological benefits of the intervention

3.3.3. Rule 5 should only be used if there are rare and exceptional ecological circumstances, and the metric does not fully reflect the ecological benefit provided by a specific intervention. For example, it may be used where a site has optimal conditions for restoration of a wildlife-rich habitat or historic natural habitat, and the project team has the expertise and resource to deliver the habitat with negligible risk of failure.

3.4. Metric principles

3.4.1. The principles set out in [Table 3-3](#) should inform the use of the metric.

Table 3-3 Biodiversity metric principles

Principle number	Principle detail
Principle 1	This metric does not change existing biodiversity protections, statutory obligations, or policy requirements. The use of this metric does not override the ecological mitigation hierarchy and other requirements (such as consenting or licensing processes, for example woodlands).
Principle 2	This metric should be used in accordance with established good practice guidance and professional codes.
Principle 3	This metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.
Principle 4	Biodiversity units are a proxy for biodiversity and should be treated as relative values.

Principle number	Principle detail
Principle 5	This metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.
Principle 6	Habitat interventions need to be realistic and deliverable within a relevant project timeframe.
Principle 7	Created and enhanced habitats should seek, where practical and reasonable, to be local to any impact and deliver strategically important outcomes for nature conservation.
Principle 8	<p>The metric does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to:</p> <ul style="list-style-type: none"> • maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and • ensure that proposed or retained habitat parcels are of sufficient size for ecological function

3.5. Irreplaceable habitats

Recording irreplaceable habitats

- 3.5.1. Rule 4 ([Table 3-1](#)) states losses and deterioration of irreplaceable habitat cannot be accounted for through this metric. Irreplaceable habitats require separate consideration which must comply with up-to-date policy, legislation and regulations.
- 3.5.2. All irreplaceable habitats must be recorded in the irreplaceable habitat sheet within the metric.
- on the metric start page, select if irreplaceable habitats are present on-site
 - using the irreplaceable habitat sheet, specify the type, extent (number, area or length) and post-intervention status of all irreplaceable habitats within the site
- 3.5.3. Where there are no losses or deterioration of irreplaceable habitats, their enhancement may contribute towards the calculation of biodiversity units.
- you may record irreplaceable habitats within the baseline for enhancement only
 - if recording irreplaceable habitats within a baseline then they must also be recorded within the irreplaceable habitats sheet

3.5.4. Bespoke compensation to address specific losses and deterioration of irreplaceable habitats needs to be agreed on a case-by-case basis with the determining body or planning authority.

- do not include any bespoke compensation to address specific losses and deterioration within post-development sheets of the metric

Very high distinctiveness habitats

3.5.5. Very high distinctiveness habitats (VHDH) are a metric-specific classification of highly threatened, internationally scarce habitats which require conservation action.

3.5.6. Metric assessors should note the following for VHDH and irreplaceable habitats:

- some VHDH will meet the definition of irreplaceable habitats
- not all metric habitat types that meet the definition of an irreplaceable habitat are VHDH

3.5.7. Losses of VHDH should be avoided. Bespoke compensation for losses to VHDH will be required. Bespoke compensation needs to be agreed on a case-by-case basis with the determining body or planning authority. The following notes are applicable when using VHDH within the metric:

- if VHDH are recorded as lost then the metric will not calculate a unit value for that habitat and the results of the metric will not be calculated
- to complete the calculation, assessors must indicate and evidence that bespoke compensation for losses has been agreed
- do not record bespoke compensation to address any specific losses or deterioration to VHDH, or irreplaceable habitats, within post-development sheets of the metric

3.5.8. Areas of VHDH can be enhanced. The metric applies the following precautions when VHDH are recorded within site baseline sheets, as:

- lost or retained – the metric removes biodiversity unit value from the biodiversity unit baseline
- enhanced – the metric adds the biodiversity unit value to the biodiversity unit baseline

3.5.9. VHDH distinctiveness habitats within the hedgerows module are not subject to the above.

Ancient woodland

- 3.5.10. [Ancient woodland](#) (an irreplaceable habitat) is not a discrete habitat type and, as such, is not listed in the metric.
- 3.5.11. Ancient woodland encompasses ancient semi-natural woodlands (ASNW), plantations on ancient woodland sites (PAWS) and ancient wood-pasture and parkland. These habitats may fit a range of metric woodland habitat types.
- 3.5.12. To ensure ASNW and PAWS are recorded in full, assessors should take the following steps where there is woodland within a site:
- check the current [Ancient Woodland Inventory Database](#)
 - if a woodland is less than 2ha, check against the criteria set out in the [Ancient Woodland Inventory Handbook](#)

Ancient and veteran trees

- 3.5.13. Ancient and veteran trees may be found within a range of situations, including within hedgerows, lines of trees, woodland, open habitats and urban settings. Wherever ancient and veteran trees occur they should be considered and recorded as irreplaceable habitat.

4. Data requirements

4.1.1. Data required for completing the metric are set out in [Table 4-1](#). A competent person should collect this through appropriate desk studies and site visits.

Table 4-1 Data inputs required for area, hedgerow, and watercourse biodiversity units

Calculation input	Area	Hedgerow	Watercourses
Metric habitat type	Required	Required	Required
Size	Hectares	Kilometres	Kilometres
Condition and target condition	Required	Required	Required
Strategic significance	Required	Required	Required
Timing of habitat intervention relative to biodiversity loss (advance or delay)	Required	Required	Required
Spatial risk	Required for off-site interventions only	Required for off-site interventions only	Required for off-site interventions only
Extent of interventions, encroachment into riparian zone and watercourse channel	Not required	Not required	Required
Whether watercourse is contained within a culvert	Not required	Not required	Required

Evidencing data and decision making

4.1.2. Justification for metric decisions should be provided and signposted within the 'Assessor comments' column of the metric tool.

5. Assessing habitat quality

5.1. Quality components

5.1.1. There are three habitat quality components of the metric:

- distinctiveness
- condition
- strategic significance

5.2. Distinctiveness

5.2.1. Distinctiveness is a measure based on the type of habitat and its distinguishing features. The metric automatically assigns distinctiveness category based on habitat type. Metric distinctiveness categories and scores are outlined in [Table 5-1](#).

Table 5-1 Metric distinctiveness categories and scores

Distinctiveness category	Distinctiveness score applied in the metric
Very high	8
High	6
Medium	4
Low	2
Very low (hedgerow module)	1
Very low (area and watercourse module)	0

5.3. Condition

5.3.1. Habitat condition is a measure of the state of a habitat. This is often linked to past and present management and land use. It is a way of measuring variation in the quality of habitat parcels of the same habitat type. [Table 5-2](#) outlines metric condition categories and scores.

Table 5-2 Metric condition categories and scores

Condition category	Condition score applied in the metric
Good	3
Fairly Good	2.5
Moderate	2
Fairly Poor	1.5
Poor	1
Condition Assessment N/A	1
N/A – Other	0

Baseline condition methodology

- 5.3.2. Condition sheets form a crucial part of any evidence base used to inform metric inputs. These should be provided to the consenting body or planning authority to support metric calculations.
- 5.3.3. Assessors must use the appropriate condition assessment sheets for the habitats identified. [Technical Annex 1: Condition Assessment Sheets and Methodology](#) contains the condition sheets and detailed guidance on their application.
- 5.3.4. Some habitats are allocated a fixed condition score in the metric. These habitats do not require a condition assessment for the metric to be completed. It may still be appropriate to survey these habitats for species or other environmental importance.
- 5.3.5. There is a separate condition assessment methodology for watercourses as set out in the watercourse unit module.

Intermediate condition categories

- 5.3.6. The 'Fairly good' or 'Fairly poor' condition categories are intermediate categories for site-specific features of condition not captured in the standard condition assessment. They should only be used through application of ecological expertise and any deviation from a standardised condition assessment must be explained against specific condition criterion.

5.3.7. If used, these categories can only adjust the results of a standard metric condition assessment result one condition category above or below the categories achieved. For example, you cannot go from a standard outcome of 'Poor' to an intermediate category of 'Fairly good' (nor from 'Good' to 'Fairly poor').

5.4. Strategic significance

5.4.1. Strategic significance is the local significance of the habitat based on its location and habitat type. Assessors should assign a strategic significance category ([Table 5-3](#)) for each individual habitat parcel both at baseline and at post-intervention. Assessors should use published plans, strategies or policies which are relevant to the habitat's location.

Table 5-3 Metric strategic significance categories, scores and descriptions

Strategic significance category	Score applied in the metric	Description
High	1.15	Where the location has been identified within a local plan, strategy or policy as being ecologically important for the specific habitat type or where that habitat has been identified as being locally ecologically important.
Medium	1.10	Where there is no relevant plan, strategy or policy in place, professional judgement may be used to justify the use of the medium strategic significance category. This judgement should consider the importance of that habitat in providing a linkage between other strategic locations.
Low	1	If the habitat is not included in local plans, strategy or policy, and there is no evidence to suggest that the habitat is of medium strategic significance.

5.4.2. Assessors should split the habitat parcel and apply the scores accordingly when a habitat parcel is intersected by:

- a boundary between two areas of different strategic significance
- a consenting body or planning authority boundary

- 5.4.3. Assessors must provide evidence by referencing relevant documents. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use.
- 5.4.4. Alternative plans, policies or strategies must specify suitable locations for habitat retention, habitat creation and or enhancements, and might, for example, be:
- Local Plans and Neighbourhood Plans
 - Local Planning Authority [Local Ecological Networks](#)
 - Tree Strategies
 - Area of Outstanding Natural Beauty Management Plans
 - Biodiversity Action Plans
 - Species and protected sites conservation strategies
 - Woodland strategies
 - Green Infrastructure Strategies
 - River Basin Management Plans
 - Catchment Plans and Catchment Planning Systems
 - [Shoreline management plans](#)
 - Estuary Strategies
- 5.4.5. If no alternative is specified, agreement should be sought from the consenting body or Local Planning Authority when determining strategic significance.

6. Habitat interventions

6.1. Retention, enhancement and creation

6.1.1. The metric contains different habitat intervention scenarios:

- habitat retention
- habitat enhancement
- habitat creation

6.1.2. For each intervention, the assessor must determine the correct scenario using the descriptions set out in the sections below. Where it is not clear which scenario best fits the intervention, the assessor should use the habitat creation scenario.

6.1.3. Assigning creation or enhancement to watercourses requires separate consideration, as set out in the watercourse unit module.

Habitat retention

6.1.4. Habitat retention is where the baseline habitat is retained in its baseline condition and there is no action to enhance or create the habitat.

6.1.5. Habitats subject to retention may still require ongoing intervention to maintain their baseline condition. Where the condition of retained habitat cannot be maintained or enhanced over the project timeframe:

- record the habitat as lost
- record the same area and habitat type as created (in a lower condition)
- set the 'habitat created in advance' function to 30+ years
- provide an explanation in the assessor's comments column

Habitat enhancement

6.1.6. Habitat enhancements can be:

- an improvement in condition compared to the baseline state
- a change to a higher distinctiveness habitat within the same broad habitat group compared to the baseline state

6.1.7. Condition must stay the same or improve, including when enhancing to a higher distinctiveness habitat.

Habitat creation

6.1.8. Habitat creation is where one habitat type is replaced by another habitat and includes:

- a loss of baseline habitat and its replacement with another
- a change in broad habitat type (for example a change from grassland to woodland)

6.1.9. For example, if young native trees and shrubs are planted on an area of arable land (the baseline habitat) to create a new broadleaved woodland (the post-intervention habitat), the baseline habitat would be recorded as a loss. The post-intervention habitat would be recorded as creation.

6.2. Restoration of existing habitats

6.2.1. Where ecologically viable, existing high or very high distinctiveness habitats may be recorded as an enhancement from the baseline, rather than creation. To be eligible there must be sufficient plant communities (of the target habitat) still visible in the degraded habitat at baseline. An example would be the restoration of a heathland overplanted with coniferous woodland (the baseline habitat may be coniferous woodland, enhanced to heathland).

6.3. Accounting for degraded sites

6.3.1. In some cases, policies or permissions might require that a specific baseline is applied where habitat has been altered on a site. You should check that your metric assessment complies with any such requirements.

6.3.2. If a habitat has been cleared, destroyed or degraded previously, and an earlier baseline should be used, assessors must use the following approach in the metric:

- use the pre-degradation habitat type as the site's baseline
- note how this habitat type and condition has been determined
- account for the time between the habitat loss and compensation through the [temporal risk](#) function

6.3.3. Data records, imagery, and historic field surveys may be used to determine pre-degradation habitat types. Use a precautionary approach when assigning condition scores. For example, assign a higher condition score in the absence of contrary evidence.

- 6.3.4. If there is evidence a woodland has been felled, then use the classification 'Woodland and Forest: Felled' when woodland is deemed to be the appropriate baseline.

6.4. Modelling realistic targets

- 6.4.1. Assessors should follow the [Metric rules and principles](#) when projecting target habitat type and target condition. For example, habitats prescribed in local strategies should be prioritised for retention, creation and enhancement, if achievable, reasonable and in adherence to trading rules. Targets should be ecologically viable within the project timeframe.

Setting appropriate target outcomes

- 6.4.2. Post-development target habitat type and condition must be realistic for the project timeframe. If the habitat's time to target condition exceeds the project timeframe (including when target habitat type and condition are met) assessors must provide ecological justification to demonstrate that the outcome is achievable.
- 6.4.3. If the time for a habitat to reach target condition exceeds the project timeframe, then the assessor and or the consenting body or planning authority should consider whether:
- more achievable outcomes would be more appropriate
 - a longer project timeframe or agreement is required, for example, where like-for-like replacement of a high distinctiveness habitat is required

Evidencing target outcomes

- 6.4.4. Target outcomes should be appropriately evidenced and supported by ecological good practice.

High and very high distinctiveness habitats

- 6.4.5. High and very high distinctiveness habitats have very specific environmental requirements to successfully establish. Assessors should prove how these requirements will be met when set as a target outcome in the metric. Evidence provided should include reference to:
- habitat size
 - management
 - environmental conditions and habitat requirements

Landscape plans

6.4.6. Assessors and reviewers should be able to geo-spatially link habitat parcels recorded in the metric against landscape and planting plans, so that the size and location of post-development habitats parcels may be fully understood.

Limiting factors

6.4.7. Assessors should consider any limiting factors when selecting target habitat type and condition, including:

- habitat size and fragmentation
- environmental limits to condition and distinctiveness
- any future use of the area which may degrade habitat type and condition

Transitional habitat types

6.4.8. When the target habitats for a project are likely to take longer than 30 years, consider using realistic habitats that are likely to develop in the intervening period, or 'transitional habitats'.

6.4.9. Using transitional habitat types to target longer term ecological outcomes does not remove the need to follow trading rules. For example, if a high distinctiveness woodland is lost, trading rules on compensation must still be met.

7. Assessing metric risk

7.1. Risk multipliers

7.1.1. The metric applies three risk multipliers to post-development enhancement and creation interventions:

- difficulty of creation or enhancement
- temporal risk
- spatial risk

7.2. Difficulty of creation or enhancement

7.2.1. This multiplier represents the uncertainty in the effectiveness of techniques to create or enhance habitats. The metric automatically assigns the delivery risk and score for each habitat, based on its habitat intervention category (creation or enhancement).

7.2.2. Despite this partial accounting for risk in the metric, proposals must still be based on sound ecological judgement and should consider the ecological context of the change.

7.3. Temporal risk

7.3.1. The temporal risk multiplier represents the average time lag, measured in years, between the start of habitat creation or enhancement works and the target outcome. This is known as 'time to target condition'. This multiplier is automatically applied by the metric and changes depending on data input. A more technical explanation of temporal risk is provided in [Technical Annex 2 – Technical Information](#).

Use of advance or delayed habitat creation or enhancement

7.3.2. The metric can account for habitat that is created or enhanced in advance of a loss, or where habitat creation or enhancement is delayed. These functions are available for both on and off-site delivery for all habitat types.

7.3.3. Examples of when to use the creation in advance function including habitat banks, or where project phasing results in compensation ahead of losses. If the 'Habitat created or enhanced in advance' years function is used, provide evidence that the target condition of the habitat created in advance is being met.

- 7.3.4. The 'delay in starting habitat creation or enhancement' years function should be used when there is a delay between habitat loss and the start of habitat creation and enhancement works. For example, if land for habitat creation does not become available until the end of the construction.
- 7.3.5. When these functions are used, justification and evidence must be provided to the consenting body or planning authority. For example, assessors should reference project phasing plans or any additional agreements.

Accounting for temporary losses

- 7.3.6. A temporary loss is where there is restoration of a habitat, to its baseline type and condition within 2 years of the date of initial habitat loss, delivered in the same location. Where this applies, the habitat may be entered into the metric as 'retained'.
- 7.3.7. Habitats subject to temporary losses can still be recorded as 'enhanced'. However, a 1- or 2-year temporal risk multiplier should be applied through the 'Delay in starting habitat creation or habitat enhancement' function.

7.4. Spatial risk

- 7.4.1. Where a project cannot achieve a net gain in biodiversity units on-site, then off-site units can be used. All off-site data should be entered into the off-site sheets of the metric.
- 7.4.2. The spatial risk multiplier reflects the relationship between the location of on-site biodiversity loss and the location of off-site habitat compensation. It affects the number of biodiversity units provided to a project by penalising proposals where off-site habitat is located at distance from the impact site.
- 7.4.3. Assessors should use the descriptions provided in [Table 7-1](#) to determine the correct spatial risk multiplier score.

Table 7-1 Spatial risk scores and descriptions for each habitat group

Score	Area habitats, hedgerows and lines of trees	Intertidal habitats	Watercourse habitats
1.0	Compensation inside Local Planning Authority (LPA) boundary or National Character Area (NCA) of impact site	Compensation inside Marine Plan Area of impact site	Within waterbody catchment
0.75	Compensation outside LPA or NCA of impact site, but in neighbouring LPA or NCA	Compensation outside Marine Plan Area of impact site, but in neighbouring Marine Plan Area	Outside waterbody catchment, but within operational catchment
0.5	Compensation outside LPA or NCA of impact site and neighbouring LPA or NCA	Compensation outside Marine Plan Area of impact site and neighbouring Marine Plan Area	Outside operational catchment

Using the metric as an off-site provider

- 7.4.4. An off-site provider can provide biodiversity units for other projects. An example of an off-site provider could be a habitat bank, land manager or landowner.
- 7.4.5. An off-site provider should complete the off-site sheets of the metric only. An off-site provider should select 'This metric is being used by an off-site provider' when selecting a spatial risk category.

