



Bristol City Council Local Plan Consultation 2023

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1. Introduction

This latest local plan review, to be completed in January 2023, is effectively a renewal of *the Bristol Development Framework Core Strategy*, originally adopted June 2011. It presents general principles but does not necessarily provide details of implementation. These details are given in the *Site Allocations and Development Management Policies* document, the current version of which was adopted in July 2014, and the *Planning Obligations Supplementary Planning Document (SPD)* adopted in September 2012. In order to fully assess how the Core Strategy influences development policies, the relationship to these other documents also needs to be reviewed.

Although the **Bristol Tree Forum** is mainly commenting on how the policies effect green spaces, green infrastructure and Climate Resilience, other contextual elements will also be addressed where these are relevant.

The document under review will reflect recent changes in the National Planning Policy Framework (2021) and full implementation of the Environment Act 2021. In the latter case, the Act, together with the regulations which will accompany it (but have yet to be published along with a planned new version if the Biodiversity Metric), is not due for its final implementation until the end of 2023. These planned changes, together with the outcome of the NPPF consultation, will need to be included if the Local plan is to remain relevant beyond its planned adoption date of Autumn 2024. As the new Local Plan should be expected to remain relevant for around a decade, the plan must be future-proofed to take account of increasing prioritisation of ecological issues and climate change, and so should fully adopt principles set out in Bristol's Climate and Ecological Emergencies.

2. Executive Summary

In order to facilitate integration of our contribution to this process, we have mainly made suggested edits to the wording of latest iteration of the Local Plan Review Draft and policies carried over from the 2019 review and the 2011 LP, with explanatory comments. However, there are a number of general points which should be made, to a large extent summarising the detailed modifications suggested.

- a) Little or no increase in protection for green infrastructure.
- b) Retention of the loophole that allows developers to avoid obligations to replace trees.
- c) Monetisation that may extend the avoidance loophole to biodiversity net gain.



- d) Does not address the chronic deprivation of trees and green spaces in some areas.
- e) No commitment to improving enforcement where planning breaches occur.
- f) The role of trees in climate resilience is not properly recognised.
- g) Overuse of weak and ambiguous terms such as “should” and “it is expected”.
- h) Priority should be given to "Creating beautiful, popular, healthy and sustainable places".
- i) An inappropriate assumption that Green belt land is available for development.
- j) There is no reference to the incorporation of the proposed Bristol Tree Strategy, which has yet to be drafted, into the Local Plan.
- k) Revised local plan must be future proofed to account for new and emerging national policies

a) Little or no increase in protection for green infrastructure

There appears to be little or no increase to the protection given to green spaces, trees and other green infrastructure in the latest Local Plan (LP), compared with that adopted in 2011. There is little to suggest that the local plan takes into account the latest iteration of the National Planning Policy Framework, or the Environment act 2021, which will in force when this LP is implemented. This is also remarkable considering this LP should be “future proofed” against a decade when environmental concerns will become more urgent, and that Bristol has declared both a Climate and Ecological Emergency, has stated an intention to be carbon neutral by 2030, and plans to double its tree canopy by 2046, all since the previous LP.

b) Retention of the loophole that allows developers to avoid obligations to replace trees

The loophole that allows developers to avoid their obligations to replace lost trees, as set out in BCS9 and DM17, and instead pay a Section 106 "fee" to the council, remains. This has had, and continues to have, resulted in a loss of trees in those areas with the least opportunity to plant trees and therefore areas of the greatest need. If not addressed, this “loophole” could result in widespread loss of tree canopy throughout Bristol, but particularly in central areas such as the City Centre, St Paul’s and Harbourside, each of which have a tree cover less than half the Bristol average.

c) Monetarisaton that may extend the avoidance loophole to biodiversity net gain

There is a concern that monetarisation of biodiversity and the use of biodiversity credits, may result in a mechanism whereby developers can avoid their net gain responsibilities. It is said that this would be the last resort, but, as with S106 payment for tree replacement, it may become the default option for developers. This must be guarded against.

d) Does not address the chronic deprivation of trees and green spaces in some areas

There should be, but isn't, greater protection for trees in those areas with chronically low tree cover. It is often those areas of greatest social deprivation that have the lowest tree cover, as shown by [government data](#), and there is little or nothing in this draft to address this. This has a knock on effect of damaging both physical and mental health for those already suffering the greatest disadvantage.



e) No commitment to improving enforcement where planning breaches occur

There is no commitment to improving enforcement where policies or conditions are breached. With regard to the dozens of breaches concerning trees over recent years, there have been no cases where this has resulted in enforcement, let alone any fines.

f) The role of trees in climate resilience is not properly recognised

In city centres, in particular, trees are essential in reducing urban heating, and in the heat waves that are predicted to increase both in intensity and frequency trees could reduce temperatures by up to 12°C, potentially saving lives. Despite this, there is barely a mention of trees in the section *Mitigating and adapting to climate change*.

g) Overuse of weak and ambiguous terms such as “should” and “it is expected”

There is overuse of the word "should" and the phrase "it is expected that". These introduce ambiguity and suggest that the policies referred to are optional. This is contrary to the National Planning Policy Framework (NPPF) guidelines which states that policies should be “clearly written and unambiguous”. This avoids addressing the tension between contradictory policies and allows possibly damaging “interpretation” by developers and planning officers. The words "will" and "must" should be used when policies are not optional, that is in most cases.

h) Priority must be given to "creating beautiful, popular, healthy and sustainable places"

Overall, the review is excessively driven by out of date housing targets. In December 2022, the Secretary of State announced a relaxation of nationally driven housing targets. This must be taken into account as it dramatically changes planning priorities. The announcement requires a shift away from policies designed around withdrawn national housing targets, which detract from other policy priorities. The pronouncement also requires that "housing targets should not be used as a justification to grant permission to [developments that are not well designed]"¹.

i) An inappropriate assumption that Green belt land is available for development

There seems to be an entirely inappropriate assumption that Green belt land is “up for grabs”. This is despite the unanimous support by the Council that Green Belt should be fully protected, and the recent DLUHC Circular that “Local planning authorities are not expected to review ‘our precious Green Belt’ to deliver housing”.² The NPPF states that “Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified”.

j) There is no reference to the Council’s Tree Strategy

The council is currently preparing a Tree Strategy, and although this has not yet been published, reference to this should be included in this review to make it clear that the document will form part of the Local Plan. All sections related to trees should align with the emerging Tree Strategy.

k) Revised Local Plan must be future proofed to account for new and emerging national policies

The Environment Act (2021) as well as current and proposed³ iterations of the NPPF afford much

¹ <https://bristoltreeforum.files.wordpress.com/2023/01/dluhc-creating-beautiful-popular-healthy-and-sustainable-places.pdf>

² <https://bristoltreeforum.files.wordpress.com/2023/01/dluhc-levelling-up-regeneration-bill-planning-and-local-control-in-england.pdf>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NP_PF_July_2021_-_showing_proposed_changes.pdf



greater protection for green infrastructure, trees, and green and open spaces than is apparent in this review and many of the retained policies it contains. It would be negligent of this review process not to take account of these greater protections, and indeed go beyond these. Otherwise, the emerging Local Plan will be out of date before it is even implemented.

Notes for interpreting our modifications to the policy documents

Highlighted sections - to draw attention to words or phrases of relevance to the review and which we say should form part of the proposed policy document.

Shaded sections - notes on why modifications have been suggested, numbered and referring to highlighted sections.

3. Local Plan Review Draft (2022)⁴

6. Net zero and climate

6.1 Bristol declared a Climate Emergency in 2018, requiring action at both local and global levels. As a consequence of climate change, Bristol already experiences higher temperatures and more severe weather events than it did a decade ago. In a context where we are proposing ~~sustained~~ **sustainable¹** delivery of new homes to meet our needs, it is vital that we create an urban environment that both mitigates its contribution to the causes of climate change and which can adapt to, **and is resilient to²**, the further climate impacts that are expected over the plan period and beyond.

¹ "Sustained" must be replaced by "sustainable". Sustained simply means it will continue forever.

² Climate resilience is essential if new developments are going to be liveable in the long term. This principle MUST be up front.

Draft Policy NZC1:

Climate change, sustainable design and construction

6.5 This draft policy aims to ensure that new development mitigates its contribution towards the drivers of climate change including embodied and operational carbon emissions. It will deliver buildings that are adapted to changes in the local climate expected over their lifetime and external spaces that provide year-round comfort and support well-being. **It is expected that new developments will increase local climate resilience.³**

³ This needs to be an explicit goal for any new development.

