



Farewell to the Meadows

*A small grove massacred to the last ash,
An oak with heart-rot, give away the show:
This great society is going to smash;
They cannot fool us with how fast they go,
How much they cost each other and the gods.
A culture is no better than its woods.*

W.H. Auden from 'Bucolics, II: Woods'

Nearly six weeks ago, on 17 April, our hopes of preserving our beloved Brislington Meadows were dashed. Homes England has been allowed to continue with its plans to use the land for housing. The almost universal cry of 'No!' from across the city has fallen on deaf ears; Homes England will carry on regardless.

But we haven't given up. We have all - The Bristol Tree Forum, Greater Brislington Together and Save Brislington Meadows Group - been searching high and low to find a way to stop this, even at the eleventh hour. And we've succeeded! We've found serious omissions in the planning inspector's decision which, we believe, give us grounds to have it overturned.

Here's a summary of the reasons why we think the decision should be set aside. They are a bit technical, but they are important:

1. The [Inspector's Decision](#) has entirely missed the fact that part of the site - part of the proposed vehicle access at the north-west corner to Broomhill Road, with a strip of housing development there (the only viable point of access onto the development site) - is designated in the adopted [Site Allocations and Development Management Policies](#) (SADM) as 'Important Open Space: Belroyal Avenue, Brislington'.
2. SADM policy DM17 states: '*Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use.*' The failure to have regard to this clear conflict with policy was a breach of s.38(6) and s.70 of the [Planning and Compulsory Purchase Act 2004](#). It's notable that this part of the site is outside of the Site Allocation, discussed below, which the Inspector placed so much weight on.
3. What's more, this same part of the development was confirmed by the Council as a public open space called [Belroyal Avenue Open Space](#) in its [2008 Bristol Parks and Green Space Strategy](#). Because of this and its historic use for recreation, the site is protected by a statutory trust under [s.10 of the Open Spaces Act 1906](#). However, when this land was sold to Homes England in March 2020, the Council failed to meet



the requirements of [s.123\(1\) and \(2A\) of the Local Government 1972](#). As a result, the site remains subject to the statutory trust, held for the enjoyment of the public, and may not be developed. The principle of the statutory trust was recently confirmed by the Supreme Court in the case of [Day v. Shropshire](#). Even though this case was not brought before the planning inspector (it was published only three days before our three-week planning appeal ended), the legal principle at the heart of it was a material consideration that should have been taken into account in the Inspector's 17 April decision. This is especially so, given the earlier [1 November 2016 Cabinet](#) decision to ignore the [2012 decision of the Greater Brislington Partnership](#) not to declare this land surplus to their Green Space requirements and decide that the land should be sold anyway. Site '1' on map [N5954e](#) - which was available when the Cabinet met in November 2016 - clearly shows the Belroyal Avenue Open Space as owned by the Council and subject to its 2008 Bristol Parks and Green Space Strategy designation.

4. The Brislington Meadows Site Allocation policy, [BSA1201](#) (at page 154), states that 'the development should retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey.' The Inspector identified a number of 'relatively important trees for the purposes of BSA1201' which would be lost. To allow this must be a breach of the BSA1202 requirement. Despite this, they then found compliance with the policy. This is irrational, as is the fact that they judged that 'broadly speaking, the most important hedgerows would see the most retention'. This must mean that some of the other most important hedgerows will be lost. This is also in conflict with BSA1201.
5. Compliance with BSA1201 is also used to reduce significantly the weight accorded to the breach of DM17 in respect of the requirement to integrate important existing trees. This gives another ground of challenge in relation to the Inspector misinterpreting the criterion in BSA1201 and/or irrationally failing to acknowledge that the loss of important trees and hedgerows constitutes a breach of BSA1201, being compounded by a consequential reduction in weight accorded to the conflict with DM17.

For all these reasons, we've a strong case to make to overturn the inspector's decision. Time is running out, though - we only have until this coming Friday, 26 May, to issue proceedings. It is tight, but we could do it. But we'll need to find at least £50,000 to bring and argue our case.

No doubt Homes England would be determined to fight us all the way and, whilst they seem to have access to almost limitless public funds and can afford the most expensive lawyers, we don't. We're just a group of local volunteers doing the best we can to save



this precious green space. We don't have much money - certainly not £50,000! Any money we can raise will depend on the generosity of the public. This is a big ask, especially as times are hard and money is tight. Also, should we lose (and we could), Homes England will want their costs paid as well. This is just too much of a risk.

We've written to the Council asking if they plan to challenge the decision and have said why we think they have a case. Sadly, we've had no answer. We suspect they'll be reluctant to do so and expose themselves, yet again, to criticism for their mistakes and misjudgements. This is perhaps especially true given that, as well as losing the appeal, the Inspector has also ordered them (actually, us tax payers) to pay a large part of Homes England's [appeal costs](#).