Multiple off-site locations

- 7.4.6. If multiple habitats from multiple off-site locations are required, each site may be identified through a unique off-site reference. This should be entered in the 'Off-site reference' column within off-site data entry sheets.

8. Area unit module

8.1. Scope

- 8.1.1. The area unit module of the metric contains habitats measured in hectares, such as lakes, intertidal habitats, grassland and woodland.
- 8.1.2. Intertidal habitats are above water at low tide and under water at high tide. The metric does not include subtidal habitats, which are habitats found below mean low water.

8.2. Metric-specific recording notes

- 8.2.1. This section sets out assessment notes and clarifications for area habitats.

Notes on habitats with a land-use function

- 8.2.2. A habitat parcel might contain areas which meet the definition of multiple habitat types, sometimes of different distinctiveness scores. For example, arable margins may meet the definition of a higher quality habitat, or an allotment might contain an area of traditional orchard within its boundary.
- 8.2.3. Assessors need to apply particular care when assessing the following habitat types to ensure that each habitat type is mapped as an individual habitat parcel. This is to avoid under-recording biodiversity where habitat types also describe a land-use function:
 - Cropland – Arable field margins
 - Lakes – Reservoirs
 - Urban – Allotments
 - Urban – Vegetated garden
 - Urban – Cemeteries and churchyards
 - Urban – Sustainable drainage system
- 8.2.4. The metric habitat type 'Urban – Actively worked sand pit quarry or open cast mine' relates to non-vegetated working areas only.

Notes on recording habitat mosaics

Defined mosaics

- 8.2.5. A 'defined mosaic' is a habitat classification which include several habitat types as part of their primary definition. These should be recorded as their primary metric habitat type. Within the metric, defined mosaics are:
- Urban - Open mosaic on previously developed land
 - Grassland - Floodplain wetland mosaic and CFGM (see recording floodplain wetland mosaic for additional recording notes)
 - Grassland – Traditional orchard
 - Woodland and forest – Wood-pasture and parkland
- 8.2.6. Separate components of a defined mosaic may be mapped to aid understanding of a habitat parcel (for example, by providing information on the structural complexity of a mosaic).
- 8.2.7. Other habitats should be recorded if these lie outside the primary habitat description. For example, a pond within a traditional orchard should be recorded and assessed as a separate feature.

Recording floodplain wetland mosaic and CFGM

- 8.2.8. Use the Coastal and Floodplain Grazing Marsh layer of the [Priority Habitat Inventory](#) to identify the metric habitat type 'Grassland - Floodplain wetland mosaic habitat and CFGM' (FWM-CFGM). This should be supplemented by local habitat data to identify FWM-CFGM which is not currently mapped.
- areas mapped as FWM-CFGM may include grassland habitats of low or medium distinctiveness
 - FWM-CFGM may include areas which meet the definition of high or very high distinctiveness habitat any losses of these within mapped or identified areas should be assessed as loss of FWM-CFGM
 - FWM-CFGM may include existing areas which meet the definition of high or very high distinctiveness habitat
 - these should be assessed as the appropriate habitat type
 - where there is habitat creation within a FWM-CFGM ecological expertise should be used to determine how best to record the habitat intervention
 - in all cases, areas mapped or identified as FWM-CFGM should be clearly marked within the 'Assessors comments' column
- 8.2.9. Any ditches within recorded FWM-CFGM are part of the FWM-CFGM condition assessment and should not be recorded in separate modules

Other mosaics

- 8.2.10. Where a mosaic is not a defined mosaic it can be entered as separate habitat types. Assessors can map the component parts and estimate the proportion of each habitat component.
- 8.2.11. For example, if a 10 ha habitat mosaic is estimated to be 75% calcareous grassland and 25% mixed scrub; this should be recorded as 7.5 ha of calcareous grassland and 2.5 ha of mixed scrub.

Recording residential development

- 8.2.12. Where detailed landscaping information is available, this should be used to enter the area of habitats found within a residential development.
- 8.2.13. Where detailed landscaping is not available, assessors should apply the following habitat type ratios to areas allocated for housing and gardens.
- 70% 'Urban – developed land; sealed surface'
 - 30% 'Urban – vegetated garden'
- 8.2.14. For particularly high- or low-density developments this ratio may be adjusted with appropriate evidence.
- 8.2.15. Access roads and public open spaces are not accounted for within this ratio.

Recording green roofs

- 8.2.16. Where there is an overlap between a building footprint and a green roof, then only record the green roof in the metric where there is overlap. For example, if a 0.10 ha building footprint has 0.05 ha of green roof, it would be recorded as 0.05 ha of green roof and 0.05 ha of developed land; sealed surface.
- 8.2.17. Where green roofs overlap other habitats, both can be recorded.

Recording green walls

- 8.2.18. Where ground based green walls are planted, assessors should use the projected growth of the green wall over 30 years to calculate the vegetated area of the green wall.

Area discrepancies

- 8.2.19. Any difference between site area, baseline habitat area and post-development habitat area (for example through the introduction of a green wall) this should be explained within the 'Assessor comments' column.
- 8.2.20. Within the area module the category 'Watercourse footprint - Watercourse footprint' may be used to record the area of wide watercourses within a boundary. This category is to account for the area only and there are no biodiversity units associated with this category. Lengths of watercourse must be assessed as linear features within the watercourse module.

Recording waterbody types

- 8.2.21. Waterbodies are recorded as different habitat types depending on area:
- waterbodies less than or equal to 2 ha are classified as ponds
 - waterbodies more than or equal to 2 ha are classified as lakes.
 - tier one of the [WFD Lakes Typology](#) should be used to inform decisions on lake type.
- 8.2.22. Non-priority ponds are those which do not meet UK Habitat Classification definitions for priority habitat ponds or ornamental ponds.
- 8.2.23. The category 'Temporary lakes ponds and pools' is for Mediterranean temporary ponds (H3170) only. All temporary waterbodies not meeting this definition should be recorded as the most suitable equivalent.

Notes on recording intertidal enhancements

- 8.2.24. When intertidal habitats are restored by re-establishing natural processes (for example, through managed realignments), the resulting habitat should be considered as 'natural' and not as an artificial habitat type.

8.3. Assessing individual urban and rural trees

- 8.3.1. The broad habitat type 'Individual trees' may be used where a tree (or a group of trees) over 7.5cm in diameter at breast height (DBH) does not meet or contribute towards the definition of another broad habitat type.
- 8.3.2. Individual trees should not be recorded separately where they occur within habitat types characterised by the presence of trees, such as orchards, lines of trees or wood-pasture and parkland, but can be recorded where they do not form part of a primary habitat description.

- 8.3.3. Ancient and veteran trees are irreplaceable habitats and the broad habitat 'Individual trees' must not be used to record these. See section on [irreplaceable habitats](#).

Choosing between the urban and rural environment

- 8.3.4. Individual trees may be classed as 'urban' or 'rural'. Typically, urban trees will be bound by (or near) hardstanding and rural trees are likely to be found in open countryside. The assessor should consider the degree of 'urbanisation' of habitats around the tree and assign the best fit for the location.
- 8.3.5. Individual trees may also be found in groups or stands (with overlapping canopies) within and around the perimeter of urban land. This includes those along urban streets, highways, railways and canals, and also former field boundary trees incorporated into developments. For example, if groups of trees within the urban environment do not match the descriptions for woodland, they may be assessed as a block of individual urban trees.



Figure 8-1 Trees in the urban environment

Trees within gardens

- 8.3.6. Established trees within gardens should be recorded in a site baseline.
- 8.3.7. Where private gardens are created, any tree planting within the created garden should not be included within post-development sheets of the metric. The habitat type 'Urban – Vegetated garden' should be used.

Recording individual trees

8.3.8. Once the size, number and condition of trees is known, assessors should generate an area equivalent value using the 'Tree helper' within the metric tool 'Main menu' ([Figure 8-2](#)). The 'area equivalent' is used to represent the area of individual trees. This value is a representation of canopy biomass, and is based on the root protection area formula, derived from [BS 5837:2012](#).

Tree helper						
Tree size	Number of trees and area (ha) for each condition state					
	Poor	Area	Moderate	Area	Good	Area
Small		0.0000		0.0000		0.0000
Medium		0.0000		0.0000		0.0000
Large		0.0000		0.0000		0.0000
Total	0	0.0000	0	0.0000	0	0.0000

Figure 8-2 The tree helper embedded within the metric tool

8.3.9. [Table 8-1](#) sets out class sizes of trees and their area equivalent. For multi-stemmed trees the DBH of the largest stem in the cluster should be used to determine size class.

Table 8-1 Tree size classes and area equivalents

Size class	Diameter at breast height (cm)	Metric RPA radius (m)	Metric area equivalent (ha)
Small	greater than 7cm and less than or equal to 30cm	3.6	0.0041
Medium	greater than 30cm and less than or equal to 90cm	10.8	0.0366
Large	greater than 90cm	15.6	0.0764

Underneath trees and area overlaps

- 8.3.10. Assessors should record the habitat underneath the canopy of an individual tree.
- 8.3.11. The area equivalent of individual trees is not related to the site area and the metric does not count the area of individual trees towards the total site area. Do not deduct the area of trees from the total area of other habitats within the site boundary.
- 8.3.12. Assessors should account for the size class ([Table 8-1](#)) of each individual tree within a group or block. The number of individual trees present within a group or block should be entered into the tree helper to calculate area equivalent. Do not reduce any area generated by the tree helper even if tree canopies overlap.

Forecasting post-development area

- 8.3.13. Size classes for newly planted trees should be classified by a projected size relevant to the project timeframe.
- most newly planted street trees should be categorised as 'small'
 - evidence is required to justify the input of larger size classes
- 8.3.14. When estimating the size of planted trees consideration should be given to growth rate, which is determined by a wide range of factors, including tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature.
- 8.3.15. Do not record natural size increases of pre-existing baseline trees within post-development calculations.

9. Hedgerow unit module

9.1. Scope

- 9.1.1. This module includes hedgerows and lines of trees.
- 9.1.2. The descriptions for hedgerow types are set out as part of UKHab classifications and have been adapted from the [Defra Hedgerow Survey Handbook](#).

9.2. Metric specific recording notes

How to record hedgerows

- 9.2.1. Hedgerows are recorded as a centre line measurement along the length of the feature.
- 9.2.2. Area habitats adjacent to hedgerows should be mapped to the centre line of the hedgerow (defined on OS maps by a black line).
- the footprint or canopy cover of a hedgerow or line of trees should not be subtracted from the total habitat area within a site
 - the creation of hedgerows does not result in the loss of area habitat
- 9.2.3. Hedgerows bounding green lanes, and double hedgerows should be recorded as two hedgerows rather than a single hedgerow.
- 9.2.4. Where the process of succession results in scrub growing directly adjacent to established hedgerows, resulting in the hedgerow becoming less defined, assessors should:
- record the baseline hedgerow as retained
 - show the hedgerow as retained in any post-development mapping
 - record habitat changes adjacent to the hedgerow within the post-development sheet of the area habitat module

How to record ditches associated with hedgerows

- 9.2.5. Ditches associated with hedgerows may or may not hold water for part of the year. To be recorded as a ditch associated with hedgerows the ditch must:
- not meet the definition of a ditch within the watercourse module
 - be a linear depression running adjacent to a hedgerow or line of trees

Ancient and veteran trees within lines of trees

9.2.6. [Ancient and veteran trees](#) are irreplaceable habitats requiring separate [consideration](#).

- the presence of ancient and veteran trees is a defining feature of an ecologically valuable line of trees
- this does not mean that the rest of the line of trees is also deemed irreplaceable

10. Watercourse unit module

10.1. Scope

10.1.1. The watercourse unit module is applied to the following features:

- Priority rivers
- other rivers and streams
- canals
- ditches
- culverted sections of the above

10.1.2. Ditches may require assessment in other modules of the metric:

- see [Recording floodplain wetland mosaic and CFGM](#) for ditches within these habitats
- see [Recording hedgerows and lines of trees](#) for ditches associated with hedgerows

10.1.3. The watercourse module includes an assessment of the [riparian zone](#). If the site boundary crosses into the riparian zone, adjacent lengths of watercourse must be included within a metric assessment (Figure 10-1).

10.1.4. Where appropriately evidenced, major engineering works that will significantly influence the watercourse (such as the removal of a weir) may be assessed as 'off-site' if beyond the project boundary.

10.1.5. Sub-tidal reaches are not included within the watercourse module of the metric. However, where subtidal estuary reaches display riverine features, predominantly in the upper sections around the boundary between rivers and estuaries, the watercourses metric can be applied. This assessment would be based on ecological expertise and discussion with the relevant consenting body or planning authority. To inform this discussion assessors should use the [TraC waterbody layer](#) to show the boundary between riverine and subtidal estuarine areas

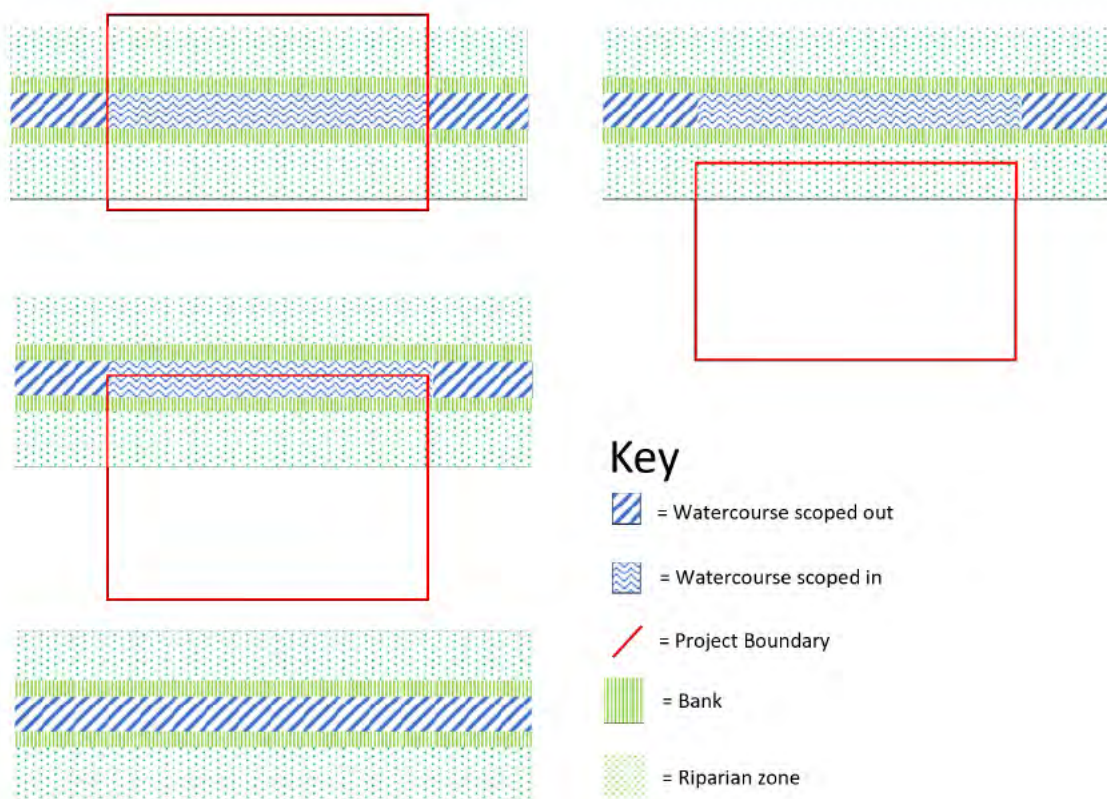


Figure 10-1 Length of watercourse scoped into the net gain calculations

Defining the riparian zone

10.1.6. The riparian zone is a set area from the bank top of the watercourse, which is the point where there is a break in slope between the river channel and the surrounding land. It supports features which influence the hydrological, geomorphological and biological functions or processes within the watercourse channel. It also provides ecological function for riparian or aquatic species. [Table 10-1](#) sets out the riparian zone widths for different habitat types.

Table 10-1 Riparian zone widths

Habitat Type	Riparian Zone Width
Priority rivers	10m from the top of each bank
Other rivers and streams	10m from the top of each bank
Canals	10m from the top of each bank
Ditches	5m from the top of each bank
Culverts	Not applicable.

- 10.1.7. Vegetation within the riparian zone influences watercourse function. Habitats within the riparian zone must be recorded and assessed separately within the area and or hedgerow modules of the metric (if they are within the boundary of the site). This includes any changes in area habitats resulting from excavated or removed watercourse channels.

10.2. Quality Components

Watercourse distinctiveness

- 10.2.1. Assign watercourse type using the definitions provided in [Table 10-2](#) below.