Mitigating and adapting to climate change

Development should contribute to both mitigating and adapting to climate change, and to meeting local and national climate objectives, through measures including:

- Minimising energy demand through high standards of energy efficiency, and maximising on-site generation of renewable energy (see Draft Policy NZC2: 'Net zero carbon development - operational carbon').
- Minimising embodied carbon and making efficient use of natural resources (see Draft

⁴ <https://www.bristol.gov.uk/files/documents/5446-bristol-local-plan-review-nov-22-further-consultation/file>



Policy NZC3: 'Embodied carbon, materials and waste').

- Ensuring all development is adapted to, **and resilient to**, changes in the local climate over the lifetime of the scheme (see Draft Policy NZC4: 'Adaptation to a changing climate').
- Design which is sufficiently flexible and adaptable to enable changes of use or layout and facilitate future refurbishment.
- Forms of development which make efficient use of land and encourage walking, cycling and the use of public transport instead of journeys by private car.

New development will be expected to demonstrate through Sustainability Statements how it would incorporate these measures. These measures should be integrated into the design of new development from the outset and be considered at all stages of the design process.

Sustainability Statements

6.7 In order to demonstrate compliance with this policy, Sustainability Statements proportionate to the scale of development proposed should be submitted with planning applications. These statements should set out a comprehensive approach to mitigating and adapting to climate change covering the full range of issues set out in draft policies NZC1 to NZC4. The application drawings and supporting information should show how the measures proposed form an integral part of the proposed design and the approach to **maximising**⁴ green infrastructure.

⁴ Opportunities to encourage increasing green infrastructure should be taken wherever possible.

Sustainable Design Standards

6.8 The assessment of major development against national sustainability methodologies will ensure that development engages thoroughly with issues of sustainable design and construction. BREEAM assessments must be completed by a licensed assessor. The BREEAM methods should be used where required by policy, unless replaced by another standard which is approved by the local planning authority.

6.9 There are a number of quality assurance and rating schemes available to applicants and design teams that can assist with integrating sustainability into the design of residential and non-residential buildings. These include but are not limited to:

- PassivHaus
- Home Quality Mark
- Leadership in Energy and Environmental Design
- AECB Carbonlite Programme
- NABERS UK

6.10 For the purposes of this policy, major development is defined as development of 10 or more dwellings or development exceeding 1,000m² of other floorspace.

Water efficiency

6.11 By 2035 Bristol Water anticipates a supply deficit of 0.87 ML/day, rising to 9.18 ML/day by 2045. To prepare for this deficit, Bristol Water is aiming to realise an average water consumption of 110 litres per person per day by 2050 through collaborative working with other companies and local planning authorities including Bristol City Council.



6.12 As such, Bristol City Council seeks to support this effort by applying a higher standard of water efficiency than national building regulations.

Draft Policy NZC2: Net zero carbon development - operational carbon

6.13 Realising zero carbon development in relation to regulated emissions (heating, hot water, cooling, lighting and auxiliary energy) and unregulated emissions (appliances and equipment, etc) also referred to as ‘operational’ carbon emissions, is a key part of tackling the climate emergency. The UK Green Building Council defines net zero carbon - operational energy as being ‘when the amount of carbon emissions associated with the building’s operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or offsite renewable energy sources, with any remaining carbon balance **offset**⁵.’

⁵ Examples should be given. Carbon offsetting is often synonymous with "greenwashing" as the actual offsetting is frequently a small fraction of what is required. This statement, therefore, should be strengthened.

Policy text

Energy use in new development

Development will be expected to:

- Calculate and report predicted energy use intensity using an operational energy model;
- Minimise the demand for heating, cooling, hot water, auxiliary energy, lighting and unregulated energy consumption through energy efficiency measures; then
- Meet its remaining heat/cooling demand sustainably as set out below; then
- Maximise on-site renewable energy generation to achieve a net zero energy balance; and then
- Meet any outstanding reduction in residual energy use through **Council-accredited**⁶ energy offsetting.

⁶ The quality of offsetting should be endorsed by the LPA

Energy offsetting

Where the above requirements for energy use cannot be met by on-site measures alone, any remaining energy use will be met by offsetting measures such as:

- A financial contribution towards council approved renewable energy, low-carbon energy and energy efficiency schemes elsewhere in the Bristol area; or
- Agreeing acceptable directly linked or near-site provision.
- **Funding of regional carbon capture through local tree planting schemes**⁷.

⁷ This option should be provided as part of a package of carbon offsetting.

The financial contribution required will be equivalent to the cost of providing additional renewable energy generation elsewhere in the city, at a rate of £90 per MWh that would be required over a period of 30 years (index linked).

Heating and Cooling Systems

Development will be expected to demonstrate through its Energy Strategy that the most



sustainable heating and cooling systems have been selected.

Development will be expected to demonstrate that heating systems have been selected in accordance with the following hierarchy:

- Where possible, connection to an existing classified heat network or a new classified heat network from the point of occupation; and then
- Elsewhere, employing individual renewable heat or communal renewable heat which is fossil fuel free.

Development should seek to eliminate the need for cooling systems throughout the lifecycle of the development and, where cooling systems are required, minimise their capacity and energy consumption in accordance with the following steps:

- Minimise the amount of heat entering buildings during warmer months through orientation, form, shading, **tree planting**⁸, surface finish, glazing design and insulation; then
- Minimise internal heat generation through energy efficient design and specification; then
- Maximise the use of passive ventilation to manage internal temperatures; and then
- Having minimised the need for cooling, meet any residual requirement through energy efficient mechanical ventilation and active cooling systems

⁸ Trees are the most effective means of reducing the heat island effect, and can reduce maximum temperatures of heat waves by over 10C. Therefore, it would be remiss to exclude this from the package of potential measures.

Draft Policy NZC4: **Resilience⁹ and adaptation to a changing climate**

6.56 This draft policy sets out the council's approach to ensuring development in the city is designed to cope with the effects of global heating, both now and in the future.

6.57 The impact of global heating is already becoming apparent across the UK. A warmer climate and more frequent and extreme weather events such as storms and heatwaves are realities which development will have to respond to effectively in order to ensure the continued liveability and future sustainability of our city.

6.58 A warmer climate increases the risk of overheating and heat-related illness and can exacerbate existing chronic conditions. Certain population groups, including older people and children, are at a higher risk of **illness and death**¹⁰ based on their susceptibility.

6.59 Much of the risk associated with overheating can be mitigated effectively without the need for active cooling, provided it is considered and incorporated into development proposals from the earliest design stages. Development that considers and designs for a changing climate now is less likely to overheat or to require costly future retrofit measures to maintain comfortable internal temperatures, such as active cooling which would result in increased energy requirements and associated CO2 emissions.

6.60 Changes in the local climate are also likely to affect flood risk and drainage; increase water stress; change the shrink-swell characteristics of clay soils - affecting foundations and pipe work; affect slope stability; affect the durability of building materials; and change how building weatherproofing needs to be detailed.



6.61 In addition, use of green and blue infrastructure, **such as trees and water features¹¹**, to mitigate these changes can have many associated benefits with regard to preventing water shortages and mitigating flood risk, as well as providing cooler external spaces.

⁹ Resilience is a far more appropriate term to use, as it implies designing this into developments rather than some sort of retro-fitting.

¹⁰ The risks should not be understated.

¹¹ Worth giving these examples to clarify the point.

Policy text

Development proposals should identify development specific risks to inhabitants and the environment due to climate change using the latest evidence base available. Development will be expected to include site and building-level measures to be resilient to future climate change impacts and provide for the comfort, health and wellbeing of current and future occupiers and the surrounding environment over the lifetime of the development. These measures should be integral to the layout and design of new development and should take the vulnerability of the building's occupants into account.

Site-level adaptations

Development should be designed, through its layout, form and massing and the use of green/blue infrastructure, to minimise climate change risks through measures including:

- Minimising the overheating of buildings; Reducing the urban heat island effect;
- Providing comfortable external spaces and internal refuge sites in hot weather;
- Conserving water supplies; and
- Minimising the risk and impact of flooding.

Green and blue infrastructure provided should be multifunctional, for example **wildlife ponds and trees¹²** providing climate adaptation and biodiversity benefits. Where appropriate to its context, this should include the use of living roofs with a sufficient substrate depth to maximise cooling benefits.

¹² Again, examples are beneficial. It should be noted that the cooling effect of green roofs is a fraction of that afforded by trees. Therefore, to give this example without mentioning trees is misleading.

