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## Decision Notice and Statement of Reasons

Site visit made on 13 November 2025

**Decision by Katie McDonald MSc MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 26 November 2025**

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**Application Reference: S62A/2025/0127**

**Site address: 6 – 8 Emery Road, Brislington, Bristol BS4 5PF**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Bristol City Council.
  - The application dated 16 September 2025 is made by Mr Gary Palmer (Trustees of AMP Electrical Retirement Benefits Scheme) and was validated on 2 October 2025.
  - The development proposed is for 5no Class B2 General Industrial Units.
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### Decision

1. Planning permission is granted for the erection of 5no Class B2 General Industrial Units at 6 – 8 Emery Road, Brislington, Bristol BS4 5PF in accordance with the terms of the application dated 16 September 2025, subject to the conditions set out in the attached Schedule.

### Statement of Reasons

#### Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) have been designated for major and non-major applications since 6 March 2024. Consultation was undertaken on 9 October 2025 which allowed for responses by 5 November 2025. The Coal Authority provided comments and suggested conditions.

#### Main Issues

3. Having regard to the application, the consultation response, and what I saw on site, the main issues for this application are:
  - Whether the location of the development accords with the development plan strategy;
  - The effects of the proposal on the character and appearance of the area.
  - Whether adequate access to the site, and sufficient parking, can be provided.

#### Reasons

4. The site contains an existing industrial building, which has been extended over time, surrounded by hardstanding used for parking and manoeuvring. There is a gated

vehicular access off both Emery Road and Broomhill Road, and the site is in an existing industrial area, sharing boundaries with other industrial units to the north and north west.

5. The proposal is for 5 general industrial units, 4 of which are to be detached from the main building and would be located on the northern part of the site in a block. The fifth unit would be attached to the existing building on the eastern side elevation. The units would have 2 floors, roller shutters and pedestrian doors to the ground floor with upper floor windows, red facing brickwork to the ground floor and grey cladding to the upper floor. Units 1-4 would have a sloping roof, and Unit 5 would have a dual pitched roof. The existing unit is to be renovated as part of the works.

#### *The location of the development*

6. The site is in a Principal Industrial and Warehousing Area, where the economic performance of the city is to be strengthened by providing a sufficient and flexible supply of employment land, in accordance with Policy BCS8 of the Bristol City Local Plan Core Strategy (2011) (CS) and Policy DM13 of the Site Allocations and Development Management Policies (2014) (SADMP). Therefore, the location of the development and the proposed general industrial use would be in accordance with the development plan strategy.
7. Furthermore, the Sustainability & Energy Statement sets out that the units would be thermally efficient, achieving a 20% reduction in residual carbon emissions using renewable technologies. This would ensure compliance with Policies BCS13, BCS14 and BCS15 of the CS, which seek to ensure that proposals incorporate sustainable construction principles along with the inclusion of renewable energy sources.
8. Additionally, the outline drainage strategy confirms that the development can be positively drained with no risk of flooding for the maximum rainfall event of 100-year return period with a 45% allowance for climate change. Sustainable Drainage Systems would be used in the proposal and there would be compliance with Policy BCS16 of the CS.

#### *Character and Appearance*

9. The design, materials and massing of the development would respect the existing building and surrounding area, being typically designed, functional industrial units. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policies DM26, DM27 and DM29 of the SADMP and Policy BCS21 of the CS. These seek to ensure high quality standards of design that make a positive contribution to an area's character and identity, creating and reinforcing local distinctiveness.

#### *Access and parking*

10. Parking would be provided to the front of each unit, with 13 parking spaces proposed, along with there being parking for the existing unit. Turning space is shown on plan which demonstrates vehicles could exit the site in forward gear and the access points are existing. Additionally, there would be cycle storage provided, and showers are detailed on plan for each unit, which would encourage cycling to work. The area also has good access to sustainable modes of travel.
11. Therefore, the proposal would have adequate access, and sufficient parking can be provided, compliant with Policies DM2 and DM23 of the SADMP and Policy BCS10 of

the CS, which seek to ensure that vehicles are accommodated safely and that proposals minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport.

### **Other Matters**

12. The Coal Authority have advised that the application site falls partly within the defined Development High Risk Area, and within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. More specifically, a coal seam is conjectured to outcrop at or close to the surface within the site, which is likely to have been subject to historic, unrecorded mining activity at shallow depth beneath the site. Voids and broken ground associated with such workings can pose a risk to ground stability and public safety. The Coal Mining Risk Assessment report (September 2025) recommends the undertaking of an intrusive investigations, including the drilling of rotary open hole boreholes and trial pitting/trenching, in order to further assess the shallow coal mining situation. Therefore, a condition would be necessary to ensure that the site investigations are undertaken and any necessary remedial and mitigatory measures are carried out.
13. The proposal would be liable for BCC's Community Infrastructure Levy (CIL). However, the CIL rate for development falling within Use Classes B1, B2 and B8 is £nil. Therefore, there is no CIL Liability to be taken account of in determining this application.
14. The application form states the biodiversity net gain condition as set out in paragraph 13 of Schedule 7A of the Act would not apply as the proposed development would be subject to the de minimis exemption. I have no reason to disagree. However, considering Article 24 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, I have included a note in this decision that refers to the relevant regulatory provisions on the biodiversity gain condition.

### **Conclusion**

15. For these reasons, the proposal accords with the development plan and therefore planning permission should be granted. The conditions, and reasons for them, are set out below.

*Katie McDonald*

Inspector and Appointed Person

## Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.  
Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details: 9116/17126-C, 9116/17127-C, 9116/17128, 9116/17129-C, Coal Mining Risk Assessment report (September 2025), Sustainability & Energy Statement (dated 13/08/25), Outline Drainage Strategy Report (Project No: 10830ERB), Phase 1 Site Investigation (May 2024 Project No. 001MYTRP1).  
Reason: To provide certainty.
3. No above ground development shall commence until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.  
Reason: To ensure the site does not pose a risk to ground stability and public safety.
4. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.  
Reason: To ensure the site does not pose a risk to ground stability and public safety.

## Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- ii. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:  
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.  
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Bristol City Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity net gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply – in this case the exemption below. Development below the de minimis threshold, meaning development which:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
  - impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- iii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 (“the Act”) is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iv. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.