Table 10-2 Watercourse distinctiveness categories

Watercourse type	Metric watercourse definition	Distinctiveness
Priority habitat	Highly naturally functioning stretches of rivers identified on the Priority River Habitat Map , and un-mapped stretches meeting the criteria for inclusion into the Priority River Habitat Map.	Very high
Other rivers and streams	Rivers and streams that are not classified as Priority River Habitat. Resources: Statutory Main River Map , Local Data on ordinary watercourses , (including Internal Drainage boards) and MAGIC .	High
Canals	An artificial body of water originally created for the purposes of navigation, whether it is currently navigable or not. Sections of canalised rivers meeting this definition should be recorded as this habitat type. Resources: Canal and River Network , MAGIC and historic local data.	Medium

Watercourse type	Metric watercourse definition	Distinctiveness
Ditch	Artificially created linear water-conveyancing features which are less than 5m wide, and are likely to retain water for more than 4 months of the year. Record as a ditch only where the watercourse does not meet the definition of a higher distinctiveness watercourse.	Medium
Culvert	As defined by the Flood and Water Management Act 2010 . A covered channel or pipe designed to prevent the obstruction of a watercourse or drainage path by an artificial construction. Record culverted sections of any watercourse type as 'culvert'. A site visit may be required to identify extent of culverting.	Low

River condition assessment

10.2.2. Different watercourse habitat types use a different condition assessment methodologies:

- culverts – do not require a condition assessment and are automatically assigned as 'poor' condition
- ditches – use [Technical Annex 1: Condition Assessment Sheets and Methodology](#)
- all other watercourses (including canals) – use the river condition assessment (RCA) methodology

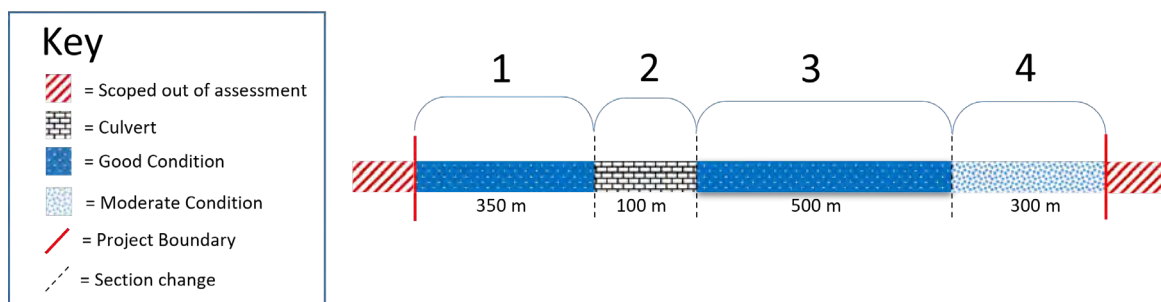
10.2.3. To undertake an RCA the competent person must be [trained and accredited](#).

Recording watercourse sections

10.2.4. Assessors should enter watercourse sections into separate rows in the metric. Watercourse sections are defined as lengths of a consistent type and condition.

10.2.5. Follow the RCA guidance to determine the condition for each section. Enter the results on a row-by-row basis within the metric tool ([Figure 10-2](#)). At least one condition survey should be completed for each section.

- the RCA must capture at least 20% of the total length of the watercourse assessed
- points of known impacts, positive and negative, should be surveyed
- if data is required up-stream and down-stream of the site to complete an RCA then data may be extrapolated (and noted as a limitation)
-



Existing watercourse type			Habitat distinctiveness		Habitat condition	
Baseline ref	Watercourse type	Length (km)	Distinctiveness	Score	Condition	Score
1	Other Rivers and Streams	0.35	High	6	Good	3
2	Culvert	0.1	Low	2	Poor	1
3	Other Rivers and Streams	0.5	High	6	Good	3
4	Other Rivers and Streams	0.3	High	6	Moderate	2

Figure 10-2 Recording sections into metric rows

10.3. Habitat Interventions

Retention, enhancement or creation

- 10.3.1. Habitat retention is where the watercourse is retained and there are no creation or enhancement interventions to the channel, banks or riparian zone.
- 10.3.2. Habitat interventions for watercourses are categorised by whether the outcome results in the promotion or degradation of natural function. [Table 10-3](#) should be used to determine if retention, creation or enhancement is applicable to the scheme. Illustrative examples are provided in
- 10.3.3. The creation option is only available for circumstances where new artificial watercourse channels are introduced, or natural rivers are impacted.

Table 10-3 Definitions of creation and enhancements for watercourse unit module

Type of intervention	Definition	Examples	Baseline recording notes	Post-intervention recording notes
Enhancement	Interventions which promote natural function, processes and the development of natural habitats, including removal of riparian zone encroachment and in-watercourse encroachment.	Removing culverts, re-aligning rivers closer to their natural alignment, improvement in the complexity or connectivity of the riparian zone.	Where the condition, distinctiveness or length increases, this should be recorded as enhancement of the baseline.	Enhanced lengths may be longer than the baseline length, for example where meanders, channels and braiding are added.
Creation	<p>Rivers: Interventions that do not promote natural functions and processes, or the development of natural habitats, including increases in riparian zone encroachment and in-watercourse encroachment</p> <p>Canals and ditches: Where new canals and new ditches are introduced.</p>	Trapezoidal channels, introduction of culverts, diverted channels outside of their natural alignment. Examples include channel straightening, physical modification or altering the channel line. Such as where a river has been artificially moved and channelised to accommodate a new development.	Where the condition, length or distinctiveness of natural rivers are impacted, record this as a loss within the baseline.	The post-intervention outcomes should be entered within the creation tab at post-intervention. Where riparian zone and in-watercourse encroachment increases and there are no other creation interventions, use the habitat created in advance function to input the standard time to target value (10 years) and then apply the new encroachment category.



Figure 10-3 Example of Enhancement. River restoration as part of the 'Urban Renaissance in Lewisham' programme. The lefthand picture shows the river before restoration, the righthand picture is after enhancement. Restoration action included removing the concrete walls, regrading banks, improving riparian habitat and marginal planting, and installing gravels in the river channel.



Figure 10-4 Example of Enhancement. Tokynton Park, River Brent River Restoration Project. The lefthand picture shows the river before restoration, the righthand picture is after enhancement. Restoration action included re-meandering channels, reinstating varied flow types and in channel features. Hard revetment was removed and banks reprofiled.

10.4. Riparian zone encroachment

10.4.1. Riparian zone encroachment describes any feature or intervention within the riparian zone that reduces the quantity, quality or ecological function of the riparian habitat. Examples include existing buildings or hardstanding, established footpaths, management interventions (such as agriculture), or structures that prevent wildlife from accessing the riverbank. The following are exempt:

- established canal or river navigation towpaths, footpaths and existing river crossings (including footbridges, road bridges, and rail crossings)

- existing small amenity features and utility units where the total footprint is less than 5% of the riparian zone area

10.4.2. Use the definitions provided in [Table 10-4](#) to assign encroachment for both banks of each watercourse section entered into the metric. Then select the correct combination of encroachment within the metric. For example, if encroachment was major on one bank, and major on the other, then select 'Major / Major'.

Table 10-4 Watercourse riparian zone encroachment bands

Riparian zone encroachment band for a bank	Rivers and canals	Ditches
No encroachment	No encroachment within 10m of bank top	No encroachment within 5m of bank top
Minor	Any encroachment 8m to 10m from bank top (up to 100% of area within the 8-10m zone) or where the footprint of encroachment occupies 0-10% of the riparian zone area 4m to 10m from bank top.	Any encroachment 4m to 5m from bank top (up to 100% of area within the 4-5m zone) or where the footprint of encroachment occupies 0-10% of the riparian zone area 2m to 5m from bank top.
Moderate	Where the footprint of encroachment occupies between 10% to 25% of the riparian zone area 4m to 10m from bank top.	Where the footprint of encroachment occupies between 10% to 25% of the riparian zone area 2m to 5m from bank top.
Major	any encroachment 0m to 4m from bank top or where encroachment occupies greater than 25% of the total riparian zone area.	any encroachment 0m to 2m from bank top or where encroachment occupies greater than 25% of the total riparian zone area.

10.4.3. [Figure 10-5](#) shows examples of watercourse riparian encroachment bands for rivers and canals.

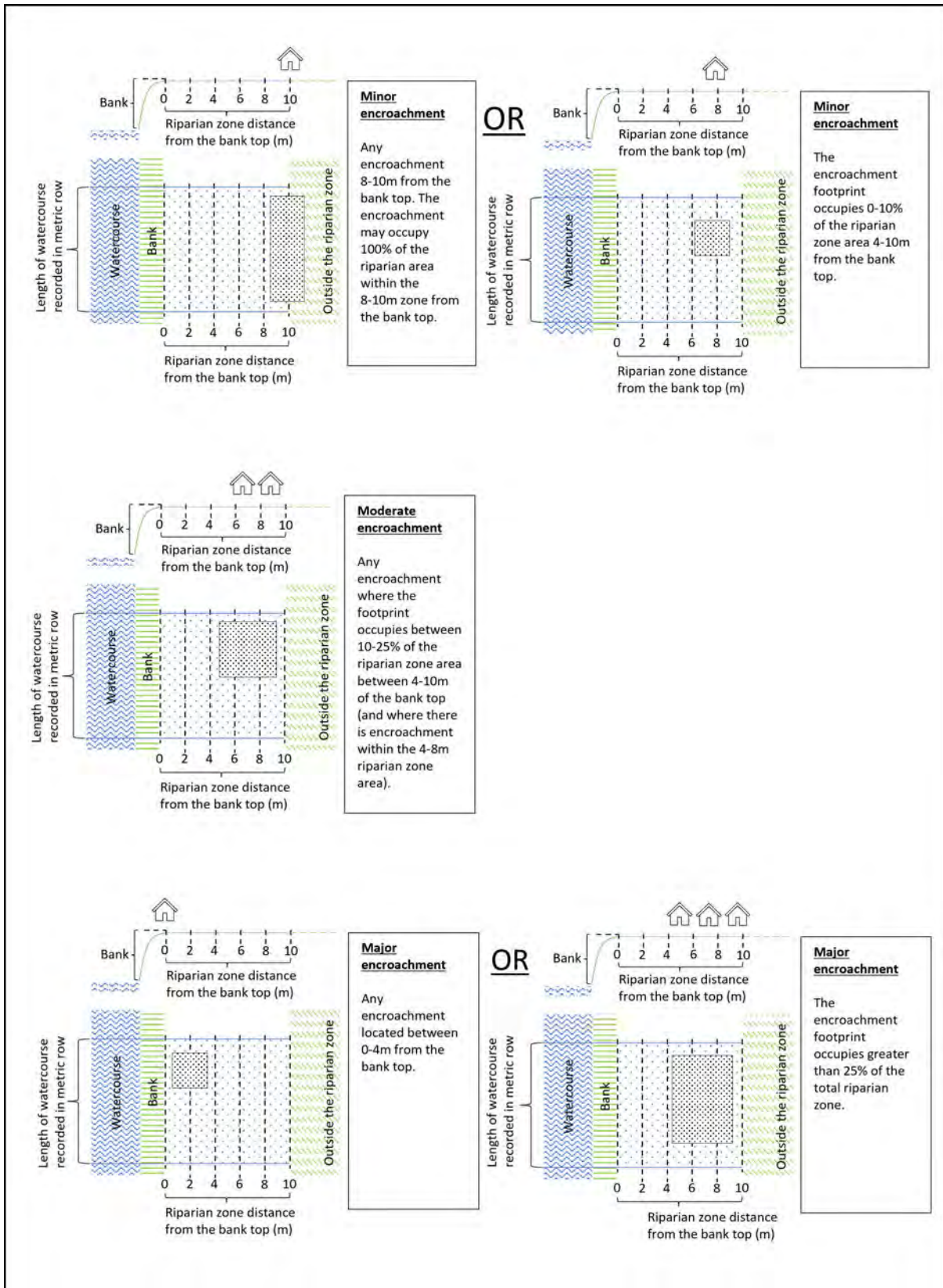


Figure 10-5 Examples of watercourse encroachment bands for rivers and canals

10.5. Watercourse encroachment

- 10.5.1. Watercourse encroachment accounts for development within a riverbank or channel that impacts the function of the river corridor. For the metric, watercourse encroachment is defined as a feature that adversely affects the natural function of the watercourse (for example sediment dynamics and riverine connectivity), resulting in localised changes in habitat, species and the use of migratory pathways.
- 10.5.2. Restorative interventions that are, or have been, introduced to improve the 'condition' of the river and or reinstate natural riverine processes are not encroachment. Examples include woody material dams (and or beaver *Castor fiber* dams), and soft bank revetment such as coir rolls, willow spiling or floating islands.
- 10.5.3. Assessors should use the descriptions in [Table 10-5](#) to assign watercourse encroachment for watercourse section. This is taken as the percentage of total width of the channel, or percentage of total length along the bank.

Table 10-5 In-watercourse encroachment bands

Watercourse encroachment band	Multiplier	Description	Examples
No encroachment	1.0	Less than 5% of the bank length comprises an engineered bank revetment and there is no encroachment into the channel	N/A
Minor	0.8	5% to 20% of the bank length comprises an engineered bank revetment or there is channel encroachment across up to 10% of the channel width	Small headwalls, jetties, pontoons
Major	0.5	greater than 20% of the bank length comprises an engineered bank revetment or there is channel encroachment across greater than 10% of the channel width	Weirs, large headwalls, bank revetment

11. Metric results

11.1. Headline Results

11.1.1. Once data has been input into the metric the results are calculated and presented on the results pages. The final results are shown at the bottom of the headline results page. The figures below provide a walkthrough of the headline results page.

On-site baseline	<i>Habitat units</i>	0.00	
	<i>Hedgerow units</i>	0.00	
	<i>Watercourse units</i>	0.00	
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00	
	<i>Hedgerow units</i>	0.00	
	<i>Watercourse units</i>	0.00	
On-site net change (units & percentage)	<i>Habitat units</i>	0.00	0.00%
	<i>Hedgerow units</i>	0.00	0.00%
	<i>Watercourse units</i>	0.00	0.00%

Figure 11-1 This shows biodiversity units the on-site baseline, on-site post-intervention and total on-site net change in biodiversity units. This is not the total project net gain.

Off-site baseline	<i>Habitat units</i>	0.00	
	<i>Hedgerow units</i>	0.00	
	<i>Watercourse units</i>	0.00	
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00	
	<i>Hedgerow units</i>	0.00	
	<i>Watercourse units</i>	0.00	
Off-site net change	<i>Habitat units</i>	0.00	0.00%
	<i>Hedgerow units</i>	0.00	0.00%
	<i>Watercourse units</i>	0.00	0.00%

Figure 11-2 This shows biodiversity units for habitat units for the off-site baseline, off-site post-intervention and total off-site net change in biodiversity units. This does not include spatial risk multiplier deductions.

Combined net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>Watercourse units</i>	0.00
Spatial risk multiplier (SRM) deductions	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>Watercourse units</i>	0.00

Figure 11-3 This shows the sum of the on-site and off-site unit change before the spatial risk multiplier deductions are made. The total biodiversity unit value of spatial risk multiplier deductions are shown separately.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00%
	<i>Hedgerow units</i>	0.00%
	<i>Watercourse units</i>	0.00%

Figure 11-4 This shows the total net biodiversity unit and net percentage change for the project, including all on-site and off-site interventions and including spatial risk multiplier deductions.

Trading rules satisfied?	Yes ✓
--------------------------	-------

Figure 11-5 This box indicates if trading rules have been met or not. If trading rules have not been satisfied then a net gain in biodiversity cannot be claimed unless trading rules are resolved. The trading rules are not influenced by the spatial risk multiplier and are applied before any spatial risk multiplier deductions.

You must specify if irreplaceable habitats are on-site at baseline ▲

Figure 11-6 This flag at the bottom of the results summary indicates if the user has specified if irreplaceable habitats are on-site at baseline.

11.2. Habitat Trading Summary

11.2.1. There is a separate trading summary sheet for each metric module.

Trading Summary		
Distinctiveness Group	Trading Rule	Trading Satisfied?
Very High	Bespoke compensation likely to be required ✖	Yes ✓
High	Same habitat required =	Yes ✓
Medium	Same broad habitat or a higher distinctiveness habitat required (≥)	Yes ✓
Low	Same distinctiveness or better habitat required ≥	Yes ✓

Figure 11-7 Trading summary table for area module. If trading rules are satisfied a 'Yes' will show in the right-hand column. If trading rules are not satisfied, then a 'No' will show.

Medium Distinctiveness Summary	
Medium Distinctiveness Units available to offset Lower Distinctiveness Defecit	0.00
Medium Distinctiveness Broad Habitat Defecit to be offset by trading up	0.00
Higher Distinctiveness Surplus Units minus Medium Distinctiveness Broad Habitat Defecit	0.00
Cumulative surplus of units	0.00

Figure 11-8 For each module there is a separate trading summary for each distinctiveness band of habitat. The summary table provides an summary of how biodiversity units are contributing towards the trading rules.

Medium Distinctiveness					
Habitat group	Group	On-site unit change	Off-site unit change	Project wide unit change	Cumulative broad habitat change
Cropland - Arable field margins cultivated annually	Cropland	0.00	0.00	0.00	0.00
Cropland - Arable field margins game bird mix	Cropland	0.00	0.00	0.00	
Cropland - Arable field margins pollen and nectar	Cropland	0.00	0.00	0.00	
Cropland - Arable field margins tussocky	Cropland	0.00	0.00	0.00	0.00
Grassland - Other lowland acid grassland	Grassland	0.00	0.00	0.00	
Grassland - Other neutral grassland	Grassland	0.00	0.00	0.00	
Grassland - Upland acid grassland	Grassland	0.00	0.00	0.00	0.00
Heathland and shrub - Blackthorn scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Bramble scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Gorse scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Hawthorn scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Willow scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Hazel scrub	Heathland and shrub	0.00	0.00	0.00	
Heathland and shrub - Mixed scrub	Heathland and shrub	0.00	0.00	0.00	
Lakes - Ponds (non-priority habitat)	Lakes	0.00	0.00	0.00	
Lakes - Reservoirs	Lakes	0.00	0.00	0.00	
Sparsely vegetated land - Other inland rock and scree	Sparsely vegetated land	0.00	0.00	0.00	0.00
Urban - Cemeteries and churchyards	Urban	0.00	0.00	0.00	0.00
Urban - Biodiverse green roof	Urban	0.00	0.00	0.00	
Individual trees - Urban tree	Individual trees	0.00	0.00	0.00	0.00
Individual trees - Rural tree	Individual trees	0.00	0.00	0.00	
Woodland and forest - Other Scot's pine woodland	Woodland and forest	0.00	0.00	0.00	0.00
Woodland and forest - Other woodland: broadleaved	Woodland and forest	0.00	0.00	0.00	
Woodland and forest - Other woodland: mixed	Woodland and forest	0.00	0.00	0.00	
Intertidal sediment - Littoral coarse sediment	Intertidal sediment	0.00	0.00	0.00	0.00
Intertidal sediment - Littoral sand	Intertidal sediment	0.00	0.00	0.00	
Intertidal hard structures - Artificial hard structures with integrated greening of grey infrastructure (IGGI)	Intertidal	0.00	0.00	0.00	
		0.00	0.00	0.00	

Figure 11-9 More detailed trading results are provided in the detailed habitat trading data tables, the example above shows medium distinctiveness habitats within the area module. Tables are set out by both habitat type and broad habitat group.