Building-level adaptations

Building designs and building integrated measures should minimise climate change risks through measures including:

- Mitigating the risk of overheating, ensuring that cooling needs are met sustainably and in accordance with Draft Policy NZC2: Net zero carbon development - operational carbon;
- Conserving water supplies; and
- Avoiding responses to climate impacts which lead to increases in energy use and carbon dioxide emissions, **instead, where possible, making use of green infrastructure solutions in accordance with NZC1: Mitigating and adapting to climate change¹³**.

¹³ Solutions with multiple benefits should be encouraged.



Adaptation strategy

Development proposals should demonstrate through an adaptation strategy how issues of **Climate Resilience**¹⁴ will be addressed. This should include technical modelling and assessment of the risks of overheating in current and future climate change scenarios.

In considering the likely impact of climate change over the lifetime of the development (particularly in relation to overheating), reference should be made to the most recent climate change projections available.

¹⁴ Climate resilience can be designed into a development at the outset, rather than there being an expectation that this is left until adaptation is required.

7. Biodiversity and nature recovery

7.1 Bristol's One City Ecological Emergency Strategy recognises the challenge of reversing wildlife decline and making space for nature alongside meeting our targets for the sustainable development of more homes, better transport systems and an economy that works for everyone.

*However, reversing wildlife decline should not be seen as subordinate to these other aims*¹⁵.

7.2 The development strategy proposed in the local plan review aims to ensure that these objectives are not in conflict. They work together to ensure the new development we need includes a gain in biodiversity that contributes to meeting our ambitious and essential targets for nature.

7.3 The local plan review sets an overall framework which supports nature recovery and biodiversity by:

- Setting out a development strategy focused on making the best use of previously developed land, *as defined in the NPPF and the Town and Country Planning Act*¹⁶, guiding most new development to brownfield land where impacts on nature are **minimal**¹⁷, manageable and can be mitigated;
- Identifying and protecting an extensive network open space as Local Green Space and Reserved Open Green Space (*draft policies GI1 to GI4*¹⁸);
- Proposing a new framework of policies to address net zero and climate, addressing climate action as the context for nature recovery; and
- Supporting and encouraging food growing in the city.

7.4 The draft policies below support these approaches by integrating nature recovery, biodiversity gain and nature conservation into the development process so that new development can come forward alongside overall gains for nature. Draft Policy BG1: Green Infrastructure and biodiversity in new development.

¹⁵ If this is not made clear, nature conservancy will be seen as a lesser aim, and that is not consistent with either the NPPF or the Environment Act. In fact, Environment is one of three overarching objectives of the NPPF, alongside Economic and Social priorities.

¹⁶ This is added because this term has been misused in order to justify developments on sites that do not comply with the nationally agreed definition.

¹⁷ Manageable is a meaningless term. Many (though not all) Brownfield sites have little ecological value.



¹⁸ In order to support nature recovery and biodiversity, all land types named in DM17 & DM19 - Important Open Spaces, Unidentified Open Spaces, Urban Landscapes, SNCIs & Wildlife Corridors (including where allocated for development) - should be designated as Local Green Space (LGS).

Draft Policy BG1: Green Infrastructure and biodiversity in new development

7.5 This draft policy aims to ensure that green infrastructure and provision for nature **will be** incorporated into **all**¹⁹ new developments.

7.6 The term 'green infrastructure' describes the network of spaces, corridors and natural habitats within Bristol that work together to deliver a wide range of environmental, economic, health and wellbeing benefits to the city.

7.7 Individual green infrastructure assets range widely in scale and character, from parks and public open spaces to natural woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, and trees in streets or **private land**²⁰. It also includes water environments such as streams, ponds and canals, sometimes referred to as 'blue infrastructure'.

7.8 Used effectively in new development, green infrastructure can deliver multiple benefits simultaneously, such as enhancements to biodiversity, **resilience** to climate change, **reduction in air pollutants**²¹ and improvements to the character and appearance of the city and the health and wellbeing of communities.

¹⁹ This is not just a principle covering development in general, but also each and every development.

²⁰ This must include all separate trees that do not constitute "woodland" whether on streets or within developments. These are called "Urban tree habitat" in the Biodiversity Metric.⁵

²¹ Vegetation is recognised to absorb and adsorb gaseous and particulate pollutants.

Policy text

Development proposals will be expected to incorporate appropriate multifunctional green infrastructure and provision for nature.

The provision of green infrastructure in new development **must, wherever possible**²²:

- Integrate green infrastructure into the design of new development including features such as green roofs, living walls, green decks, or water features linked to SuDS;
- Integrate features which support nature and encourage wildlife such as swift bricks and other nesting assistance, hedgehog holes and other wildlife movement features, accommodation for pollinators, and wildlife friendly landscape treatments;
- Retain and incorporate important existing green infrastructure such as trees (Policy BG4), hedgerows and water features;
- Take the available opportunities to deliver multifunctional benefits such as habitat creation, flood protection, water quality, recreation, food-growing, improved air and water quality and reduced urban heating;
- Take available opportunities to connect to, or enhance the integrity of the Nature Recovery Network and wider ecological networks;
- Provide appropriately for recreational access and use; and,

⁵ <http://publications.naturalengland.org.uk/publication/6049804846366720>



- Enhance opportunities to access nature, through connecting public rights of way and extending access to active travel links where possible.

Where green infrastructure is provided it is expected that provision will be made for its long-term management and maintenance.

New development should demonstrate through a Green Infrastructure Statement how it will address these provisions. Major development proposals will be expected to use appropriate standards such as Building with Nature to ensure that the nature conservation provisions of this policy are met.

²² This needs to be strengthened otherwise it will be ignored.

Explanation

7.9 This policy is applicable in conjunction with other policies which aim to secure green infrastructure including the policies below and those for net zero and provision of recreational open space. The requirements for nature mean that all new building **must** contribute to nature recovery and biodiversity, not only those developments subject to specific net gain requirements (see Draft Policy BG3).

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

7.11 Development may also have the potential to support plans and proposals set out in the West of England Joint Green Infrastructure Strategy, which will be supported by a Bristol green infrastructure strategy in due course.

7.12 In order to demonstrate compliance with this policy, Green Infrastructure Statements proportionate to the scale of development proposed **must** be submitted with planning applications. These statements **will** set out how the development will incorporate green and blue infrastructure that provides for a range of functions as set out in this policy.

7.13 Application drawings and supporting information **will** show how the green infrastructure proposed forms an integral part of the proposed design.

7.14 The use of standards framework and accreditation processes such as Building with Nature provides a structure method of showing how this policy is being addressed.

Draft Policy BG2: Nature Conservation

7.15 Although predominantly urban Bristol has a diverse range of habitat areas. These include places designated for their international and national importance, particularly surrounding the River Severn and Avon Gorge, including Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, as well as sites of regional, city wide and local nature conservation interest.

7.16 The Environment Act has shifted the emphasis of nature conservation from solely protecting and maintaining discrete designated sites to establishing a regional network of habitats. This draft policy aims to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.



7.17 It also identifies the hierarchy of sites designated for nature conservation, which aims to ensure that the most valuable ecological habitats and species are appropriately protected in relation to the features for which they are designated.

Policy text

Development which would be likely to have an impact upon habitat, species or features which contribute to nature conservation in Bristol **must**:

- i. Be informed by appropriate **ecological and biodiversity** surveys and assessment of impacts; and
- ii. Be designed and sited to avoid any harm to identified habitats, species and features of importance.

Where, **having applied the Mitigation Hierarchy (Paragraph 180 a) of the NPPF**, loss of nature conservation value **or biodiversity** is unavoidable to enable development which is in accordance with the local plan, proposals **must²³** provide mitigation on-site, **or** where this is not possible, **provide mitigation** offsite. **Details of any proposed on of-site offsite mitigation must be provided with the application²⁴ and approved before permission is granted. This applies to Outline as well as Full applications.**

For protected sites and species, this is in addition **to any statutory and regulatory requirements for biodiversity Net Gain applicable at the time the application is decided**. Development which would result in **significant measurable²⁵** harm to biodiversity which cannot be appropriately mitigated will not be permitted.

²³ This requirement should be mandated to avoid ambiguity with the subsequent paragraph. Saying "will be expected to" effectively means it will not happen.

²⁴ This is essential to avoid developers exploiting the current "loophole" which allows development without any off-site mitigation where money is paid into S106.