11.3. Detailed results

11.3.1. The detailed results tabs provide a breakdown of biodiversity unit change for each habitat type within the metric. This includes auto-generated graphs and charts to aid data interpretation.

12. Appendix A: Tool Input Guide

12.1. General information

12.1.1. The guide included below provides a walkthrough of each sheet and group of sheets within the metric calculation tool. The metric calculation tool has been designed for use with Microsoft Excel and a basic understanding of the software is required to use it.

12.1.2. The metric tool works best with macros and content enabled. Macros are used for navigation around the tool and for toggling different display modes for streamlined data input. A macro-disabled version is also available.

12.1.3. There are macro-enabled 'buttons' (round edged boxes) within the metric. With macros enabled, they are used to navigate through the tool. These buttons are disabled in the macro-disabled version.



Figure 12-1 Example of a macro enabled 'button'

12.1.4. Tabs will automatically populate when a button is clicked. In both versions the tabs at the bottom of the sheet can be used for navigation.

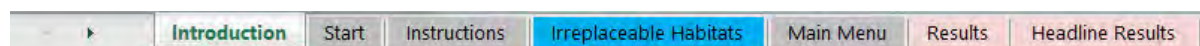


Figure 12-2 Tabs at the bottom of the metric calculation tool

12.1.5. Cells within the calculation tool are colour-coded to aid data entry and interpretation. Icons are also used to convey important information. Colour coding and iconography is set out in Appendix Table A.

Appendix Table A Cell formatting and symbols used within the metric

Cell formatting	Details
Data inputs	
	Fixed cells which do not change value
	Pre-populated values generated by the metric tool
	Results cell
	User data entry cells
Trading rule requirements	
=	Same habitat required
(≥)	Same broad habitat or a higher distinctiveness habitat required
≥	Same distinctiveness or better habitat required
✘	Bespoke compensation likely to be required
Data flags	
Check ⚠	Attention required
Error ▲	Input error, rules and principles not met

12.2. Introduction



The tool opens on the 'Introduction' tab.

Click on the 'Open tool' button. This will open the 'Start page'.

On the macro-disabled version, all tabs will preload at the bottom of the sheet.

12.3. Start page

The Biodiversity Metric 4.0 - Calculation Tool
Start page

Project details			
Planning authority:			
Project name:			
Applicant:			
Application type:			
Planning application reference:			
Completed by:			
Date of metric completion:			
Reviewed:			
Version control:			
Consenting body reviewer:			
Date of consenting body review:			
Target % net gain:	10%		
Irreplaceable habitat present on-site at baseline:		You must specify if irreplaceable habitats are on-site at transition A	
Total site area (including irreplaceable habitat area):	0.00	Irreplaceable habitat area at baseline:	0.00

Cell style conventions	
	Attention required
	Input error/trialse and/or multiple not met
	Use of this cell is not appropriate
	Enter data
	Automatic locking
	Read

On-site baseline map Insert

On-site post-intervention map Insert

On-site baseline map reference number

On-site post-intervention map reference number

Off-site baseline map Insert

Off-site post-intervention map Insert

Off-site baseline map reference number

Off-site post-intervention map reference number

Instructions
Main menu
Results
View all
Reset view

All project details that are known or available to the user should be entered into the appropriate cells on the start page. Advice on filling in these cells is provided in Table 13-2.






Images or plans for the baseline and post-intervention scenarios can be added at the bottom of the start page. References can be added to each figure and will be reflected on the appropriate tab later in the metric.

When the start page data entry is complete, click 'Main menu' on the right to open the calculation tool main menu.

Appendix Table B Project information

Project Details	Information to enter (where relevant)
Planning authority	The determining authority for decision making
Project name	The name of the project and or planning application
Applicant	The applicant applying for permission or approval
Application type	The planning application type
Planning application reference	The planning application reference for the project
Completed by	The name of the user completing the metric
Date of metric completion	The date the metric assessment was completed (not the date of any survey or baseline data collection)
Reviewer	For use by a competent person to review user inputs
Version control	For version control to distinguish between different iterations of a metric calculation
Consenting body reviewer	The name of the consenting body or planning authority reviewer
Date of consenting body review	The date the metric was reviewed by the consenting body
Target % gain	The target percentage gain for the project. This defaults to 10%, but can be increased.
Irreplaceable habitat present on-site at baseline	To indicate irreplaceable habitats are present on a site baseline. If 'Yes' is selected the irreplaceable habitats tab will open on the macro-enabled version.
Total site area	No data entry required. This cell automatically displays the total baseline site area (including any irreplaceable habitats) once habitat data sheets have been completed.

12.4. Other start page buttons

 A dark blue rounded rectangular button with the text "Instructions" in white.	Clicking this button takes you to the metric instructions page.
 A dark blue rounded rectangular button with the text "View all" in white.	Clicking this button opens all tabs of the metric.
 A dark blue rounded rectangular button with the text "Reset view" in white.	Clicking this button hides all tabs of the metric other than the introduction sheet.
 A dark blue rounded rectangular button with the text "Insert" in white.	Clicking this button allows you to choose an image from file to upload baseline and post-intervention mapping
 A light pink rounded rectangular button with the text "Results" in dark blue.	Clicking this button takes you to the results sheets.

12.5. Main menu

The Biodiversity Metric 4.0 - Calculation Tool Main menu

Start page Instructions Technical data Results

Start here: 1 2 3 4

On-site baseline On-site post development Off-site baseline Off-site post development

A-1 On-site Area Habitat Baseline A-2 On-site Area Habitat Creation A-3 On-site Area Habitat Enhancement

B-1 On-site Hedge Baseline B-2 On-site Hedge Creation B-3 On-site Hedge Enhancement

C-1 On-site Watercourse Baseline C-2 On-site Watercourse Creation C-3 On-site Watercourse Enhancement

D-1 Off-site Area Habitat Baseline D-2 Off-site Area Habitat Creation D-3 Off-site Area Habitat Enhancement

E-1 Off-site Hedge Baseline E-2 Off-site Hedge Creation E-3 Off-site Hedge Enhancement

F-1 Off-site Watercourse Baseline F-2 Off-site Watercourse Creation F-3 Off-site Watercourse Enhancement

Tree size	Number of trees and area (ha) for each condition state					
	Poor	Area	Moderate	Area	Good	Area
Small		0.0000		0.0000		0.0000
Medium		0.0000		0.0000		0.0000
Large		0.0000		0.0000		0.0000
Total	0	0.0000	0	0.0000	0	0.0000


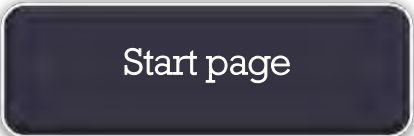
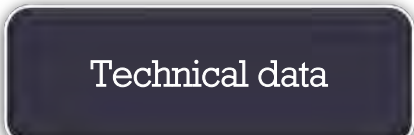

12.5.1. The main menu can be accessed through the 'Main menu' button at the top of each sheet or through the tabs at the bottom of the workbook. Buttons to access the habitat data sheets are organised by:

- metric module (rows):
 - area units (top row)
 - hedgerows units (middle row)
 - watercourse units (bottom row)
- on-site or off-site baseline and post development (grouped in columns):
 - on-site baseline (group 1)
 - on-site post development (group 2)
 - off-site baseline (group 3)
 - off-site post development (group 4)

Tree size	Number of trees and area (ha) for each condition state					
	Poor	Area	Moderate	Area	Good	Area
Small		0.0000		0.0000		0.0000
Medium		0.0000		0.0000		0.0000
Large		0.0000		0.0000		0.0000
Total	0	0.0000	0	0.0000	0	0.0000

The main menu also includes a tree helper to convert the number of individual trees into an area for data input.

Other main menu buttons


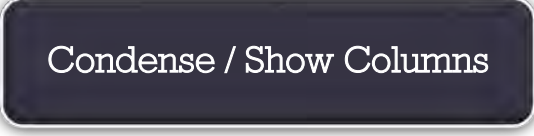
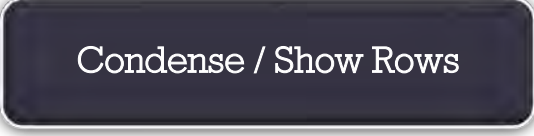

 A dark blue rounded rectangular button with the text "Instructions" in white.	Clicking this button takes you to the metric instructions page.
 A dark blue rounded rectangular button with the text "Start page" in white.	Clicking this button takes you back to the metric start page.
 A dark blue rounded rectangular button with the text "Technical data" in white.	Clicking this button takes you to technical data sheets G-1 to G-8 which detail the data tables and values used by the metric. It can also navigate to the 'Phase 1 Translation tool' sheet which can be used as an aid to convert historic Phase 1 data into other classification systems used by the metric.
 A light pink rounded rectangular button with the text "Results" in dark blue.	Clicking this button takes you to the results sheets.

12.6. Data entry sheets

12.6.1. From the main menu you can navigate to relevant data entry sheets. Specific instructions for each data entry sheet are provided in the sections below. Each data sheet hosts:

- a summary table proving a running total of unit and percentage change (at the top of the sheet)
- an area converter (m² to ha) at the bottom of the sheet
- four functional buttons at the top left of the sheet

12.6.2. The functions of the four buttons hosted at the top left of each data entry sheet are outlined below:

	Click to navigate back to the main menu.
	Click to hide and expand columns*. When hidden, only key data and information is displayed.
	Click to hide and expand rows*. Blank rows are hidden when toggled.
	Click to navigate to this Appendix of the user guide.

*It is recommended that all rows and columns are expanded until all data has been entered. This will avoid any data being obscured. The view can then be toggled accordingly to the user's needs.

Project Name:		Map Reference:	
A-1 On-Site Habitat Baseline			
Condense / Show Columns		Condense / Show Rows	
Main Menu		Instructions	
Existing area habitats			
Ref	Broad Habitat	Habitat Type	Area (hectares)
1			
2			
3			
4			
5			
Total habitat area			0.00
Site Area (Excluding area of Individual trees and Green walls)			0.00

Figure 12-3 Broad habitat, habitat type and area data input boxes for sheet A-1. White cells are for data input.

12.6.3. Fill in the white boxes with your project data. Details on data entry are provided in Appendix Table C. Note that the metric treats baseline habitats as 'lost' unless an area is entered in the tool as retained or enhanced.

Appendix Table C Data input methods for data entry sheets

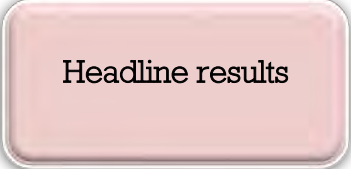



Data requiring manual input	Input method	Notes	Applicable sheets
Broad Habitat	Dropdown list	None.	Area habitat baseline and creation sheets
Habitat Type	Dropdown list	Broad habitat must be selected first.	Area habitat baseline and creation sheets
Proposed broad habitat	Dropdown list	For enhancement only, can be changed where the proposed habitat differs from the baseline.	Area habitat enhancement sheets
Proposed habitat or proposed watercourse type	Dropdown list	For enhancement only, can be changed where the proposed habitat differs from the baseline.	All enhancement sheets

Data requiring manual input	Input method	Notes	Applicable sheets
Area	Manual input (ha)	Area can be entered to any number of decimal places.	All area habitat baseline and creation sheets
Condition	Dropdown list	The list of condition options will not generate unless habitat type is selected.	All sheets
Strategic Significance	Dropdown list	None.	All sheets
Area Retained	Manual input (ha)	An area cannot be both 'Retained' and 'Enhanced'.	All area habitat baseline sheets
Area Enhanced	Manual input (ha)	An area cannot be both 'Retained' and 'Enhanced'.	All area habitat baseline sheets
Bespoke compensation agreed for unacceptable losses	Dropdown list	If losses of very high distinctiveness habitats cannot be avoided then enter if bespoke compensation has been agreed.	Hedgerow and watercourse baseline sheets.
Assessor and Local Authority reviewer comments	Manual input	This is a space for assessors and reviewers to make any comments relating to a specific habitat parcel.	All sheets
GIS reference number	Manual input	Space for GIS users to reference habitat parcels	All sheets
Hedge Number or New Hedge Number	Manual input	Can be used to aid cross-referencing to maps	All baseline and creation hedgerow sheets

Data requiring manual input	Input method	Notes	Applicable sheets
Hedgerow Type	Dropdown list	Condition options will not appear until hedgerow type is selected.	All baseline and creation hedgerow sheets
Length	Manual input (km)	Length can be to any number of decimal places.	All hedgerow and watercourse baseline and creation sheets
Length Retained	Manual input (km)	A length cannot be both 'Retained' and 'Enhanced'.	Hedgerow and watercourse baseline sheets
Length Enhanced	Manual input (km)	A length cannot be both 'Retained' and 'Enhanced'.	Hedgerow and watercourse baseline sheets
Watercourse Type	Dropdown list	Condition options will not appear until watercourse type is selected.	All watercourse sheets
Watercourse encroachment	Dropdown list	None.	All watercourse sheets
Riparian encroachment	Dropdown list	None.	All watercourse sheets
Habitat created in advance	Dropdown list	If nothing is entered, the metric will assume that the habitat will not be created in advance.	All creation and enhancement sheets
Delay in starting habitat creation	Dropdown list	If nothing is entered, the metric will assume that there will be no delay.	All creation and enhancement sheets
Spatial risk category	Dropdown list	None.	All off-site sheets
Off-site reference	Manual input	None.	All off-site sheets

12.7. Navigating to the results

12.7.1. From the 'Main menu', select the 'Results' button located in the top right-hand side of the page. The results are presented in four separate sheets. Click on the button for the appropriate results sheet.

 <p>Headline results</p>	<p>Click to see overall net changes in biodiversity units and percentage, separated into three sheets.</p>
 <p>Detailed results</p>	<p>Click to understand the proposed changes in habitats and areas.</p>
 <p>Habitat trading summaries</p>	<p>Click to see details of trading between habitat types and an indication of whether the development has met trading rules.</p>
 <p>Off-site summary</p>	<p>Click to see details of where off-site habitats are provided.</p>

12.8. Tool troubleshooting

12.8.1. Appendix Table D below summarise common issues and any actions required to resolve these. In most cases, an 'error' or 'check' flag will appear to show that a problem has been encountered and to point the user to where this may have occurred.

Appendix Table D Troubleshooting guide

Issue	Action
There are not enough data entry rows in the metric for the site	<p>The metric allows for 248 rows of data entry. It is good practice to put different habitat parcels into different rows.</p> <p>If required, multiple parcels of the same habitat type, condition and strategic significance can be combined into one row if the post-development outcome for those habitat parcels is the same.</p>
The total baseline habitat area or length does not sum correctly	<p>'Total area' / 'Total length' (summed at the bottom of the column) is displayed to two decimal places. This may result in small rounding discrepancies on large sites with many small parcels of habitat.</p> <p>The metric uses the true value entered in each row to calculate overall change in units (and not the displayed rounded value) to calculate. These rounding errors do not impact the results of the calculation tool.</p>
Condense / Show functions are not working	These functions only work for the enhancement tab if the baseline tab is filled in

Issue	Action																																									
<p>The condition score is flagged as 'not possible', and the calculation is not resolving</p> <table border="1" data-bbox="209 461 541 667"> <thead> <tr> <th>Condition</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Condition Assessment N/A</td> <td>Not Possible</td> </tr> </tbody> </table>	Condition	Score	Condition Assessment N/A	Not Possible	<p>The habitat type is not compatible with the selected condition score.</p> <p>This can occur if the habitat type selection is changed mid-way through data entry.</p> <p>Re-enter a valid condition input and the error message will disappear.</p>																																					
Condition	Score																																									
Condition Assessment N/A	Not Possible																																									
<p>Error in areas</p> <table border="1" data-bbox="209 763 702 1003"> <thead> <tr> <th colspan="6">Retention category biodiversity value</th> </tr> <tr> <th>Area retained</th> <th>Area enhanced</th> <th>Baseline units retained</th> <th>Baseline units enhanced</th> <th>Area habitat lost</th> <th>Units lost</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>13.80</td> <td>13.80</td> <td>Error in Areas ▲</td> <td>Error in Areas ▲</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1.00</td> <td>1.00</td> <td>Error ▲</td> <td>Error ▲</td> <td>0.00</td> <td>0.00</td> </tr> </tbody> </table>	Retention category biodiversity value						Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area habitat lost	Units lost	1	1	13.80	13.80	Error in Areas ▲	Error in Areas ▲													1.00	1.00	Error ▲	Error ▲	0.00	0.00	<p>If the area of habitat in both categories (enhancement and retained) exceeds the total area of habitat in a row, then the metric tool will not resolve.</p> <p>Any areas marked as enhanced should not also be recorded as retained.</p> <p>Ensure the areas retained and enhanced are not greater than the total area of habitat entered.</p>					
Retention category biodiversity value																																										
Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area habitat lost	Units lost																																					
1	1	13.80	13.80	Error in Areas ▲	Error in Areas ▲																																					
1.00	1.00	Error ▲	Error ▲	0.00	0.00																																					
<p>Any loss unacceptable</p> <table border="1" data-bbox="209 1211 702 1402"> <thead> <tr> <th colspan="6">Retention category biodiversity value</th> <th rowspan="2">Bespoke compensation agreed for unacceptable losses</th> </tr> <tr> <th>Area retained</th> <th>Area enhanced</th> <th>Baseline units retained</th> <th>Baseline units enhanced</th> <th>Area habitat lost</th> <th>Units lost</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>0.00</td> <td>0.00</td> <td>1.00</td> <td>Any Loss Unacceptable ▲</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>1.00</td> <td>0.00</td> <td></td> </tr> </tbody> </table>	Retention category biodiversity value						Bespoke compensation agreed for unacceptable losses	Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area habitat lost	Units lost			0.00	0.00	1.00	Any Loss Unacceptable ▲																0.00	0.00	0.00	0.00	1.00	0.00		<p>Once bespoke compensation is agreed, 'Yes' can be selected in the 'Bespoke compensation agreed for unacceptable losses' cell. This will clear the flag.</p>
Retention category biodiversity value						Bespoke compensation agreed for unacceptable losses																																				
Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Area habitat lost	Units lost																																					
		0.00	0.00	1.00	Any Loss Unacceptable ▲																																					
0.00	0.00	0.00	0.00	1.00	0.00																																					
<p>Using 'Fairly' categories for condition</p> <div data-bbox="209 1496 700 1574" style="background-color: yellow; padding: 5px;"> <p>A 'Fairly' Category has been used - check evidence to ensure this is appropriate ▲</p> </div>	<p>Assigning a habitat either of the condition types with the qualifier 'fairly' will cause a check flag to be raised. Sound ecological evidence must be provided to justify the use of fairly categories.</p>																																									