²⁵ "Measurable" should replace "significant" as the latter term is open to judgement, and 'measurable gain' is used in Paragraph 179 b) of the NPPF. If the harm is minor then the mitigation need only be minor.

Designated sites - hierarchy

Internationally designated sites, comprising Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites, are subject to statutory protection from harmful development.

Having regard to individual and cumulative impacts, development will not be permitted which would have a harmful impact on a Site of Special Scientific Interest (SSSI) and National Nature Reserve and Local Nature Reserves.

Development which would have a harmful impact on Sites of Nature Conservation Interest (SNCIs) and Regionally Important Geological Sites (RIGS) ~~as shown on the Policies Map~~ will not be permitted.

Explanation

7.18 National planning policy requires that local plans **should distinguish²⁶** between the hierarchy of sites (international, European, national and locally designated), and promote the



conservation, restoration of priority habitats ecological networks and the protection and recovery of priority species.

7.19 'Local Wildlife Sites', known as Sites of Nature Conservation Interest, and 'Local Geological Sites', known as Regionally Important Geological Sites, are *identified designated by the Local Site Partnership according to strict criteria* for their scientific, educational, research, historical or visual landscape *importance*.

7.20 Priority Habitats and Priority Species are those habitats and species of Principal Importance included in the Biodiversity List published by Secretary of State. The Bristol Biodiversity Action Plan sets out those priority habitats and species for consideration in the local context. Draft Policy BG3: Achieving Biodiversity Gains The Environment Act 2021 makes a *minimum* 10% biodiversity net gain mandatory from a date expected to be in November 2023. This draft policy assumes that by the time of adoption of the local plan, *the mandatory requirement will be in place*²⁷.

²⁶ Removed the word "should" as this suggests that this may, in some circumstances, be optional.

²⁷ As this LP will not be implemented until Autumn 2024, that is a certainty. There is no reason why BCC cannot follow the lead of other LPAs such as BANES, and introduce this obligation now.

Draft Policy BG3: Achieving Biodiversity Gains²⁸

The Environment Act 2021 makes a 10% biodiversity net gain mandatory from a date expected to be in November 2023. This draft policy assumes that by the time of adoption of the local plan, the mandatory requirement will be in place.

7.21 The Environment Act in 2021, requires all non-exempted development which needs planning permission to secure measurable improvements to natural habitats. This means setting out, within a Biodiversity Gain Plan, how development will:

- Deliver a minimum of 10% biodiversity net gain, measured using the Defra *Natural England Biodiversity Metric*²⁹ *applicable at the time the application submitted to the LPA*³⁰. *If a new version of the Metric is adopted while the application is pending, the LPA may require the new Metric to be used instead.*
- Minimise the adverse effect of the development on the biodiversity of onsite habitat and any other habitat.
- Deliver against the *biodiversity net gain mitigation* hierarchy, ~~which~~ *and* requires consideration *firstly of delivery on-site biodiversity net gains, then of offsite biodiversity gains then of biodiversity credits*³¹ *in accordance with the regulations applicable at the time of any decision.*

7.22 The purpose of this draft policy is to set out how biodiversity net gain will be achieved and the application of the mitigation hierarchy.

²⁸ This draft policy is likely to have to change when the planned BNG regulations are published, so it should not be attempted here or make it clear that it may need to be amended to align with any regulations adopted.

²⁹ The models and the guidance are essential parts of the Biodiversity Metric and should be incorporated into BG3.



³⁰ This will guard against developers applying an obsolete metric when an application is protracted, as Defra says it is the Metric applicable at the time the application is submitted or as directed by the LPA.

³¹ This is of concern. Monetaring biodiversity or use of credits may permit developers to avoid actual provision of net gain. If such mechanisms are used, full details of the site where such credits will be used and how they will be managed must be provided in the application.

Policy text

In accordance with Draft Policy BG1, new development will be expected to incorporate provision for nature resulting in a biodiversity gain.

Development proposals subject of the provisions of the Environment Act 2021 will be required to achieve a minimum of 10% biodiversity net gain.

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

- Steps taken to avoid and minimise the adverse effects of the development on **baseline** habitats;
- Identification of **all baseline** and post-**intervention** onsite **habitat units, whether on or off site**;
- **Baseline Biodiversity Metric surveys of the locations where offsite biodiversity gain is going to be achieved**³²;
- Details of registered offsite biodiversity habitat units allocated to the development and biodiversity credits purchased; **and**
- Other information that may be required by other and/or prevailing regulations.

The **Landscape and Ecological Management** Plan will set out how the condition of any habitat creation and enhancement will be maintained **and funded** for at least 30 years after development is completed.

³² This is needed to prevent developers from buying their way out of their biodiversity responsibilities.

Biodiversity Gain Mitigation Hierarchy

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

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

Biodiversity remediation and compensation (through **a combination of** habitat creation, restoration and **/or** enhancement) should be provided on site in the first instance, avoiding, where possible, harm to existing **designated and non-designated**³³ habitats and species **features of conservation value**³⁴.

If it is demonstrated that **the minimum 10%** biodiversity net gain **which complies with the relevant habitat trading requirements** cannot be achieved ~~within the~~ onsite, alternative



measures to deliver biodiversity gain **offsite** through compensation will **may** be appropriate **so long as they comply with the relevant habitat trading requirements**. These may include:

- Offsite habitat compensation as close as possible to the proposed developed, which include designing offset habitats outside the development's boundary, emerging register of biodiversity gain sites or habitat banks.
- **As a last resort, offsite habitat payment compensation, such as through the Biodiversity Credits scheme³⁵.**

Where biodiversity gain mitigation is proposed to be provided through these alternative mechanisms, evidence should be provided to demonstrate that:

- All impacts are mitigated, including cumulative impacts of habitat losses to enable habitat compensation, and biodiversity **net** gains **which comply with the Biodiversity Metric requirements**, are achieved; and,
- Mechanisms for offsite delivery have been secured through formal agreement, such as through **a** conservation covenant or **a S106 agreement³⁶.**

Proposals which affect statutory **and non-statutory** designated sites for nature conservation must ensure that biodiversity net gain is delivered in addition to any existing requirements for mitigation.

Proposals which fail to meet these requirements will be refused.

³³ This phrase is redundant.

³⁴ All habitats and species have 'conservation value.

³⁵ This should be changed, otherwise this will inevitably be the first resort, in exactly the same way as payment into S106 for tree replacement is now. If it cannot be avoided it should be clearly shown that such credits will be used in compensation, and not simply used as a "fee".

³⁶ ONLY if details of the location of off-site mitigation are provided. See Defra's guidance - Getting and using a conservation covenant agreement - <https://www.gov.uk/guidance/getting-and-using-a-conservation-covenant-agreement#landowners-roles-and-responsibilities> and <https://www.gov.uk/guidance/getting-and-using-a-conservation-covenant-agreement#landowners-roles-and-responsibilities>

Explanation

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

7.24 The latest **Natural England** Biodiversity Metric (or prevailing metric in national policy) **can** **will** be used to consider existing pre-development biodiversity values (**known as baseline habitats**), the impacts of development and the net gains that can be achieved. This enables calculation of losses and gains by **identifying and** assessing **baseline and post-intervention habitats** ~~in terms of~~ **and the parameters of their** distinctiveness, condition, strategic significance, time-to-target and ~~extent~~ **risk factors**. The Council will be preparing further guidance to take account of the West of England Biodiversity Net Gain guidance.



7.25 **Landscape and Ecological** Management Plans should ensure that there is regular, but proportionate, monitoring setting out how net gain habitats are progressing and any remediation measures to ensure overall resilience of these habitats³⁷.

³⁷ There must be a mechanism to assess how the management plan is being applied, funded and enforcement be used when the plan is being applied deficiently?

Mitigation Hierarchy

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

7.27 If biodiversity net gain cannot be delivered onsite and **offset** **offsite** compensation is required, other bodies should be engaged as potential offset habitat providers when land is not within the control of the developer. These organisations will need to be able to identify offset sites and put in place the management, monitoring and reporting required to deliver the biodiversity **net** gains required. **To avoid the formation of biodiversity wastelands, surrogate gains must be within one mile of the development site**³⁸.

7.28 It is expected that newly created habitat and compensation measures will be directed towards opportunity projects for biodiversity restoration identified within the West of England Joint Green Infrastructure Strategy, the West of England Nature Partnership Nature Recovery Network or the emerging Local Nature Recovery Strategy.