Issue	Action										
<p>An error flag is triggered if there is a discrepancy bigger than 0.01ha that needs to be addressed.</p> <table border="1" data-bbox="209 461 703 562"> <thead> <tr> <th colspan="2">Summary</th> </tr> </thead> <tbody> <tr> <td>Total Net Unit Change</td> <td>0.00</td> </tr> <tr> <td>Total Net % Change</td> <td>0.00%</td> </tr> <tr> <td>Trading Rules Satisfied</td> <td>Yes ✓</td> </tr> <tr> <td>Area Check</td> <td>Error - Area created does not equal area lost ▲</td> </tr> </tbody> </table>	Summary		Total Net Unit Change	0.00	Total Net % Change	0.00%	Trading Rules Satisfied	Yes ✓	Area Check	Error - Area created does not equal area lost ▲	<p>'Total area' / 'Total length' is displayed to two decimal places. This may result in small rounding discrepancies. These rounding errors do not impact the results of the calculation tool.</p> <p>If a rounding tolerance of 0.01 is exceeded an error flag will appear. Check the area of habitat entered in the tool for errors, or provide justification as to why areas do not match.</p>
Summary											
Total Net Unit Change	0.00										
Total Net % Change	0.00%										
Trading Rules Satisfied	Yes ✓										
Area Check	Error - Area created does not equal area lost ▲										
<p>An error flag is triggered stating that both advance and delayed habitat creation have been implemented.</p> <table border="1" data-bbox="209 931 703 1122"> <tbody> <tr> <td>Standard or adjusted time to target condition</td> </tr> <tr> <td>Error -both advance and delayed habitat creation ▲</td> </tr> </tbody> </table>	Standard or adjusted time to target condition	Error -both advance and delayed habitat creation ▲	<p>Both advance and delayed creation cannot be used on the same habitat. Select either the advance creation or the delayed creation but not both. If two parcels of the same habitat are to be created in a staggered approach, then use two rows in the metric to present these separately.</p>								
Standard or adjusted time to target condition											
Error -both advance and delayed habitat creation ▲											
<p>The tool is not calculating a value for enhanced habitats.</p>	<p>This occurs if there is a trading error in either the distinctiveness or condition change cells.</p> <p>Condition must stay the same or improve, including when enhancement to a higher distinctiveness habitat.</p>										
<p>Error flag appears, 'No – check trading summaries'.</p> <table border="1" data-bbox="209 1563 703 1664"> <thead> <tr> <th colspan="2">Summary</th> </tr> </thead> <tbody> <tr> <td>Total Net Unit Change</td> <td>-13.80</td> </tr> <tr> <td>Total Net % Change</td> <td>-100.00%</td> </tr> <tr> <td>Trading Rules Satisfied</td> <td>No - Check Trading Summaries ▲</td> </tr> <tr> <td>Area Check</td> <td>Area Acceptable ✓</td> </tr> </tbody> </table>	Summary		Total Net Unit Change	-13.80	Total Net % Change	-100.00%	Trading Rules Satisfied	No - Check Trading Summaries ▲	Area Check	Area Acceptable ✓	<p>The error flag appears if the trading rules are broken within both the summary table at the top of each habitat tab and within the headline results.</p> <p>Consult the relevant trading summary tab for details on why the trading rules have been broken. Greater detail will be provided in the summary tables.</p>
Summary											
Total Net Unit Change	-13.80										
Total Net % Change	-100.00%										
Trading Rules Satisfied	No - Check Trading Summaries ▲										
Area Check	Area Acceptable ✓										
<p>Habitat enhancement units are not being included in the headline results tab.</p>	<p>Check all the data required in the enhancement tab has been entered correctly and fully (in other words no required cells have been left blank).</p>										

This publication is published by Natural England under the Open Government Licence v3.0 for public sector information. You are encouraged to use, and reuse, information subject to certain conditions. For details of the licence visit

www.nationalarchives.gov.uk/doc/open-government-licence/version/3. Natural England publications are available as accessible pdfs from www.gov.uk/natural-england.

Should an alternative format of this publication be required, please contact our enquiries line for more information: 0300 060 3900 or email enquiries@naturalengland.org.uk.

ISBN 978-1-7393362-1-9

Catalogue code: JP039

Please note: Natural England photographs are only available for non-commercial purposes. For information regarding the use of maps or data visit www.gov.uk/how-to-access-natural-englands-maps-and-data.

© Natural England and other parties
2023



s. 40(2)

From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 09 March 2023 09:55
To: s. 40(2); s. 40(2); s. 40(2)@landmarkchambers.co.uk';
s. 40(2); s. 40(2); s. 40(2) EXTERNAL s. 40(2)
Cc: s. 40(2); s. 40(2); s. 40(2)
Subject: LPA Closing Submissions
Attachments: Closings - Brislington Meadows Inquiry Council submissions final.pdf

Dear All

Please find attached a copy of the Council's closing submissions.

Regards

s. 40(2)

(2)

**Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR**

s. 40(2)

E:s. 40(2)@bristol.gov.uk

Web: www.bristol.gov.uk

Council services: <http://www.bristol.gov.uk/service>

Latest council news: <http://www.bristol.gov.uk/ournews>

Consultations: <http://www.bristol.gov.uk/consult>

Privacy Notice: <https://www.bristol.gov.uk/about-our-website/privacy>

**Land at Broom Hill / Brislington Meadows, Broomhill Road, Brislington,
Bristol**

APP/Z0116/W/22/3308537

CLOSING SUBMISSIONS ON BEHALF OF THE COUNCIL

[Abbreviations: JFL -s. 40(2), TP -s. 40(2) FH -s. 40(2) CC -s. 40(2)
PC -s. 40(2) AW -s. 40(2) GC -s. 40(2) NB -s. 40(2) RH -s. 40(2)

Introduction

1. In these submissions, following a brief overview of the case I address key matters of context and then turn to the main areas of evidence (design, ecology and trees) before concluding by addressing the issue of planning balance.

Overview

2. The Council submits that the appeal proposal requires the wholesale removal of important trees and hedgerows in direct conflict with the site allocation policy. It also fails to comply with the allocation policy in other regards as well as with a range of development plan and national policy. It is an unacceptable, unsustainable proposal.

3. This is a direct result of the design choice the Appellant has decided to make¹ that has been informed by a construction of the development plan policy which assumed all harm was '*priced in*'. That construction and approach to policy is plainly wrong and has been abandoned during this inquiry by the expert witnesses of the Appellant who were meant to support it.
4. In simple terms it is plain that the Appellant considered at the stage when it was making the application and appeal that such harms are '*priced in*' to the allocation of the site. It was the foundation for the design it pursued. It has however become obvious that not only is such a proposal contrary to the development plan, but that the appellant could have promoted a sustainable scheme on the site involving retention of far more important trees and hedges whilst still delivering a substantial number of dwellings and assisting this area with housing. Such a proposal could (but has not) come forward in a way which would comply with policy and deliver a similar amount of benefits to that which the current scheme proposes whilst avoiding the extensive harm.
5. The position is however even worse for the Appellant. Despite numerous warnings and requests it has failed to identify a range of veteran trees on site. The Appellant designers were not informed of these irreplaceable habitats and so have ignored them in their design - which was already predicated on a misunderstanding of policy. This in turn has led to further about turns on the part of the Appellant and much late evidence that has necessitated additional work.
6. The position it seeks to adopt is untenable. The Appellant has conducted the inquiry with a myopic view of the development plan context that has ignored the clear policy wording and shifted regularly.
7. Faced with the veteran trees issues as a result of its own failures the Appellant has pursued a quite extraordinary series of arguments based largely on a position of desperation.
8. Many of the arguments raised in cross examination were not even supported by the appellant's own witnesses in their evidence.

¹ Accepted by Crawford in his proof at 3.1.4, p.11 and in xx

Context

Outline permission - approach

9. The Appellant sought to emphasise at various stages of the appeal that as the scheme was in outline it could change various matters now (such as the design code or the parameter plans) if it became necessary. Such an approach was entirely misguided.
10. As PC accepted, as the description of the development was for ‘**up to 260**’ dwellings his client would be entitled to develop up to 260 if permission granted - a number that could be insisted upon at the reserved matters stage if a given developer wished to build that many.
11. Similarly, the parameter plans as fixed elements of the proposal indicate the extent of where things can go and for example what will be retained. Thus as PC also accepted in xx and GC explained in evidence the Landscape Parameter Plan identifies where areas of existing trees and hedgerow will be retained, and this Plan must be complied with at the reserved matters stage. It would not be open to the Council to require from a developer the retention of any more hedgerows and trees than as indicated on the parameter plan - because that is put forward for consideration and fixing at this stage. Similarly the Design code seeks to fix certain elements². Consideration at the approval stage is obviously limited by the terms of the initial permission.
12. The Appellant chose to provide such fixed elements at this stage but GC and others confirmed that such detail would have been required at this stage in any event given the obviously sensitive nature of the site and the need to understand where development would go and what would be retained. Such fixes are important not only for the Council but for the range of persons consulted on such matters to enable them to make representations about the proposal at the stage when permission is being considered. Material matters cannot be changed at this late stage or left to be changed by the appellant post the grant of permission.

² Cd 1.14 at p.7 refers to ensuring important elements are fixed in this context

Allocation Policy and the alleged ‘priced in approach’

13. In the end the much relied on ‘*priced in*’ approach pursued by the Appellant³ came to nothing. During the cross examination (‘xx’) of PC and CC they both conceded that a proper construction and application of the site allocation policy revealed that the ‘*estimate*’ of 300 in the policy was no more than a starting point to be considered in the context of and alongside the development considerations.

14. In relation to the Site Allocation Policy BSA1201⁴ the Council makes the following submissions:

- (i) The approach to construction of policy requires a common sense and practical approach that avoids overly legalistic constructions and which is informed where necessary by context.
- (ii) The wording of introductory text to the policy⁵– makes it clear that the precise number of homes in the allocation is to be determined through the allocation process – emphasising yet again that the number ‘300’ is not baked or priced in.
- (iii) The wording of Policy SA1⁶ emphasises the need to develop the site ‘*in accordance with the... development considerations*’ and ‘*with all relevant development plan policies*’.
- (iv) Whilst the allocation of the site for development with an ‘*estimate*’ of 300 anticipates some level of harm and loss of land/ecology it does not identify a definitive level of harm in terms of numbers of dwellings (300) come what may. That is clear from the use of the word ‘*estimate*’ and the clear wording of the development considerations viewed in context.
- (v) The policy clearly indicates that development should retain or incorporate important trees and hedgerows within the development which will be identified by a tree

³ Set out for example in opening and at 9.53 of the st of cg (as the appellant positions) and at various parts of the Appellant St of case

⁴ CD5.3, pdf 162

⁵ SA1 – C 5.3 at pdf p.3 at para 1.8

⁶ CD5.2 at pdf 91

survey. The reference to ‘*incorporate*’ does not refer to the planting of new trees or hedges in this context. The task is to identify ‘important’ elements of the landscape/ecology which must already exist⁷. As CC readily accepted in xx until such ‘*important trees and hedgerows*’ have been identified and assessed one cannot know how many houses the site could take.

- (vi) It is plain that the site should only accommodate a number of homes that can be developed whilst meeting the other objectives and considerations of the policy. Such policy requirements must be considered in the formulation of the design of the site (including the numbers of dwellings to be delivered) and the varied attempts by the Appellant to suggest that all harms associated with the proposal it puts forward were ‘*priced in*’ to the allocation are hopeless on a simple reading of the policy.

15. Such a construction that the Council relies on whilst being evident on the face of the policy is also supported by the context. In particular:

- (i) The Sustainability appraisal⁸ that had informed the development plan far from providing support for the Appellant in fact further revealed its errors of approach. That document made clear that the development considerations were introduced requiring retention of ‘*existing trees and hedgerows*’ so as to create the potential for positive effects on existing assets on the site in the context of a development⁹. It is plainly concerned with retaining what is already there of importance when the site is developed in supporting the delivery of a sound plan.
- (ii) As GC explained and PC accepted in xx, there was no evidence of any detailed ecological assessment work identifying which trees or hedges were important at the plan making stage to inform numbers on site. That makes sense because the policy itself requires such work to be undertaken in assessing how many dwellings the site can accommodate whilst complying with the development considerations. The

⁷ Other policies aimed at similar subject matter that fail to be applied alongside the allocation policy support this construction – for example DM27 - CD5.2 at pdf 63 and DM26 at pdf 58

⁸ CD 8.3

⁹ See CD 8.3, pdf 184 at 4.91.6

reference to an estimate of 300 was plainly only ever meant to be a broad, unassessed indication that was subject to change in light of the development considerations and further investigation.

- (iii) Consistent with that, the development plan which covers the period to 2026 did not require each allocated site to develop to their ‘estimated number’ to meet identified housing targets in the plan. Core Strategy Policy BCS1 (South Bristol) promotes development of around 8,000 homes. Policy BCS5 envisages the delivery of 30,600 homes in the city during the plan period to 2026 with a minimum target of 26,400 to 2026. The express aim of the site allocations and DM policies was to support the delivery of the Core Strategy¹⁰ and the housing targets. As GC explained the minimum target has already been met and the larger target will easily be met before 2026 without reliance on many of the allocations. It was never the intention of the plan that the full extent of the estimated numbers in the allocations were required to be delivered to meet such targets – again emphasising their nature as ‘estimates’¹¹.

16. In light of such matters the approach of the Appellant is at best troubling. As PC accepted his client had been fully aware well before it made the application and subsequent appeal of the Council’s position (ie that important trees and hedgerows should be retained and that 300 was not ‘priced in’). This was not only from consultation responses but also because it knew that an earlier pre-application proposal¹² for 300 homes (and which sought to remove the internal hedgerows whilst retaining some boundary hedging) had received a clear response¹³ from the Council indicating:

“The current proposal involves a significant loss of hedgerows including species-rich and ancient hedgerows and a number of TPO trees. It is advised that the layout is amended in order

- ¹⁰ see at 1.2.1, pdf p,7 of CD 8.3. See too the explanatory text at pdf p.163 in CD 5.3 – site allocation “It will contribute to meeting the Core Strategy minimum target of providing 26,400 new homes in the period 2006-2026.”

¹¹ As GC explained - the allocations were never proposed to be the sole source of housing to achieve the targets. Capacity to deliver also derives from projected delivery from existing planning permissions, from windfalls, small sites delivery and the delivery of homes arising from permitted development rights

¹² Essentially item 1 in Crawford Annex 2, p.18

¹³ January 2020 - CD7.1, top of second page

to retain and incorporate these features. Further Ecological, Arboricultural and Archaeological surveys will be required in order to inform the layout and design of the scheme.”

17. In short it had been made crystal clear in the context of the allocation policy that an applicant needed to reduce numbers to incorporate what the Council considered to be the important internal hedges and trees. That letter had also flagged up the need to identify any veteran trees on site¹⁴. As both PC and CC also accepted in xx it was clear to the Appellant that it needed to undertake further survey work (trees and ecology) to inform the design of the scheme.

18. This is an approach that is entirely consistent with the position taken by the Council in the putative reasons for refusal.

19. In light of all this PC did not seek to support the proposition that the Appellant had relied on in opening which indicated that the estimate of 300 indicates the permissible extent of loss of features and landscape/townscape impacts. Nor did CC in his evidence. This backbone of the Appellants approach to the appeal has ceased to exist.

Trees and hedges of Importance and their proposed loss

20. The Council contend that the ‘important’ hedgerows and trees are the internal hedgerows (in essence H1-H5), the trees identified by the TPO¹⁵ and the veteran trees identified by JFL. In relation to the veteran trees it has become clear that even the Appellant accepts they are now notable trees of merit and of importance even if they are not veterans¹⁶.

¹⁴ 3rd page, para 4

¹⁵ TPO 1404 – CD8.7

¹⁶ Evidence of TP

21. In relation to the TPO trees there has been no evidence produced to support the necessity of the loss of TPO trees ref 10 or 16¹⁷. Plainly a proposal that respects and accords with relevant development considerations could retain them.
22. The issue in relation to the veteran trees is discussed further in separate submissions below.
23. In relation to the internal hedges of importance the evidence that they are of considerable age is not disputed. Evidence from JFL¹⁸ suggests that the hedges were probably established around 270 years ago – in the 18th century – probably predating 1750 (some trees in hedges are even earlier). FH concludes they have been there since at least 1791¹⁹ as an integral part of the field system.
24. The evidence overwhelmingly suggests that it is the internal hedges that are of importance – for a number of reasons. They are of considerable importance in the context of ecology and biodiversity as well as being culturally important and for providing a value to the landscape as a key defining characteristic that is rare in the Bristol context. This is the consistent position the Council has taken for several years²⁰.
25. Indeed the Ecology Impact Assessment²¹ relied on by the Appellant identifies those internal hedgerows as being important in the context of the hedgerow regulations (HR). In relation to such work the following submissions are made:
 - (i) It was an assessment done with direct reference to the word ‘important’ in the allocation policy and with the intention plainly to identify relevant hedges for the allocation policy²².