7.29 Submitted Biodiversity Gain Plans will³⁹ detail appropriate management measures for habitat in the long-term. In accordance with the Environment Act, this will be required to be maintained for **at least** 30 years following completion of the development. These management arrangements will need to ensure that created sites of biodiversity net gain habitats are resilient to future pressures from further development and climate change.

³⁸ Without this caveat, we would inevitably have areas of Bristol where biodiversity is entirely eliminated.

³⁹ Remove "be expected to" otherwise this becomes optional.

Draft Policy BG4: Trees⁴⁰

See: *Our proposal for a new Bristol Tree Replacement Standard*

7.30 Trees provide a wide range of benefits to the city's residents and visitors and its natural environment, including making an important contribution to the character and quality of urban areas, whilst helping to mitigate and adapt to climate change.

7.31 This draft policy aims to ensure trees are retained as part of new development or replaced when this is not possible. The approach seeks to ensure new development increases the presence of trees throughout the city, contributing towards the aim of extending the city's tree canopy.

⁴⁰ There is no mention of the requirement of under Section 115 of the Environment Act 2021 for Local highway authorities in England to consult before felling street trees. Any policies relating to trees, including the Section 115 requirements must align with the Council's Tree Strategy.

Policy text



Provision of trees

The provision of additional and/or improved management of existing trees will be **expected essential**⁴¹ as part of the landscape treatment of new development.

The size, species and placement of trees provided as part of the landscape treatment will take practicable opportunities to:

- Ensure that any new streets created as part of the development are tree-lined;
- Assist in reducing or mitigating run-off and flood risk on the development site; and
- Increase **on-site** canopy cover and assist in providing shade and shelter.

Proposals will⁴² set out appropriate measures to secure the long-term maintenance of newly-planted trees.

⁴¹ Replace “expected” with “essential” to removes the "optional" element.

⁴² As above.

Protection and replacement of **trees**⁴³

This policy supplements the obligations set out in Policy BG3.

New development should retain and integrate important existing trees.

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

Where tree loss or damage is essential, **and not merely expedient**⁴⁴, to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the tree compensation standard below and their long-term management and maintenance ensured.

Tree compensation standard formula:

| Trunk diameter of tree lost to development (cm measured at 1.5 m) | Number of replacement trees |
|---|-----------------------------|
| Less than 15 cm | replace with 0 – 1 tree |
| 15 – 19.9 cm | replace with 1 tree |
| 20 – 29.9 cm | replace with 2 trees |
| 30 – 39.9 cm | replace with 3 trees |
| 40 – 49.9 cm | replace with 4 trees |
| 50 – 59.9 cm | replace with 5 trees |
| 60 – 69.9 cm | replace with 6 trees |
| 70 – 79.9 cm | replace with 7 trees |
| 80+ cm | replace with 8 trees |



| BNG 3.1 - Table 7-2 | | | | BTRS Obligation |
|---------------------|------------------------|----------------------|-----------|----------------------------|
| Category | DBH ¹⁰ (cm) | RPA _r (m) | Area (ha) | Replacement Trees Required |
| Small | <=30 | 3.6 | 0.0041 | 2 |
| Medium | >30 to <=90 | 10.8 | 0.0366 | 10 |
| Large | >90 | 15.6 | 0.0765 | 21 |

Replacement trees should be located as close as possible to the development site, **and no further than one mile⁴⁶**.

⁴³ This does not take into account the requirements in the NPPF or of the guidance to the Biodiversity Metric to apply the principles of the Mitigation Hierarchy.

⁴⁴ Essential is often taken by developers as meaning essential in order to allow the development they have designed.

⁴⁵ Delete this table and replace it with the new tree compensation formula.

⁴⁶ This should be added to avoid replacements being made too distant, and not being associated with the areas where environment has been degraded by the loss of trees. Without this, areas of Bristol will "evolve" without any tree cover. However, the requirement for replacement trees to be within the same Area Committee should be removed.

Explanation

7.32 Recent national policy and guidance has increased the emphasis on the importance of trees, and particularly street trees in urban environments. **This should be recognised in any planning decisions⁴⁷**.

7.33 Trees are considered valuable multifunctional green infrastructure assets. The policy seeks to protect the most valuable trees and in line with the Core Strategy approach to green infrastructure assets, mitigate for the loss of other important trees by securing replacement trees on-site or in the public realm. The tree replacement standard set out in this policy provides a suitable mechanism to determine the appropriate level of mitigation where loss of trees is proposed as part of development. **However, it should be recognised that it will take decades for the benefits of the original trees to be recovered, and therefore tree retention must be given priority.**

7.34 The council's Planning Obligations Supplementary Planning Document sets out the circumstances when offsite tree provision will be necessary. Where trees are to be provided



offsite, planning obligations will be sought to provide the appropriate number of replacement trees, utilising the approach set out in the Supplementary Planning Document. *In all cases, details of the number of trees lost, their identities and their replacements, and the sites of any offsite replacement trees must be given as part of the application⁴⁸ and be recorded in the Grant and/or S106 Agreement.*

⁴⁷ Without this additional sentence, the previous statement is inconsequential.

⁴⁸ This is absolutely essential. The current SPD provides a "loophole" whereby developers can avoid replacing trees by effectively paying a "fee" to the council (S106), and these payments accumulate without ever being spent on tree replacements.

Draft Policy BG5: Biodiversity and access to Bristol's waterways

7.35 As well as being important and connected resources for nature, Bristol's waterways, including its rivers, streams, brooks, ponds, the Floating Harbour, the rhines and ditches, make an important contribution to the character, distinctiveness and quality of life in the city.

7.36 The aim of this draft policy is to ensure that development adjacent to, or within, waterways will be expected to ensure that these valuable roles are maintained and enhanced.

Policy text

Proposals which are adjacent to, or contain, waterways will be expected to:

- i. Conserve and enhance the nature conservation value of waterways and adjacent land, including both habitats and species, and deliver biodiversity net gain (see Draft Policy BG3);
- ii. Maximise opportunities to conserve and enhance the sustainable urban drainage functions of waterway and banks, and deliver additional flood resilience measures as appropriate;
- iii. Protect and enhance the water quality of the water spaces and surrounding environment;
- iv. Maintain, enhance and create suitable, high-quality publicly-accessible green infrastructure for walking and cycling;
- v. Complement existing and proposed waterside green spaces;
- vi. Avoid the loss of open waterways through culverting, piping, or enclosure by development and where feasible and viable, re-open existing culverted, piped or covered waterways; and
- vii. Enable long-term safe access, stewardship and maintenance of waterways and watersides.

City Centre quayside walkways Development on or adjacent to the existing quayside walkways shown on the Policies Map will be expected to retain and, where appropriate, enhance a continuous and accessible route.

Development on or adjacent to the proposed quayside walkways shown on the Policies Map will be expected to provide or contribute appropriately towards a continuous and accessible route finished to a high standard of design including, where practical, seating and appropriate landscaping.

Buildings lining existing or proposed quayside walkways will be expected to have active frontages onto the walkway where feasible. Development that would be harmful to the amenity



or accessibility of an existing or proposed quayside walkway will not be permitted.

Explanation

7.37 New development on or adjacent to waterways should contain enough public space as close to waterways as practicably and as safely as possible, to facilitate walking, cycling and accessibility. Provision of new public connections and public realm adjacent to waterways should also be designed to not only to avoid harm but deliver ecological enhancement to any nature conservation value that might exist on banks adjacent to waterways. This means that new development will be expected to limit increased lighting or high levels of noise that could result in harmful impacts to existing habitats and the fauna species they support and consider opportunities for provision of reedbeds and natural **tree-lined**⁴⁹ banks to enhance habitats.

7.38 New development should be designed and sited to link existing and new connections provided adjacent to waterways to the existing public realm and green infrastructure network in and immediately around the development site. An open walkway should usually be provided on the existing quayside or banks of the waterway. However, where buildings are required for conservation or other reasons to directly abut the water's edge, consideration will be given to canted, colonnaded and floating solutions. To align with the emerging Bristol Avon Flood Strategy, opportunities to deliver green infrastructure links which also provide flood mitigation benefits will also be supported.

7.39 Due to the inaccessible nature of land and the form of industrial activity which takes place in the Bristol Port, this policy will not be applicable to that location.

⁴⁹ Trees provide multiple benefits to river banks, including ecological enhancement and structural stability.



4. Policies carrying over from Local Plan Review Draft (2019)

10. Green Infrastructure

10.1 The protection and enhancement of the city's natural environment will continue to be a core aspect of the local plan which will be consistent with the place shaping principles in the West of England Joint Spatial Plan (Policy 5).