¹⁷ See table 4 in JFL proof at pdf 50. It is accepted TPO15 need removal for access. See TPO map at JFL figure 15, p.39

¹⁸ CD13.1 at section 3

¹⁹ See his appendix D

²⁰ As was evident in their response at CD7.1 in January 2020

²¹ CD1.21

²² – eg see 1.3 of CD 1.21c

- (ii) In assessing habit loss (for present purposes hedgerows) – it correctly took a precautionary approach which looked at the parameter plans and assessed on the basis of a reasonable worst case²³.
- (iii) As elements of that work made clear – it chose to exclude much of the field boundary vegetation – as it did not even consider them to constitute hedgerows under the HR criteria:

“Although most field boundaries are vegetated, many have outgrown beyond the point of being classed ‘hedgerow’. Six hedgerows are present in the site; five on internal boundaries (also very outgrown), the sixth on Broomhill Road. All are native and therefore are Habitat of Principal Importance (HPI) but are species poor. The five internal field boundary hedgerows are assessed as ‘important’²⁴

- (iv) In essence such assessments concluded that H1-5 were important²⁵. This accorded with the assessment of RH. His evidence suggested that there was in fact greater species richness²⁶ than suggested by the Appellant and is to be preferred.
- (v) As table 7 of CD1.21²⁷ makes clear the appeal proposal will result in the loss of approximately 74% (or 525 metres out of 710 metres) of important hedgerow on the site.

²³ see eg 3.12 & 6.5, line 2

²⁴ see summary table at 1.4 – hedgerows entry (pdf p.7)

²⁵ At 3.3, p.13 Five hedgerows H1a, H2, H3, H4 and H5 found to qualify as ‘important’ under the Hedgerows Regulations in terms of the wildlife and landscape criteria. See too at see 4.3 *“The Historic Environment Desk-based Assessment (Ref 7507.22.002) concludes all hedgerows and other outgrown vegetated boundaries, excluding H6 on Broomhill Road, are of historic cultural importance under the ‘archaeology and history’ criteria. Under these criteria, hedgerows H1-H5 are assessed as important due to their forming “an integral part of a field system pre-dating the Inclosure Acts”.*

²⁶ His evidence addresses Birds, vegetation, invertebrates in particular.

²⁷ Pdf p.44

- (vi) Although in various ways during the inquiry the Appellant tried to backtrack from this figure it could not do so based on any evidence. As FH conceded in xx his ‘Drawing 2’ (which purported to show a reduced % loss of hedgerow) in fact included the full range of hedges (and scrub) on the boundaries – much of which even FH did not consider to be important. As FH accepted 74% remained the correct figure adopting a precautionary worst case scenario if one adopted the findings of the ecology assessment as to importance²⁸.
- (vii) FH sought in his evidence to the inquiry to shift position, claiming that more hedges should be considered important than just the internal ones²⁹. He also sought to downgrade the importance of some internal hedgerows – in particular H4. This was a hopeless and muddled exercise on his part which contradicted his own earlier work and the evidence as to biodiversity before the inquiry. It also ignored the existence of veteran trees in such hedges and/or the existence of important and notable trees in H4 which the team FH led had failed to identify in surveys. In relation to H4 the evidence of RH is clearly to be preferred. In the end even FH conceded that much of the boundary hedges/scrub should not be considered important (including HH1, HH8, H6, HH9) so that even if his approach was adopted the extent of loss of important hedgerows he had identified would be much greater than his drawing 2 had assessed.

26. The evidence overwhelmingly indicates that 74% of ‘important’ hedgerows on site will be lost if the appeal proposal is allowed. Replanting of hedgerows will not compensate for such loss as much of the rich and important biodiversity inherent in them would take decades to recreate³⁰. Their loss will cause significant harm to biodiversity as well as to the landscape of which the hedges are a distinctive and valued part. Their loss would be contrary to development plan and national policy.

²⁸ See FH proof at 3.46, p.16 and his rebuttal at 2.2-2.3

²⁹ He felt that H1, HH2, H2, H3, H5, HH7 are important (so differs from his own survey work and Higgins re H4 by excluding it even though important under the assessment at Cd1.27 and adds in HH2, and HH7 (NB agreed that HH1, HH8, H6, HH9 not of importance)

³⁰ As RH explained in evidence

27. At a stage when the Appellant pursued an argument that the site allocation had priced in/already allowed for such harm this (presumably) appeared acceptable to it. Given the abandonment of the priced in argument by any witness at the inquiry the extent of such loss is on any view unacceptable and without any policy support.

Design and Landscape

28. As CC accepted and NB explained, the site is plainly a sensitive one with obvious development constraints. CC also agreed that:

- (i) knowledge of such constraints and details (eg what is in part ‘important’) is critical on a site such as this at the stage when the issue of whether permission is granted or not is decided. In light of that the suggestion that a further design code could be provided by way of condition is non sensical. The reliance on the CD 6.4 appeal was also misplaced³¹.
- (ii) It was agreed that the Inspector needed to consider as fixed elements the application description, the parameter plans and elements of the design code when assessing whether the proposal complies with the development plan as a starting point and in the context of whether or not permission should be granted. Such matters could not be put off for further amendment and conditions on a site with a context such as this.

29. In relation to the important internal hedgerows the Council submit that as both AW and NB explained in evidence:

³¹ In that case there had not been a design code submitted initially with the ‘hybrid’ applications But there was a DAS that set out design principles before the Inspector (AD 43-44) and it was those that formed the basis of the condition to submit a Design Code. Ie the design code was to be based on such principles (AD 108). So – in fact that case provides a good example of where such principles were required up front in the context of an outline application. CD 6.4 does not provide a basis for saying that an entirely new design code with new or different principles and the suggestion in the CC annex 2, p.15 of appendices or p 4 of doc in annex 2 is erroneous.

- (i) They have a landscape value - particularly because they partially define historic field boundaries and have cultural as well ecological significance.
- (ii) They help break up the land and create a distinct landscape character on the site.

30. In relation to landscape value the Council contend that the site is to be considered a valued one for the purposes of NPPF para 174. In that regard, the fact that a site is not designated (either nationally or locally) does not mean that it lacks value as CC accepted in xx or that it cannot be a valued landscape.

31. In this case the allocation policy clearly indicates that ‘important trees and hedges’ should be retained. It is in terms highlighting they are considered to have value as elements of the landscape.

32. The issue as to whether the site is to be considered a valued one requires judgment. The difference as between AW and CC³² came down to whether various elements of the site context were to be considered of local or community value. The Council considers that the AW assessment is to be preferred, In particular:

- (i) the landform affords city wide views. The existing internal field boundary Important Hedgerows – in terms of ecological and historical assessments are plainly not everyday features and are highly valued
- (ii) The historic field pattern provides a site characteristic of a strong landscape structure.
- (iii) If there are veteran trees (the CC assessment assumed only 1) this would further add to value
- (iv) In terms of condition – there was agreement that the site is of good ecological quality and there was undisputed evidence from RH that such hedgerows (in terms

³² Compare CC table at p.60 ff in his proof with assessment by AW in her rebuttal

of age and biodiversity value) were unusual in a Bristol context – with only 2 or 3 similar examples in the whole of Bristol.

- (v) In terms of distinctiveness – site plainly contrasts with the immediate area – the historic field pattern is highly distinctive and of value. In that regard CC was wrong to conclude there were ‘no distinctive features’ (*rare or unusual*) that confer a stronger sense of place or identity than in surrounding areas. AW by contrast was correct to conclude that the field pattern was of city wide importance.
- (vi) The site does have features which elevate it above an everyday landscape.

Design approach

33. The development plan policy context – especially the allocation policy requires a judgment to be made as to which trees and hedges are important and so to be retained if the policy is to be complied with.

34. As NB explained and CC appeared to accept the development of the site must be design/constraint led and not numbers led. Indeed the Appellant’s own DAS had indicated that³³:

The design process has demonstrated that it is not possible to achieve the 300 homes indicated in policy whilst delivering a mix of housing that meets local needs and working within site constraints”

35. CC accepted in xx that it was not possible to achieve 300 homes on site as the DAS had indicated whilst according with development plan policy. Pausing there this is of course totally contrary to the way the case was put in opening³⁴ and was a further example of the wholesale abandonment of the ‘priced in’ approach which has underpinned the Appellant’s case when it made the appeal.

³³ CD1.13 DAS at 1.7, p.16

³⁴ See ID7 at para 32

36. Indeed it left the Appellant's case in disarray for several reasons:

- (i) The Appellant in cross examination of Council witnesses put forward the case that the reference to an 'estimate' of 300 homes in policy meant that it had to be '*about*' that figure. But on the Appellants own case 260 homes was apparently the correct allocation policy compliant figure. It is plain that 260 is not 'about' 300 and that even the Appellant in truth does not accept anything like 300 can be developed on the site. Indeed its latest 'fallback' for veteran trees proposes 240 homes which is also not 'about' 300.
- (ii) On this issue PC was forced to accept in xx that the position in the statement of case of his client and his contention in written evidence that 260 was '*materially below*'³⁵ 300 (whilst at the same time claiming it was also 'about' 300) was simply not consistent. Nor was his position on numbers consistent with the way his own advocate had put the case to GC in xx³⁶.
- (iii) In light of the assessed loss of 74% of the important hedgerows as an inevitable reasonable assessment of developing up to 260 homes the abandonment of the 'priced in' approach mean that any argument that such a loss could be compliant with policy has gone. Previously the Appellant's response to the extent of loss of hedgerow being as high as 74% was not to question that amount but rather (as recently as October 2022) to assert that such loss was '*inescapable when c 300 home are to be delivered as per the site allocation*'³⁷. That position is simply untenable.
- (iv) CC was at great pains to tell the inquiry that the extent of tree and hedge loss (the 74%) was all to do with the design of the scheme³⁸. It was clear that the scheme

³⁵ PC proof at 9.14

³⁶ Where it appeared to be being suggested that there could only be a marginal movement away from 300 – presumably to accord with a priced in argument – although PC subsequently abandoned it as a position.

³⁷ Se Cd 2.7 at p.2. second box

³⁸ In xx and see his proof at 4.1.1

designers had assumed that 74% loss was acceptable – presumably having been advised that all such matters were priced in. It was further clear that the proposal before the inquiry had been designed in a way that was primarily numbers led and had assumed that such a loss was acceptable. This was in fact evident from the Annex 2 exercise produced by CC³⁹. The designers had not of course even been made aware of the additional veteran trees (or even the existence of such trees whether veteran or not).

- (v) At the same time CC confirmed⁴⁰ (as NB and AW had already suggested and demonstrated in his evidence) that the site could be developed in a way that retained a much greater extent of the important trees and hedges whilst delivering material amounts of housing. This provides - as it were - the final nail in the coffin for the Appellant's case. It leaves it entirely unable to say that the allocation policy requires the removal of anything like the extent of internal hedgerow it claims is necessary.
- (vi) In xx CC accepted that this could be done and that in excess of 200 homes could be delivered. He further accepted (as AW had explained) that if the important internal hedgerows were retained they could be utilised to provide a setting for development areas on the site and that there would be an obvious benefit for biodiversity. AW considered that such a scheme would have benefits for visual amenity and in general landscape terms (a point that CC did not agree with). RH explained in evidence that retention of such hedgerows would have obvious biodiversity benefits and would allow some species to be retained on site that might otherwise be lost. It would also avoid significant biodiversity harm as required by 180 a NPPF – something the proposal before the inquiry fails to do.
- (vii) In relation to an alternative scheme PC accepted that the evidence that such a scheme could come forward demonstrated that much of the alleged harm to

³⁹ As put to CC in xx it was plain by May 2021 (see pps50-51 in his Annex 2) that the appellant had fixed upon 260 homes as a 'driver' on the basis of the 'priced in' construction of policy.

⁴⁰ In xx and see his rebuttal at 4.3 pps 16/17 and at his 4.5.11 bullet 1

hedgerows and trees could be avoided and was relevant for the Inspector to consider in the context of judging the acceptability of this proposal⁴¹.

37. Accordingly the position in evidence was reached where it was agreed that a material number of homes could be delivered on the site if a scheme with less housing had been proposed whilst also retaining the important internal hedgerows and so avoiding anything like a 74% loss of them.
38. In terms of the current proposal as a result of the numbers proposed there will an inevitable range of unacceptable landscape and townscape harms which have been set out in the evidence of NB and AW. Most of these derive from the overdevelopment of the site and the evidence from such witnesses is relied on in that regard. These include unnecessary and extensive earthworks, a failure to provide a sufficient green infrastructure link to the north east⁴² and an unnecessarily extensive and harmful SUDS design⁴³ - all with resulting unacceptable impacts as set out by AW.
39. As NB explained in evidence the proposal will also be contrary to a range of policy at national and development plan level⁴⁴ as a result of setting out design principles which are plainly not policy compliant. The Council relies on such evidence⁴⁵ as further demonstrating the unacceptability of the proposals in relation to height, scale and massing. Significant reprofiling of the sloping site would be required which would result in an over engineered character and an unduly prominent level of housing to the south of the site.
40. All this is before the issue of veteran trees is considered which provides a discrete further basis to dismiss the appeal.

⁴¹ The suggestion by the Appellant – it appears in the context of 180a NPPF – that the inquiry could not look at implications of a smaller scheme on the basis of the Yatton appeal (Cd12.2) is wrong. Yatton does not preclude a decision maker from considering whether in a case such as this a smaller scheme would be policy compliant in terms of the allocation policy and /or with para 180a NPPF.

⁴² This failing was also explained from an ecological perspective by RH in evidence

⁴³ See as discussed in AW proof at CD13.4

⁴⁴ Including DM26, DM27 and DM28 – see proof at CD13.13

⁴⁵ See NB proof at CD13.13 where matters are set out in detail

Ecology

41. There was considerable discussion in relation to ecology at the inquiry. It is not disputed that the proposal will cause significant harm to biodiversity. As RH explained in evidence:

- (i) the application has not avoided or minimised impacts on biodiversity as it should and could have done. As stated in putative reason for refusal 1, it would result in “significant harm to biodiversity”, which includes the loss of a large proportion of the native hedgerows on the appeal site. These hedgerows are known to support species that are locally uncommon and that have experienced substantial population declines over recent decades as the evidence from RH explained⁴⁶.
- (ii) Further, the proposal is not able to suitably compensate for such loss: the feasibility of habitat compensation schemes has not been established, in terms of the need to replicate the structural and species diversity of the existing habitats, and the inevitability that notable species will be lost from the area owing to the delay between habitat loss and new habitats maturing sufficiently to support these species, even if this can be achieved. Whilst it is accepted that BNG can be achieved to a policy complaint level the proposal fails to accord with the mitigation hierarchy in NPPF para 180 (a) and fails to minimise impacts contrary to 174 (d).
- (iii) The applicant acknowledges that there would be substantial loss of hedgerows. These include the most diverse hedgerows on the site, which are known to support a range of uncommon species and are known to be of cultural and historic importance. At the same time the Appellant has now accepted that much of this could be retained while still delivering material amounts of housing if an alternative scheme came forward.
- (iv) This proposal involves loss of hedgerows that are Habitats of Principal importance (as well as veteran trees which are irreplaceable) habitats, as recognised in

⁴⁶ For example the Willow Warbler (evidence of use of H4), the maple pug moth (which required the H4 habitat) and the uncommon Lesne’s earwig- which as RH explained is nationally scarce

government policy and development plan policy which the proposal contravenes as RH explained in evidence. These include conflict with DM15, DM17, DM19, BCS9 and paragraphs 174, 179 and 180a of the NPPF. It will also result in an inadequate access from an ecological point of view in the north eastern part of the site contrary to development considerations in the allocation policy requiring a green infrastructure link for the reasons explained by RH in evidence⁴⁷.

- (v) These losses and harms are over and above those that would be inevitable given the appeal site's allocation as has been plainly established in evidence.

Veteran Trees

The Failure by the Appellant to identify Veteran and/or Important Trees

- 42. The failure by the appellant to identify the Veteran trees or to even acknowledge such trees existed as important and notable individual trees of merit⁴⁸ was quite remarkable.
- 43. A tree survey and an arboricultural impact assessment⁴⁹ informed the application and design of the proposal and was relied on in the appeal by the Appellant.
- 44. The policy and factual context underscore the importance of a comprehensive tree survey being undertaken on such a sensitive site as this. In particular:
 - (i) The site allocation policy BSA1201⁵⁰ requires - as a key '*development consideration*' - the retention of important trees and hedgerows and requires the Appellant to undertake a tree survey to identify them.

⁴⁷ See his section 6 in CD13.3

⁴⁸ Which is what TP reported them to be in his evidence

⁴⁹ AIA – CD1.19 April 2022 and see also an AIA at CD 2.2 – March 2022, submitted in May 2022

⁵⁰ CD5.3 at pdf p162

- (ii) The Appellant had been made aware though pre-application advice⁵¹ that an earlier proposal which removed all of the important internal hedgerows that:

“The existing site layout as proposed has not adequately considered the site history, current green infrastructure, the ancient hedgerow network or the ancient and veteran trees on site.”

45. Despite such clear signposts⁵² to the likely existence of veteran trees on site the work undertaken to identify such trees was, as JFL explained, a direct result of insufficient professional endeavour and a ‘*patent failure*⁵³’ to report matters of critical importance to any development of the site pursuant to policy BSA1201.

46. The following submissions are made about the inadequate tree survey work:

- (i) The survey work⁵⁴ failed to identify individually any of the 11 hawthorns that JFL reported to be veterans and is not compliant with the relevant British Standard.
- (ii) As the evidence of TP⁵⁵ accepted that such trees – even if not veterans – were on any view important and notable trees of considerable age and with some veteran characteristics – they should have been identified in the survey work.
- (iii) As JFL explained, the survey work classified the hedgerows as ‘tree groups’ rather than hedgerows⁵⁶ and failed to comply with BS5837/2021 by not identifying the trees⁵⁷ that were plainly of a significantly different character⁵⁸ from the other parts of the hedgerow (whether veterans or not).

⁵¹ CD7.1, letter Jan 2020

⁵² As well as the January 2020 letter further consultation responses had clearly flagged up the need to consider if veteran trees existed – see CD3.10 (p. 4 of 12) in September 2021 which flagged the potential for veterans.

⁵³ CD13.1 at 4.3.