10.2 Existing policies will continue to provide an effective framework for maintaining and enhancing the city's green infrastructure network and for providing net gains for biodiversity.

10.3 This draft plan includes new policies of protection for open space and explains the approach to food systems.

Open space

10.4 As we develop more homes, businesses and communities it is essential that we continue to carefully conserve open space infrastructure such as parks, playing fields, nature reserves and green lungs of natural space. This will help reduce pollution, improve air quality, physical and mental health and social interaction. It also helps mitigate climate change and reduces the risk of flooding.

10.5 About a fifth of the city's land area is given over to various forms of open space - that overall proportion will be maintained through the proposals in this review.

10.6⁵⁰ Policy DM17: Development Involving Existing Green Infrastructure, of the Bristol Local Plan currently identifies the following sites:

- Important Open Space,
- Unidentified Open Spaces, and
- Urban Landscape.

Policy DM19: Development and Nature Conservation, of the Local Plan also identifies the following sites:

- Designated International and National Nature Conservation Sites.
- Sites of Nature Conservation Interest (SNCI),
- Wildlife Corridors and Species,
- Habitats of Principal Importance, and

Green Belt land is also identified in the Local Plan under BCS6.

This local plan review proposes also to designate all these as specially protected Local Green Space, to reflect their special status and in accordance with national planning policy.

These sites will be designated as Local Green Space. All other open space will be designated and protected as Reserved Open Space. Both designations would be subject to the proposed policies below.

⁵⁰ This section has been reworked, as the previous text meant there was a reduction in protection for green spaces, in particular unidentified open spaces. The latest NPPF and the Environment Act aim to increase protection for our valuable green and open spaces, and any reduction in protection is contrary to this and MUST be amended

Draft Policy GI1: Local Green Space

10.7 Local Green Space is a designation provided for in national planning policy and which national policy says should only be used in defined circumstances. The designation allows the



protection of open space that is demonstrably **special**⁵¹ to a local community having unique characteristics that require safeguarding. These special qualities mean that the open space should be kept as such permanently.

10.8 Local Green Spaces **which are not listed at 10.6 above** have been identified based upon five criteria of local significance:

- i. recreational value;
- ii. historic significance;
- iii. richness of wildlife;
- iv. beauty;
- v. tranquillity.
- vi. **Ecological value**
- vii. **Climate change resilience**⁵²

10.9 They are also considered to be demonstrably special to the community they serve and offer a unique and irreplaceable provision to that community. Although Local Green Spaces should be in reasonably close proximity to the community they serve, this does not necessarily mean that they are publicly accessible or publicly owned. However, they are normally readily visible from the public domain and meet the definition of open space set out in national planning policy.

⁵¹ Would this include considerable local opposition to the loss of this green space? Without some clarification it is difficult to see how a green space can be shown to be “demonstrably special”. There should be a public and stakeholder consultation to attribute these designations.

⁵² These additional criteria should be added to reflect the Climate and Ecological Emergencies.

Policy text

Land identified as Local Green Space will be retained as open space. Development that results in harm to the Local Green Space’s characteristics, appearance or role will not be permitted. Ancillary development of a proportional scale that supports the function and role of the Local Green Space may be acceptable provided it does not have a harmful impact on the space as a whole.

Explanation

10.10 Many Local Green Spaces are recognised as significant because of their recreational value to the community. It is acknowledged that some development may be required to enhance the use of the space. For example, it may be necessary to install buildings for changing facilities to allow the continued use of the space. Examples of other acceptable ancillary development may include play equipment in parks; appropriate parking facilities to facilitate the use of a Local Green Space or; appropriate footpaths and cycle paths to enhance accessibility through a space.

Local Green Space in Neighbourhood Plans

Neighbourhood Plans in the city include their own designations of Local Green Space. This Local Plan review does not make further proposals for Local Green Space designations within the boundaries of those plans.

Draft Policy GI2: Reserved Open Space

10.11 Whilst not all open space has the characteristics of specially protected Local Green Space,



the city contains numerous open spaces of importance that are considered appropriate for proportionate policy protection in the local plan. These open spaces have current public value and are proposed to be designated as Reserved Open Space. The policy approach also allows local communities to consider and review the approach to open spaces in their areas. Reserved Open Spaces will be re-assessed during future reviews of the local plan and may be reviewed through any new neighbourhood plans.

Policy text

Development which would result in the loss of all or part of land identified as a Reserved Open Space will not be permitted unless it can be demonstrated that:

- i. The reserved open space is no longer required for its open space function; and
- ii. A deficiency of open space provision would not be created through its loss, measured against the local plan's standards for open space provision (Retained Policy DM16 'Open space for recreation').⁵³

Ancillary development of a proportional scale that supports the function and role impact on the space as a whole.

Explanation

10.12 Any development proposals that would result in the loss or reduction of Reserved Open Space through development will be required to fully justify the proposal and demonstrate clearly⁵⁴ why the space is no longer needed for an open space purpose.

10.13 The local plan's standards for open space provision seek to ensure minimum quality, quantity and access standards for publicly accessible open space in the city. They are drawn from the council's Parks and Green Spaces Strategy which provides further information. Additionally, Bristol's Playing Pitch Strategy sets out requirements for sports facilities across the city, where critical sports pitches and venues are located and what further provisions are needed.

10.14 As with Local Green Space, it is acknowledged that some form of development may be required to enhance the function of the open space. Therefore, supporting ancillary development for the continued or improved use of the open space may be acceptable as indicated in the policy.

For detailed proposals for Local Green Space and Reserved Open Space across the city please see the separate Open Space document of this consultation.

⁵³ This section should either be removed or substantially qualified. It is not clear whether the "deficiency" is at a local or city wide level. The concern is that it is a catch-all statement that could be applied to many or all green spaces.

⁵⁴ This should include community consultation.

Draft Policy GI3: Incidental Open Spaces

10.15 Supplementing the proposed designated Open Spaces in the city is a variety of smaller spaces that may be considered to be locally important in terms of the character of the area. These spaces may have significance to the visual amenity of the surrounding built environment, be an integral part of the formal street layout, have a recreational function to the local



community or be of ecological value where few of these exist⁵⁵. This type of space may include landscaping incorporated into development and green amenity areas within housing estates or along the roadside.

⁵⁵ This takes into account the Ecological Emergency. Some areas are lacking in such spaces, or spaces are valuable in ecological connectivity for other spaces.

Policy text

Development involving the loss of incidental open space will not be permitted where the space is locally important for recreation, ecology⁵⁶ and leisure use or townscape and visual amenity.

⁵⁶ This takes into account the Ecological Emergency.

Explanation

10.16 In addition to the Local Green Spaces and Reserved Open Spaces identified by Draft Policies G11-G12, Bristol contains a range of smaller open spaces which often have localised importance for a particular open space role. These are typically too small to be separately designated, or are integrated into existing developments. However, such spaces can have an important role and value for recreation, leisure, ecology, climate change resilience⁵⁷, community use, townscape, landscape and visual amenity quality.

⁵⁷ These additional criteria should be added to reflect the Climate and Ecological Emergencies.

11. Development locations and allocations

11.1 This local plan consultation has set out the proposed number of new homes intended to be developed in Bristol each year to meet the needs of the city. The majority of residential development will be on previously developed site⁵⁸ including sites allocated for development in the existing local plan, proposed site allocations in the local plan review and development within the city's regeneration areas. However, in order to ensure sufficient sites become available to meet the need for new homes⁵⁹ it is considered necessary to allow for a limited release of land from the existing Green Belt.⁶⁰

11.2 The local plan consultation in 2019 proposed the development of four Green Belt sites⁶¹. This consultation suggests that three of those should continue to be proposed in the local plan and that the site at Yew Tree Farm should be withdrawn from consideration for development and retained in the Green Belt.

11.3 The three sites proposed to be retained for consideration through this local plan review could contribute between 1,150 to 1,400 new homes.

⁵⁸ These must be in accordance with NPPF and TACP Act definitions and listed on the Councils up to date register of Brownfield sites (<https://www.bristol.gov.uk/files/documents/3236-brownfield-land/file>) and not simply attributed by the developer.

⁵⁹ This should take account of recent proposed withdrawal of Government Housing Targets.

⁶⁰ We oppose this. It is contrary to Council policy and government directives and should not be permitted.