⁵⁴ CD2.2 – but also same failures at CD1.19

⁵⁵ Accepted by TP in xx

⁵⁶ By contrast the ecology survey work listed them (more accurately) as hedgerows

⁵⁷ See CD 8.9 at 4.4.28 (p.7)

*“Hedgerows and substantial internal or boundary hedges (including evergreen screens) should be recorded in a similar fashion to groups, with the lateral spread and average (or maximum and minimum) height and stem diameter ranges recorded, to allow the potential constraints associated with the features to be fully assessed. All woody species present should be recorded. **Where woody plants are present within a hedgerow that are significantly different in character from the remainder of it, these should be identified and recorded separately, especially where they comprise distinct trees”***

⁵⁸ CD17.7 JFL rebuttal at 2.1.2

- (iv) Even on the basis of the ‘tree group’ basis of assessment the veteran hawthorns should have been picked out and assessed as individuals but they were not⁵⁹.
- (v) As JFL explained the trees in issue were much larger and older than those reported in the group descriptions in the tree survey work as was demonstrated by comparing CD2.2 (Appendix A data sheets⁶⁰) with the tree dimensions and characteristics recorded by JFL and TP in evidence⁶¹. For example, VH5 – a ‘maiden’ veteran tree with a single stem at relevant measuring heights⁶² which had a recorded diameter of between 410-510 mm and was agreed to be well over 130 years of age⁶³ was not identified by the survey work at all in group 26⁶⁴. That ‘group’ referred to ‘*young to middle aged trees*’ with stem diameters ranging from 50-200 mm. FH had no answer to this point when cross examined on it. His suggestion that it was to do with where the trees had been measured was hopeless and ignored the numerous other characteristics that this and the various other individual trees possessed – none of which were identified. There were many similar examples⁶⁵.
- (vi) The Appellant did not rely on any evidence from the person who had actually undertaken the survey work⁶⁶ and TP did not feel able⁶⁷ to answer any questions on the nature of the survey work. FH was left to defend the indefensible and had no credible answer to such points.

⁵⁹ CD 8.9 at 4.4.2.3: 4.4.2.3 *“Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, **an assessment of individuals within any group should still be undertaken if there is a need to differentiate between them, e.g. in order to highlight significant variation in attributes (including physiological or structural condition)**”*

⁶⁰ At pdf 27-28

⁶¹ See especially the site photos of trees and measurements at ID1 and the record of stem diameters at TP table 2 in CD16.4, pdf p22

⁶² See ID1 at pdf5

⁶³ Even by TP – see his table 9 in CD16.4. Indeed it can be recalled that TP accepted the trees in issue met the age test for veteran status – they were all easily old enough to be veteran trees.

⁶⁴ See at CD 2.2, appendix A at pd f28

⁶⁵ See JFL proof at CD13.1 at 43.ff where specific examples are discussed. Eg compare VH1 (over 150 yrs old with a 457-650 diameter not identified in the survey at group 24; VH3 in group 27; VH 4 & 5 in group 26; VH6 in group 20; VHs 2, 7, 8, 9, 10 and 11 in group 10. VH2 is a classic example of a large tree that would find its way into any competent tree survey and which the descriptive text in the tree survey makes no mention of at all. Indeed the reference to ranges of stem diameters in that group (80-220) bears no resemblance to the tree diameters at all.

⁶⁶ A Mr Blankenstein – who was not available to be questioned at the inquiry

⁶⁷ When asked in xx

- (vii) As JFL explained⁶⁸, the work he has had to do to enable access to such trees was not complicated. Had the work been done properly and at a suitable stage (so as to inform the design of the proposal etc) the veteran trees (or in any event very large and old hawthorns even on the Appellant's case) would have been identified.
- (viii) It has become plain that those designing the proposal were unaware of the existence of such important trees. FH accepted in oral evidence that the purpose of the tree survey was '*to identify individual trees to inform the design process*'. The work produced by the Appellant has singularly failed to do that. Indeed the first time it appears to have even measured such trees is through the last minute work undertaken by TP.

Overview - Veteran Trees on the site

- 47. The Council through the evidence of JFL⁶⁹ has identified in evidence 13 veteran trees – of which the appellant had failed entirely to identify 12. In fact the Appellant had failed even to identify them as individual trees of note.
- 48. If permission is granted for the proposal four of the veteran trees would be lost (VH1, VH4, VH5 and VH6) and a further eight would suffer deterioration (T6, VH8, VH11, T5, VH2, VH3, VH7 and VH9)⁷⁰.
- 49. The initial issue in evidence in relation to these trees was whether the ones the Appellant had failed to identify were in fact veterans.

⁶⁸ CD13.1 at 4.3.13

⁶⁹ CD13.1

⁷⁰ JFL proof at Cd13.1. 5.5.1 & 2

50. The Council relies on the evidence of JFL who is one of the country's leading experts on arboriculture and the identification of veteran trees⁷¹. He was in no doubt at all that the trees in issue were veterans. Some represented the largest and finest examples of hawthorns he had come across.

51. Even TP considered such trees to be 'notable' trees⁷² that gave them a status above the ordinary. He also considered them to have emerging veteran characteristics⁷³ and to have a collective biodiversity value requiring any loss to be justified under the mitigation hierarchy⁷⁴.

Approach to veterans -policy

52. The key source of policy for veteran trees is found in the NPPF 2021⁷⁵. NPPF Paragraph 180 (c) identifies veteran trees as 'irreplaceable habitats'.

53. If development results in either loss or deterioration of just one veteran tree the appeal should be refused unless there are '*wholly exceptional reasons and a suitable compensation strategy exists.*'

54. The NPPF accordingly creates a very strong policy presumption against the grant of planning permission⁷⁶.

55. The definition of veteran tree is found Annex 2 of the NPPF

"Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage

⁷¹ See CD13.2 at JFL 1 for his background and experience. It is of note that he was the technical editor of BS5837:2012 (responsible for clauses relating to tree surveys) and has created a recognition method (RAVEN) to identify Veteran trees.

⁷² His para 3.63 in his rebuttal - CD16.4

⁷³ At his rebuttal 3.68

⁷⁴ At his para 7.6

⁷⁵ CD5.1

⁷⁶ Which these submissions address further below.

value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.”

56. Much time was spent at the inquiry on the construction and approach to such a definition. That was almost entirely due to the differing and often contradictory arguments which the Appellant sought to pursue either through TP or in cross examination. In essence it amounted to an exercise in obfuscation which revealed a largely nonsensical approach to the issue was being pursued by the Appellant.

57. The Council submit the following in relation to the policy definition:

- (i) Like all such policy, the interpretation of it is a matter of law and the application of it is a matter for the decision maker alone. A practical (and not overly legalistic) approach should be taken to discerning the meaning of such policy looking at the meaning of the policy viewed in context and with the aim to discern from the language the sensible meaning of it so as to allow for coherent and reasonably predictable decision making in the public interest⁷⁷.
- (ii) The policy definition establishes three tests.
 - (a) The tree must exhibit specific characteristics of age, and size, and condition;
 - (b) The tree must be old relative to other trees of the same species;
 - (c) The tree must therefore have a *relatively* large stem size for its kind (age and stem size are indelibly linked at the biological level as JFL explained).

⁷⁷ See for example Gladman Developments Ltd v Canterbury City Council [2019] PTSR 1714 at para 22

- (iii) Applying such principles here, in order for a tree to have the quality of a veteran, it needs to be '*old relative to other trees of the same species*'. If a tree does not meet this criterion, it cannot be said to have sufficient age or size to satisfy those two additional components of the definition (size and condition) and is therefore not a veteran tree, regardless of its condition.
- (iv) Once a tree has cleared the gateway hurdle of relative age (and as JFL explained, via biological linkage, attained substantial size for its species), its condition can be taken into consideration. All such matters require expert judgments to be made. It is not an exact science. There exists a range of well known guidance material which can assist in relation to issues.
- (v) Once age, size and condition have been considered an overall judgment should be made – in light of findings on such issues – as to whether the tree in issue is of '*exceptional biodiversity, cultural or heritage value*'. This is not intended to be a separate test but is a judgment which derives from consideration of the issues of age, size and condition. Trees meeting these tests are held to have exceptional value under at least one heading from biodiversity, culture, or heritage.
- (vi) This is clear not least because the NPPF Annex 2 definition uses the word "*because*" as a link to such a judgment – that is, it is '*because*' of age, size and condition they have '*exceptional value*'. It also represents a practical way to apply and inform a decision.
- (vii) To apply such policy in a practical way informed by expert judgment, JFL uses a recognition method ('RAVEN') which he explained in his evidence⁷⁸. It has become widely adopted as a method to identify veteran trees and is in fact the only method for in field identification of ancient, veteran and notable trees. It has also

⁷⁸ CD13.1 at 2.2.4 & 4.2 pdf 34 ff

been confirmed as according with the NPPF veteran tree definition by two planning Inspectors at Inquiry⁷⁹. The findings are recorded at JFL4.

58. In relation to the definition in policy the approach of the Appellant was to say the least strange. At one stage (in xx of JFL) it appeared to be suggested that there was an additional policy hurdle (beyond age size and condition) to be considered as a stand alone test - that of 'exceptional biodiversity'.

59. JFL confirmed this made no practical sense at all and did not accord with the policy wording. Whilst TP appeared to support the proposition in his written evidence⁸⁰ he abandoned such a line in his oral evidence accepting in xx that the answer to such an issue lay in the findings on age, size and condition rather than in a separate stand alone test⁸¹ or in the method suggested in his 'table 1' (which the Council contend was obviously wrong).

Age, size and condition

60. In relation to the age of the trees there was in fact no issue but that the relevant trees were of sufficient age and so '*old relative to other trees of the same species*'.

61. TP accepted⁸² that even on his assessment of age the trees were '*broadly in contention for veteran age*'.

⁷⁹ CD6.6 and CD6.17 at DL66:" I find that RAVEN accords with the Framework definition and has provided a detailed assessment for identifying veteran trees on age, size, and condition in respect of their values"

⁸⁰ For example at his 2.13

⁸¹ The TP 'table 1' at CD16.4, pdf16 was essentially back to front as JFL explained and in any event appeared to entirely misunderstand how the NPPF tests should be applied. As a suggested method of approach it lacked any authority and TP could not point to any guidance in support of it. Table 1 also appeared to add a further hurdle as to the 'irreplaceability of the habitat' before 180c was engaged – which was without basis as JFL explained.

⁸² See CD16.4 at 5.14

62. JFL's evidence demonstrated that in fact 3 are of sufficient age to be considered ancient and all 11 are veteran⁸³. The detailed work that JFL had undertaken to date the hedges⁸⁴ further supported his contentions by providing landscape features (the hedgerows) within which very old plants could be present.

63. In relation to size, JFL explained that age and stem size are indelibly linked at the biological level. However, it is plain, as he explained, that as a result of, for example, growing conditions trees can be older than their size might suggest. Once this is understood, the issue of size is to a considerable extent a secondary matter of judgment. In relation to the issue of size the evidence of TP was in many ways bizarre and revealed a fundamental lack of understanding of the issue. The following submissions are made in that regard:

- (i) TP sought to suggest in evidence that the former management of a tree should not be taken into account in the context of 'size'⁸⁵. Indeed in xx when it was put to him that there are well known ancient yew trees growing on limestone cliffs in Wales which have been carbon dated to be in excess of two thousand years old but because of their location have remained very small in size – TP put forward the view that they would not be classed as veteran trees. This was of course an entirely incorrect answer as by definition '*all ancient trees are veteran trees*' (NPPF annex 2 definition). It revealed at best a lack of judgment and understanding of the approach to identifying veteran trees in national policy.
- (ii) Further, relevant guidance in Lonsdale⁸⁶ highlighted the relevance of taking into account the management effects on trees in relation to assessing their size. Not only was the approach of TP in direct conflict with that guidance it also ignored the White Method⁸⁷.

⁸³ JPL evidence was that three trees are estimated to an age prior to 1750: VH2 1748; VH3 1711; VH10 1718 - see JPL4. By contrast with JPL4 see TP - estimates aged about 140-180 years old in his 5.43

⁸⁴ See at JPL proof section 3 of CD13.1

⁸⁵ See for example at his 2.2.1 line 4-6 when the 'circumstances' not considered to be relevant in TPs world

⁸⁶ CD 8.20 at 1.2.4 and see at p.34 in the context of stems being torn away

⁸⁷ See at CD8.8, table 1 a which suggest conditions be taken into account in the context of assessing size.

- (iii) The insistence by TP that size should be reported in absolute terms⁸⁸ revealed a fundamental misunderstanding of veteran tree assessments and was an approach that conflicted with guidance as JFL explained. At one stage TP even sought to rely on the relative size and characteristics of hawthorns he managed at Hulton Park. However in xx he accepted that they were growing under entirely different management conditions. He was not in fact even able to tell the inquiry whether the Hulton Park trees he had produced photographs of were veterans or not.
- (iv) In this case it is agreed that the hawthorns on site were managed within the hedges at least until around the 1940s and so are inevitably smaller overall than they might have otherwise been. Knowledge of such history as JFL explained is key to informing a judgment as to size for the purposes of the NPPF definition. To adopt the approach of TP would be to fundamentally misunderstand the correct approach to assessment (as the two thousand year old yew tree example demonstrates)
- (v) The approach in evidence of JFL is to be preferred. His approach accords with guidance⁸⁹ and is based on his extensive experience⁸⁹ in the field.

64. The flawed approach adopted by TP was made worse still by his approach to the measurements he took of the trees. In that regard the following submissions are made from the evidence:

- (i) The Council submit that – as JFL explained - In the context of hawthorns on the site one needs to measure below the crown break, especially where this is created by pruning. On a topped hawthorn, you would never measure the new wood and expect to be able to relate this to anything relevant. This approach is clear from relevant guidance⁹⁰.

⁸⁸ Eg at his para 2.21

⁸⁹ For example figure 2 in White at CD 8.8

⁹⁰ See CD 8.8 figure 3 from White (reproduced at top of p.16 in TP proof) - see the key detail in Fig.3 is the second sketch from left

- (ii) Relevant measurements at correct places requires judgment, experience and knowledge. Regrettably it appeared that in many cases TP has measured in the wrong place – assessing sizes of relatively new wood that has regrown after past management.
- (iii) JPL further explained that in many ways this approach used by TP had precisely zero bearing on the size (or indeed age) of the tree for purposes of a veteran assessment⁹¹. As JFL demonstrated by comparing his ID1 (which showed relevant heights on the trees) with the evidence of TP (which claimed to have measured at 1.3 m above ground level⁹²) it is plain that many of the TP measurements were totally irrelevant and taken in the wrong place⁹³.

65. In any event, as JFL explained, the NPPF makes no link between size and species. Rather it links age and species (see annex 2 glossary). TP was simply wrong to consider that in terms of size a given tree “*must therefore be in a small percentile at the upper end of what is possible for the species to achieve*”⁹⁴

66. The approach put forward and used by JFL accords with guidance and reflects the definition in the NPPF allowing for practical decision making based on expert judgment. The trees in issue are plainly of sufficient age and size to be veterans.

Condition

67. The approach adopted by TP to the issue of condition lacked any credible basis. In essence he relied upon tests derived from the NE Biodiversity metric 3.1⁹⁵ which has

⁹¹ Thus and by way of example, See TP at 3.64, p.32 - where he make points about the nature of some of the hawthorns being multi stemmed with ‘between 3 and 11 stems at the point of measurement’
It is for precisely this reason that as JFL explained they should be measured lower down where this would more accurately reflect the size (and age) of the tree.

⁹² See eg at TP proof 3.64 and NB in his survey data at TP rebuttal appendix C in CD16.5 where no alternative measuring heights were recorded

⁹³ In oral evidence JFL explained by way of example in relation VH9 and VH4 where his measurements were plainly incorrect.

⁹⁴ His para 3.34

⁹⁵ CD 11.6 (f) at pps 20/21

never been relied on before as far as the Council is aware in the context of the NPPF definition. In relation to that the following submissions are made:

- (i) The NE metric is, as JFL explained in his oral evidence, a shorthand method and is not a comprehensive veteran tree identification system, instead being designed as a quick tool for confirming the presence of veteran trees in woodland, as part of woodland condition assessment. In short it is a different method for a different purpose.
- (ii) The five criteria it lists are woefully incomplete as a list of relevant features. As JFL explained, by comparison Lonsdale⁹⁶ provided a comprehensive account of veteran characteristics which RAVEN has broadly followed.
- (iii) The approach in the metric is entirely at odds with the approach required by the NPPF. The NE metric purports in terms to be a one stop shop to determine if a tree is a veteran but makes no reference at all to the size or age criteria either at all or relative to other species. It does not accord with the NPPF test.
- (iv) The ‘bar’ which TP relied on (4 out of 5 of the criteria need to be met) to assess condition is not the NPPF bar. In fact if it were ever used (thankfully no decision maker ever has as yet) it would set an extremely high bar that as JFL explained would exclude many trees currently accepted to be veterans.
- (v) Use of such criteria for the NPPF condition tests was not only not the intended purpose of the NE metric it would also not make any practical sense. Many features (eg fungal fruit bodies) might only exist for a few days and would be impossible to find at other times. Others might require very invasive testing that would harm the trees. Accordingly many veteran trees might be excluded and lost if such a stringent test were used. Moreover, As RH subsequently confirmed to the inquiry (despite TP erroneously thinking the contrary was true) the Appellant’s survey work had not involved any invertebrate surveys of the veteran trees and did not include specialist

⁹⁶ CD 8.20 at p.27

saproxyllic techniques. No fungus surveys were carried out. So even the Appellant has not undertaken their own (non compliant) testing which they claimed necessary.

- (vi) By contrast the RAVEN condition assessment has been considered and tested on appeal. It relies on criteria which accord with guidance and in practice has not led to numerous trees being identified as veterans – far from it as JLF explained in oral evidence. RAVEN is a consistent, transparent, repeatable and straightforward assessment that, used fairly, is unlikely to yield false positives.

Impact on Veteran Trees

- 68. Based on the information submitted at the outline application stage and the fixed elements of the proposal – which the appellant has not applied to amend there would be a loss of 4 trees VH1, 4, 5 & 6 . Their retention would conflict with parameter plans and with the number of houses proposed in the application.
- 69. Further for the reasons set out in evidence by JFL all the other trees would suffer deterioration to varying degrees⁹⁷.
- 70. This would plainly engage the wholly exceptional test in NPPF para 180c.
- 71. In relation to that the following submissions are made:
 - (i) The paragraph 180 c test provides a very high hurdle which the Appellant has come no where near to crossing. The footnote 63 NPPF examples indicate that the kind of matters that would be required go well beyond those relied upon by PC.

⁹⁷ Re T5, VH2, VH3, Vh7, VH9 – JFL thinks they will suffer deterioration and it does not seem possible to design theses out; re T6, VH8, VH11 – JFL accepts might be possible to design out the impacts and VH10 will have no impact.

- (ii) PC in essence relies⁹⁸ on the housing need in Bristol and the fact that his client was unaware of the existence of veteran trees until recently. Neither provide a basis to meet the test in 180c and the latter is entirely as a result of the lack of diligence on the part of the Appellant.
- (iii) Quite apart from that, as JFL explained the evidence he saw in relation to a compensation strategy in the TP evidence was entirely inadequate. It would at best take many decades for similar conditions to be created elsewhere.

72. By way of response the appellant suggested – in rebuttal evidence served just a few days before the start of the inquiry- that the proposal could be amended by condition to keep the trees if they are veteran. It appears from the evidence of CC and PC that there would be – on the case of the appellant a need for:

- (i) a reduction in circa 20 units⁹⁹ In short this would constitute a material changes in the numbers of the proposal. The proposal would not be ‘up to 260 units any more¹⁰⁰,
- (ii) CC confirmed there would be a change in housing mix. Again the Council submit such changes are material.
- (iii) CC also confirmed that incidental green spaces would change in character (so that they are more linear in character and of less amenity value) – see p.8 of Crawford rebuttal. This would also constitute a material change
- (iv) There would inevitably be required changes to the parameter plans as GC explained (a fixed element of the proposal) to identify the further and substantial changes of land use – such changes would plainly be material.

⁹⁸ His rebuttal at p.10, para 2.22

⁹⁹ CD 16.6 -see Crawford rebuttal at 2.9, p. f ff

¹⁰⁰ Note the current description of dev is “Outline planning application for 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. All matters reserved apart from access.”

73. The proposals to amend are desperate, too late and unjustified. The following submissions are made:

- (i) Even if the scheme could be so amended at this stage JFL and RH confirmed that in their view the veterans are likely to still suffer deterioration as much of the surrounding hedgerow will be removed. Accordingly, even on such a scenario the ‘wholly exceptional test’ would be engaged – a test that the Appellant has not seriously addressed or begun to meet in evidence. Nor has it provided a suitable compensation strategy.
- (ii) JFL does not in any event accept that the buffer areas are of sufficient size. JFL address such matters in his oral and rebuttal evidence by reference to Standing Advice¹⁰¹ and relevant approaches established on appeal¹⁰² requiring a precautionary approach. It has not in fact been demonstrated that it would be feasible to retain the trees and still develop out as the Appellants intend even on an amended basis.
- (iii) Even putting those matters aside it would not be lawful to amend the proposal at this late stage.

74. The Council submit that it would be inappropriate to allow such changes at this stage on both a substantive basis and on a procedural basis¹⁰³.

75. Substantively the proposal would be for a development that would be significantly different in its context from that which the application envisaged. Numbers and mix and amenity are all impacted upon. For the first time the very important issue of veteran

¹⁰¹ CD 8.10

¹⁰² See CD 6.6 Oakhurst Rise 1 at AD 65 & 66

¹⁰³ The two issues are separate as discussed in *R (Holborn Studios Limited) v LB Hackney* [2017] EWHC 2823 (Admin)

trees will have been grappled with and in context this is highly material. Changes will be required to fixed elements. In context the changes are significant.

76. Procedurally such changes need to be notified to consultees and publicised with any resulting representations to be taken into account in determining the application. It is quite possible persons may have strong views in relation to such matters. To follow the course relied on by the appellant would deprive relevant persons of a chance to make representations and in the circumstances would be so unfair as to be unlawful. The suggestion in cross examination that the Council should have done this consultation when receiving the rebuttal evidence a few days before the inquiry at a time when it was not the decision making body and when the appellant had not even raised such an issue is simply desperate and nonsensical and not a position supported in evidence or law.
77. In both regards to allow such a proposed set of amendments would be so unfair in context as to be unlawful. If the Appellant wants or needs to change the proposal in such a way it will need to do so by way of a fresh application.

Planning Balance

78. GC conducted a careful planning balance and his evidence is relied upon in that regard¹⁰⁴.
79. In relation to the issue of housing need and supply an agreed range of 2.24 -2.45 years supply was put to the inquiry in the statement of common ground. Both PC and GC agreed this should attract very significant weight in any balance.
80. Whilst the level of weight was agreed it is of note that the Appellant overplayed the issue in evidence and in the way it put the case. In that regard the following submissions are made:

¹⁰⁴ See especially rebuttal CD 17.1 at par 73 and table

- (i) The need for housing is accepted as being serious but other matters (as reflected in national policy and development plan policy) relating to biodiversity and ecology are equally pressing. For example the need to protect irreplaceable habitats as reflected in para 180c of the NPPF is rightly given great importance. As is the requirement to avoid significant harm to biodiversity in paragraph 180a. The appeal proposal conflicts with such matters and causes undue harm to matters of great importance.
- (ii) As Mr Roberts accepted in xx, the housing position in Bristol can be characterised as being ‘*no better or worse*’ than it is in many parts of the country. Lack of 5 year supplies however regrettable are not an uncommon position. It is not to be remedied by allowing plainly unacceptable and unsustainable proposals such as this.
- (iii) Moreover, the Council is taking numerous steps to remedy the housing shortfall as GC explained and as set out in the recent Housing Action Plan¹⁰⁵. It is not treating the matter lightly.
- (iv) In truth as the evidence revealed there are in fact currently over 13,000 homes with planning permission in Bristol¹⁰⁶. This demonstrates that the Council has continued to grant planning permissions – which are at their highest level since 2008. There is a healthy supply of permissions but the housing sector is not able to deliver such homes as explained in evidence¹⁰⁷.
- (v) The emerging local plan is at too early a stage to afford material weight but together with a range of other matters it demonstrates that serious action is being pursued.
- (vi) It is quite clear that the housing position does not constitute a basis for there being a ‘wholly exceptional’ reason to justify the harm to veteran trees.

¹⁰⁵ Cd 8.13

¹⁰⁶ CD 17.2 at pdf p.5 fig 3

¹⁰⁷ Cd 8.13 pdf p4

81. In relation to affordable housing again there was no dispute as to the weight to be afforded to such matters. Both planners afforded it very significant weight in the balances undertaken. However the Appellant was in error in reporting that the ‘target’ in the development plan was 1500 homes per year. As GC explained it was not. The policy target is 6,650 (or 333 homes per year)¹⁰⁸. PC had not correctly understood policy in that regard.
82. As GC explained - it would not have been possible to deliver the total need requirement without increasing the supply of market housing to a level significantly in excess of the housing demand estimated at that time or, increasing the level of affordable housing required to a percentage that was not viable.
83. To date the Council has delivered some 5,257 affordable homes – some 79% of the affordable housing target. While the need remains great it does need to be seen in context.
84. As discussed above the proposal fails to accord with the site allocation policy. It also fails to accord with the range of other development plan policy and national policy set out in the putative reasons for refusal as explained in evidence by GC and other witnesses. I do not set out each policy here but rely on the discussion and analysis of them in the proofs of evidence¹⁰⁹.
85. PC accepted that the Inspector would be entitled to refuse the appeal if he felt that there was a conflict with the allocation policy on the basis that the proposal had failed to retain sufficient important trees and hedges. It is inevitable that if there is conflict with the allocation policy many of the other relevant development plan policies will also be in conflict with the proposal.
86. In light of the evidence as to 74% loss of important hedgerows there is clear conflict with the development plan for the reasons set out and explained in the putative reasons for refusal.

¹⁰⁸ See BCS17 at 5.5 pdf 115

¹⁰⁹ The policies are those in the r f r and include the site allocation policy, BCS9, DM15, 17, 26, 27, 19 as well as various parts of the NPPF including paragraphs 174, 179 and 180

87. Moreover the Appellant now accepts that a different scheme could be produced which would deliver a material number of homes and comply with the allocation policy. Frankly that is what should be done. It would enable the delivery of a similar level of benefits to that which the current proposal provides but avoid excessive and unnecessary harm.
88. GC carefully assessed all the material considerations in his evidence in coming to a planning balance. He assessed correctly that in light of the veteran tree issue the proposal falls to be refused and there is a clear basis for doing so. In any event, the proposal falls to be refused as GC also assessed even when the tilted balance is applied and in light of the relevant statutory tests.
89. It is regrettable that the Appellant felt the need to suggest that the evidence produced by the Council was in some way politically motivated. It was not. As GC confirmed he and others had approach the matters applying planning judgment and have acted in accordance with their understanding of relevant legal and policy tests.
90. In truth the position of the Council has been consistent. Any U turns at this inquiry have come from the Appellant. The appeal proposals are a wasted opportunity to deliver sustainable development at the site. They are not in accordance with the development plan and material considerations do no indicate they should be allowed.
91. The appeal should be dismissed.

s. 40(2)

9th March 2023

Counsel for BCC

s. 40(2)

From: s. 40(2)(2) <s. 40(2)(2)@wbd-uk.com>
Sent: 31 March 2023 17:03
To: s. 40(2) <s. 40(2)@landmarkchambers.co.uk>; s. 40(2) <s. 40(2)@s. 40(2)>
Subject: FW: Brislington Meadows - Final Responses to Costs Applications [WBDDUK-AC.FID124207612]
Attachments: REPLY TO COSTS RESPONSE - BRISTOL INQUIRY.pdf

Dear all,

s. 42

Kind regards,

s. 40(2)

s. 40(2)
Managing Associate
Womble Bond Dickinson (UK) LLP

d: s. 40(2)
m: s. 40(2)
t: s. 40(2)
e: s. 40(2)@wbd-uk.com

[Sign up for legal updates, e-newsletters and event invitations](#)



womblebonddickinson.com



From: s. 40(2) <s. 40(2)@bristol.gov.uk>
Sent: 31 March 2023 17:01
To: s. 40(2)(2) <s. 40(2)(2)@wbd-uk.com>
Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>
Subject: RE: Brislington Meadows - Final Responses to Costs Applications [WBDDUK-AC.FID124207612]

Dear s. 40(2)

Please find attached the Council's final response to your application for costs.

As agreed, I will now send this to PINS and the R6 party.

Best wishes

s. 40(2)

Land at Broom Hill / Brislington Meadows, Broomhill Road, Brislington, Bristol

APP/Z0116/W/22/3308537

**RESPONSE TO APPELLANT'S REPLY TO THE COSTS APPLICATION MADE
ON BEHALF OF THE COUNCIL**

1. The Reply from the Appellant dated the 29th March 2023 adds nothing of substance to support the position it seeks to adopt. In light of such matters the application for costs on behalf of the Council remains entirely appropriate.
2. Moreover the further application by the Appellant for costs (at paragraph 23 of the Appellant's Reply) is unfounded and a further example of a desperate approach to the issues adopted by this Appellant.
3. In relation to the issue of veteran trees the Appellant has advanced the arguments no further save that it can be noted that the latest reliance on s. 40(2) alleged failures¹ are:
 - (a) incorrect allegations in that s. 40(2) did not fail at all but rather had flagged up the need to undertake investigations² ;
 - (b) appear to be based on a perverse logic³ which assumes the Council should have pointed out during the application process that the tree survey relied upon by the

¹ See App's reply at paragraph 7

² See Councils closings at paras 44-45

³ See paragraphs 7-9

Appellant was inadequate rather than relying on the work provided by the Appellant. The Council - apparently - at least in the world inhabited by the Appellant, should have flagged up something was missing which they had not been told about in an exercise which purported to identify important trees⁴. It appears to be being suggested that any failures by HE were in fact failures of the Council.

4. In reality, having identified the need for the Appellant to consider if veteran and other important trees existed (as indeed the allocation policy also did) the Council were entitled to assume that such work presented to it had been done properly.
5. As it turns out it had not been. Such failures by the Appellant were unreasonable and have necessitated extra unnecessary work and cost for the Council. It is fundamental for the progress of planning applications that a Council is entitled to rely on Appellant's producing competent work that properly addresses material issues.
6. Remarkably the Appellant even now appears to suggest⁵ that the requirement in the allocation policy for the Appellant to identify important trees with a tree survey and the various requests to consider whether veteran trees existed in pre -application advice do not amount to warnings or requests to identify veteran trees. This is plainly wrong.
7. In relation to 'Reason 4' the Council is content for the Inspector to rely on the evidence (or lack of) he heard at the Inquiry. It is frankly obvious that the Appellant failed to provide any meaningful evidence to support the position it found itself in as a result of its own conduct.

⁴ See para 11 (c) of the App's Reply

⁵ Appellant's Reply at paragraph 11 (c)

8. In relation to 'Reason 5', the Council assumes that the Appellant is not intending to say what it does at paragraph 14 of its Reply – although it is what the Appellant should in fact accept.

9. The matters set out at paragraphs 16-20 of its Reply add nothing at all to what has already been said and amount to unnecessary repetition. The allegation at paragraph 21 is wrong for the reasons the Council has explained already. The appeal would not have been brought either at all or in that form - but having done so the appeal falls to be dismissed.

10. As submitted at the outset the application for costs on behalf of the Council is not unreasonable. It is necessary given the unreasonable conduct of the Appellant.

s. 40(2)

Counsel for BCC

30th March 2023

s. 40(2)

From: s. 40(2)(2) <s. 40(2)(2)@wbd-uk.com>
Sent: 31 March 2023 17:18
To: s. 40(2) s. 40(2) s. 40(2) s. 40(2)
Subject: RE: Brislington Meadows - Final Responses to Costs Applications [WBDUK-AC.FID124207612]

Hi s. 40(2)

s. 42

Kind regards,

s. 40(2)

s. 40(2) s. 40(2)
Managing Associate
Womble Bond Dickinson (UK) LLP

d: s. 40(2)
m: s. 40(2)
t: s. 40(2)
e: s. 40(2)@wbd-uk.com

[Sign up for legal updates, e-newsletters and event invitations](#)



From: s. 40(2) <s. 40(2)@landmarkchambers.co.uk>
Sent: 31 March 2023 17:07
To: s. 40(2)(2) <s. 40(2)(2)@wbd-uk.com>; s. 40(2) <s. 40(2)@keatingchambers.com>; s. 40(2) <s. 40(2)@wbd-uk.com>; s. 40(2) <s. 40(2)@homesengland.gov.uk>
Subject: Re: Brislington Meadows - Final Responses to Costs Applications [WBDUK-AC.FID124207612]

Thanks, s. 40(2)

s. 42

Best wishes,
s. 40(2)

s. 40(2)

 Please consider the environment before printing this email

From: s. 40(2) <s. 40(2)@wbd-uk.com>

Date: Friday, 31 March 2023 at 17:03

To: s. 40(2) <s. 40(2)@landmarkchambers.co.uk>, s. 40(2) <s. 40(2)@keatingchambers.com>, s. 40(2) <s. 40(2)@wbd-uk.com>, s. 40(2) <s. 40(2)@homesengland.gov.uk>

Subject: FW: Brislington Meadows - Final Responses to Costs Applications [WBDUK-AC.FID124207612]

Dear all,

s. 42

Kind regards,

s. 40(2)

s. 40(2) s. 40(2)
Managing Associate
Womble Bond Dickinson (UK) LLP

d: s. 40(2)
m: s. 40(2)
t: s. 40(2)
e: s. 40(2)@wbd-uk.com

[Sign up for legal updates, e-newsletters and event invitations](#)



womblebonddickinson.com



From: s. 40(2) <s. 40(2)@bristol.gov.uk>

Sent: 31 March 2023 17:01

To: s. 40(2) <s. 40(2)@wbd-uk.com>

Cc: s. 40(2) <s. 40(2)@bristol.gov.uk>; s. 40(2) <s. 40(2)@bristol.gov.uk>;

s. 40(2) <s. 40(2)@lda-design.co.uk>; s. 40(2) <s. 40(2)@lda-design.co.uk>

Subject: RE: Brislington Meadows - Final Responses to Costs Applications [WBDUK-AC.FID124207612]

Dear s. 40(2)

Please find attached the Council's final response to your application for costs.

As agreed, I will now send this to PINS and the R6 party.

Best wishes

s. 40(2)

s. 40(2) BA (Hons), MSc, MRTPI
Team Leader- Major Developments
Development Management
Bristol City Council

E: s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)
W: www.bristol.gov.uk



Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. s. 40(2) landmarkchambers.co.uk only is authorised to access this e-mail and any attachments. If you are not s. 40(2) landmarkchambers.co.uk please notify s. 40(2) wbd-uk.com as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond dickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: s. 40(2) <s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)>
Sent: 27 March 2023 18:04
To: s. 40(2) <s. 40(2) [wbd-uk.com](mailto:s.40(2)@wbd-uk.com)>; s. 40(2) <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)> <s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)>; s. 40(2) <s. 40(2) [gmail.com](mailto:s.40(2)@gmail.com)>; s. 40(2) [lda-design.co.uk](mailto:s.40(2)@lda-design.co.uk)
Subject: Appeal Reference: APP/Z0116/W/22/3308537: Land at Brislington Meadows, Broom Hill, Bristol - New Issue for Consideration
Importance: High

Dear Appeal Parties

Please see the attached note and appendices, which the Council feels ought to be brought to the attention of the Inspector.

I would welcome any views you may have on this by the end of Weds 29th March.

Regards

s. 40(2)

(2)

Head of Development Management
Growth & Regeneration
Bristol City Council
City Hall, College Green, Bristol BS1 5TR

s. 40(2)

E s. 40(2) [bristol.gov.uk](mailto:s.40(2)@bristol.gov.uk)