Land at Bath Road, Brislington



11.4 The potential for this location to be allocated for residential development was set out in the local plan consultation in 2019. **The site is currently within the Green Belt⁶¹**. Whilst the loss of the Green Belt would result in a reduction in the separation of Bristol and Keynsham, the gap between the settlements would remain. Development in this location on the edge of the city **has the potential to be sustainable⁶²** in terms of its relationship with the services and transport connections in Bristol. It is estimated that this location could provide for 500 to 750 homes. **The relocation of the park and ride to a suitable new location⁶³** could allow for the higher end of that range.

11.5 This consultation suggests that the land at Bath Road, Brislington continues to be proposed for residential led mixed-use development. Any allocation for development would be expected to address the following key development principles:

- To be in accordance with a master plan prepared in consultation with the local community which addresses the mix of uses, form of development and relationship with surrounding uses.
- Ensure that the development is supported by appropriate transport infrastructure to address the impact of the development including appropriate provision for active modes of travel.
- **Retention of (and incorporation of new) trees, hedgerows and other green infrastructure⁶⁴** including a linear park at Scotland Bottom.
- Biodiversity **net** gain in accordance with other policies and any legal requirements.
- Contribution to essential infrastructure provision including provision of primary school places off-site.



- Retention of the existing allotments.

11.6 Any development would also be expected to provide an appropriate level of affordable housing (up to 40%) and 5% of new homes should be in the form of community-led/self-building housing.

⁶¹ There should be no encroachment onto Green Belt land. It is clearly stated in the NPPF that “Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified”. There are no exceptional circumstances, and neither is there evidence or justification. Further, the Secretary of State has declared that Local planning authorities are not expected to review the Green Belt to deliver housing, and that housing targets should not be used as a justification.

⁶² Not with respect to the environment as the green infrastructure lost cannot be mitigated elsewhere.

⁶³ Unless it can be demonstrated that this can be relocated to a brownfield site, there will be additional loss of green infrastructure.

⁶⁴ If there is incorporation of all trees and hedgerows, then there would be no space for development. The lack of feasibility of this statement is evidenced by the fact that following the proposal to re-allocate this area for development, the owners illegally felled dozens of trees on Green Belt, and this is now part of a legal action by the Council.

Proposals adjacent to Bristol

In order to meet the need for development across the wider region it is possible that proposals for urban extensions in the Green Belt beyond Bristol City Council’s boundary may emerge through the local plans of neighbouring authorities. If appropriate proposals come forward on land adjacent to the proposed location at Bath Road, Brislington or at other locations adjoining the city, the council will work with neighbouring councils to consider the impacts, to assess infrastructure requirements and to ensure integrated and well-planned communities are created to the benefit of existing and future residents.

Land west of Silbury Road, Ashton Vale

11.7 This site was proposed as a location for development in the 2019 local plan consultation. Since then, it has been subject of a planning application - the Longmoor Village proposal - which is associated with a separate mixed-use development proposal at Ashton Gate. In October 2022 Bristol City Council resolved to grant outline planning permission (application reference 21/03166/P). It is proposed that the local plan reflects this planning permission with a **change to the boundary of the Green Belt**⁶⁵ and a development allocation consistent with the permission.

⁶⁵ Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Neither is the case here therefore this should not be permitted. The council should be warned that this may be challenged legally, and the Secretary of State has made it clear that he is inclined to disallow such developments. In any event, the approval of the Secretary of State will be required, which given the recent circulars, is unlikely.



Land adjacent to Elsbert Drive, Bishopworth

11.8 Since the local plan consultation in 2019 proposed this site for development, North Somerset Council has consulted on the potential to remove from the Green Belt⁶⁶ and allocate an adjoining area for development.

11.9 Together with the land in North Somerset there is potential for a development of around 350 homes, representing a significant contribution towards meeting future needs.

11.10 In order to achieve a high standard of development it is appropriate that any proposal considered at this location should be comprehensively planned across the local authority boundary. Any allocation **must**⁶⁷ therefore address the following key development principles:

- To be in accordance with a cross boundary master plan prepared in consultation with the local communities which addresses the mix of uses, form of development and relationship with surrounding uses.
- Design and landscaping treatment which respects the amenities of existing homes at Elsbert Drive.
- Ensure that the development is supported by appropriate transport infrastructure to address the impact of the development including appropriate provision for active modes of travel.
- Retention of and incorporation of new trees, hedgerows and other green infrastructure.
- Biodiversity **net** gain in accordance with other policies and any legal requirements.
- Contribution to essential infrastructure provision.

11.11 Any development would also be expected for provide an appropriate level of affordable housing (up to 40%) and 5% of new homes should be in the form of community-led/self-building housing.

⁶⁶ Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.

⁶⁷ This requirement is not optional. Allocations **MUST** address these issues.

Yew Tree Farm

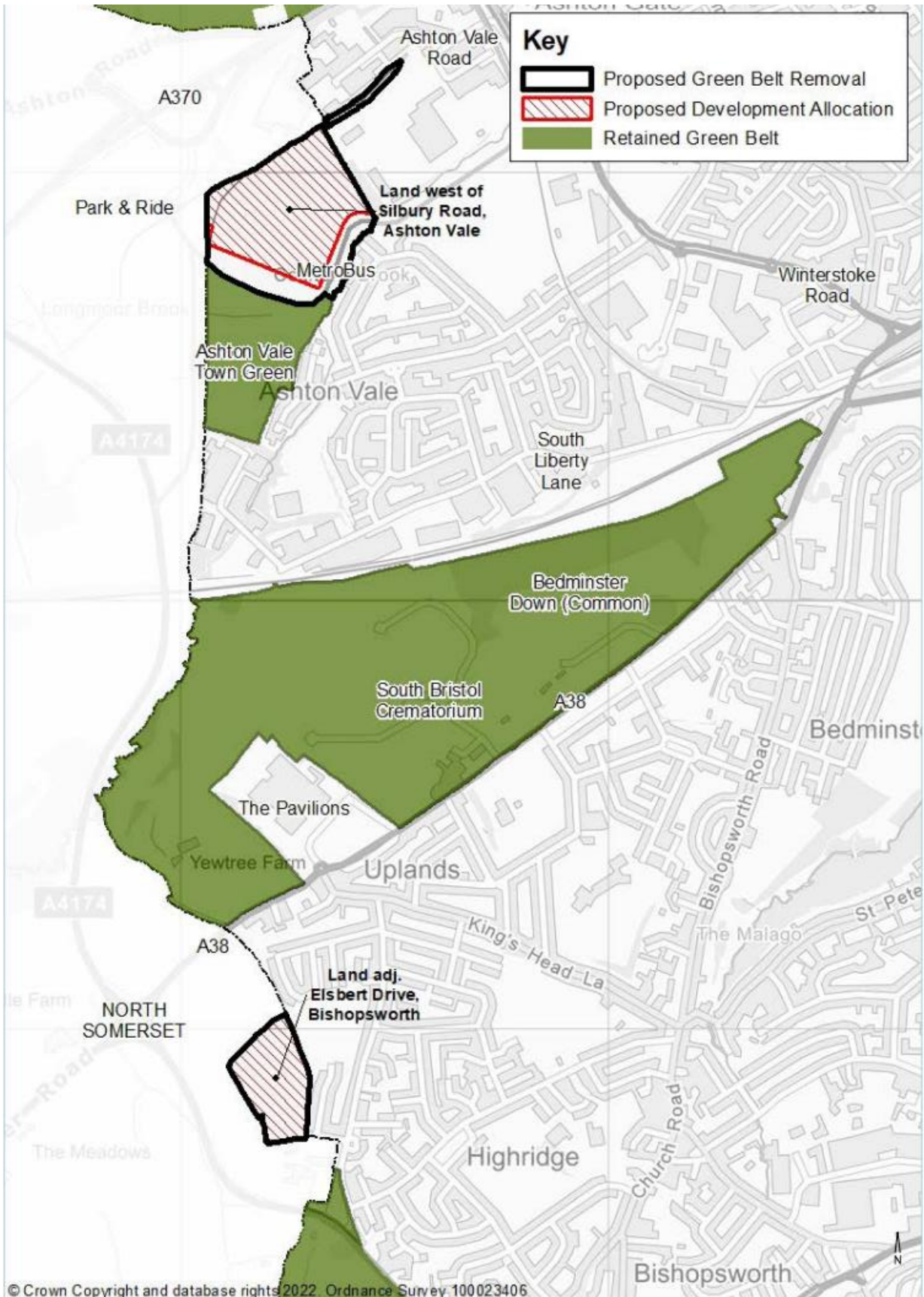
11.12 This consultation proposes that this land should remain in the Green Belt.

11.13 Although it is **considered necessary to allow for some existing Green Belt land to be allocated for development to meet housing needs**⁶⁸, it is no longer proposed to identify land at Yew Tree Farm for removal from the Green Belt. The land has an important role as part of the existing farming enterprise and is being managed to enhance its nature conservation value. Adjacent land within North Somerset is within the Green Belt and it is considered that together with that land, the area identified continues to contribute to Green Belt purposes.

⁶⁸ This is contrary to Council policy and the current NPPF. The LP should not make statements that are not supported in law. The recent Secretary of State pronouncement states that “housing targets should not be used as a justification” for such developments

Green Belt boundary

11.14 To reflect the changes above, it is now proposed that the **boundary of the Green Belt at south west Bristol is amended**⁶⁹ as set out in the diagram below:



⁶⁹ The current NPPF states that “Green Belt boundaries should only be altered where exceptional



circumstances are fully evidenced and justified”. Neither is demonstrated here. The LP should guard against making statements that have clear grounds for legal challenge.

We note that Outline Planning permission has been granted to develop Ashton Vale Town Green. However, this has yet to be approved by the Secretary of State and is dependent on the outcome of a separate planning application in North Somerset County Council - <https://planning.n-somerset.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUDFHQLPMP300>. As such a final decision on this matter must await a decision on these outstanding matters.

In the meantime, we remain opposed to this Green Belt here being allocated for development or for any other Green Belt to be removed.

Development site allocations

Changes to existing site allocations

11.15 The local plan consultation in 2019 proposed that development site allocations from the existing local plan which had not yet been developed should be retained in the new local plan⁷⁰. However, site allocations which have encroached on SNCIs and have yet been developed or are not subject to a pending planning application, will not be retained. It is proposed that this should remain the approach, with the exception of two locations where a change is considered necessary to reflect the greater priority for biodiversity required in response to declaration of the ecological emergency. Western Slopes.

11.16 Reflecting the Knowle West Regeneration Framework which was approved in 2012, the current local plan allocates various sites around Novers Hill - the Western Slopes - for residential development. The sites have nature conservation interest and so the allocations were subject to compensation and mitigation for loss of habitat and the retention of undeveloped corridors.

11.17 In response to the ecological emergency it is now considered that the nature conservation interest of the sites is of overriding concern. It is proposed that, with the exception of some brownfield sites, those areas are no longer allocated sites and are retained as open space with nature conservation interest. The council as the landowner of much of the land has already signalled its intention that its land should not be developed.

11.18 The following existing development site allocations are proposed to be discontinued and not retained in the local plan:

- BSA1108 Land at Novers Hill, east of Hartcliffe Way and west of Novers Lane/ Novers Hill 1
- BSA1114 Land at Novers Hill, adjacent to industrial units
- BSA1119 Land to east of Hartcliffe Way, south of the Waste Depot

11.19 At the time of this consultation a planning application had been made for residential development on parts of site allocations BSA1108 and BSA1114 (21/05164/F). The application will be determined in accordance with current planning legislation, in particular the latest version of the NPPF. The next stage of the local plan will reflect the outcome of that application.

⁷⁰ This should ONLY apply where the allocations are compliant with the current version of the NPPF, and with the Environment Act 2021. Requirements have moved on since 2011, and the LP must reflect this. In addition, retention of site allocations should only be considered if these



are adherent to the Climate and Ecological Emergencies.

Brislington Meadows

11.20 This site has city wide importance for nature conservation. In 2014 a part of the meadows area was allocated for housing development subject to providing compensation and mitigation for the loss of habitat which would arise from development. Since that allocation was made in the adopted local plan, an ecological emergency has been declared by Bristol City Council and it is considered that it would now be more appropriate for the existing site allocation to be discontinued and for the site to be retained as open space with nature conservation interest.

11.21 The following existing development site allocations are therefore proposed to be discontinued and not retained in the local plan: BSA1201 Land at Broomhill, Brislington

11.22 At the time of this consultation a planning application had been made for residential development. The application will be determined in accordance with **current** planning legislation, **in particular the latest version of the NPPF**. The next stage of the local plan will reflect the outcome of that application.

Draft development allocations - March 2019

11.23 The local plan consultation in 2019 proposed **70 draft development allocations**⁷¹ across the city and comments were requested. Any comments on those proposals will be taken into account in preparing the next stage of the local plan when there will be further opportunities to make representations.

⁷¹ These must be compliant with current local and national policies, and must not encroach on Green Belt land, or any allocated green spaces, SNCI's, nature reserves etc.



5. Proposed changes to tree related policies carried over from current development plan

Local planning policies

Local Planning Authorities have a duty to consider both the protection and planting of trees (an important part of Green Infrastructure) when considering planning applications. The potential impact of development on all trees is therefore a material consideration. These are the key planning policies which relate to this application.

Core Strategy⁶

a. BCS9 - Green Infrastructure

The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network will be taken.

Individual green assets will be retained and integrated into new development in accordance with the Mitigation Hierarchy⁷. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary to achieve the policy aims of the Core Strategy. In these cases, mitigation for the lost green infrastructure assets of at least 10% of the baseline habitat will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site in accordance with the provisions of the Environment Act 2021 and any regulations derived from it.

Open Space

Open spaces - designated as Local Green Space - have environmental and ecological importance or are important for recreation, leisure and community use, townscape and landscape quality and visual amenity and will be protected.*

Areas of open space which are designated as Reserved Open Space may be released, through the development plan process, for appropriate development where:*

- They are demonstrably no longer important for recreation, leisure and community use, townscape, ecological value* and landscape quality and visual amenity;
- Development of all or part of an open space would result in improved urban form or an enhancement to existing open space areas and accomplish biodiversity net gain of at least 10% on the baseline habitats⁷².

New development will incorporate, or contribute towards, the provision of an appropriate level and quality of open space.

⁶ [https://www.bristol.gov.uk/documents/20182/34540/Core+Strategy+WEB+PDF+\(low+res+with+links\)_0.pdf](https://www.bristol.gov.uk/documents/20182/34540/Core+Strategy+WEB+PDF+(low+res+with+links)_0.pdf).

⁷ <https://www.rtpi.org.uk/media/1563/biodiversityinplanningpracticeadvice2019.pdf> page 20.



⁷² Added in order to comply with recent legislation.

Biological and Geological Conservation

Internationally important nature conservation sites are subject to statutory protection.

National and local sites of biological and geological conservation importance (including Sites of Nature Conservation Interest - SNCIs) will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation.

Where development would have an impact on the Bristol Wildlife Network it will ensure that the integrity of the network is maintained or strengthened.

BCS9 states that 'Individual green assets should be retained wherever possible and integrated into new development.'

Where habitat damage cannot be avoided, BTRS and the Biodiversity Metric are two tools which the planning authority can use to ensure that:

- the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced.
- opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network are taken.
- individual green assets are retained wherever possible and **designed and** integrated into new development.
- appropriate mitigation of the lost green infrastructure assets is required.
- development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size.
- where on-site provision of green infrastructure is not possible, appropriate provision **must be made** for green infrastructure off **site**⁷³.

⁷³ This must be actual mitigation and not only payment into S106 or similar.

b. Policy BCS11 Development Principles

Development and infrastructure provision will be coordinated to ensure that growth in the city is supported by the provision of infrastructure, services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy. Development will provide, or contribute towards the provision of:

- Measures to directly mitigate its impact, either **environmentally, ecologically, geographically** or functionally, which will be secured through the use of **planning obligations**⁷⁴;
- Infrastructure, facilities and services required to support growth, which will be secured through a Community Infrastructure Levy (CIL) for Bristol.
- Planning obligations may be sought from any development, irrespective of size, that has an impact requiring mitigation. Contributions through CIL will be required in accordance



with the appropriate regulations.

⁷⁴ The planning obligations SPD must be modified to remove the loophole that allows payment into S106 as an alternative to compensating for loss of on-site green infrastructure.

c. Other core planning policies

Trees also have an important contribution to make when applying many Core policies such as:

- BCS6 Green Belt,
- BCS13 Climate Change,
- BCS16 Flood Risk and Water Management,
- BCS21 Quality Urban Design,
- BCS22 Conservation and the Historic Environment and
- BCS23 Pollution.
- DM28 The Public Realm

Development Management Policies⁸

a. DM15: Green Infrastructure Provision

[This whole section will need to be redrafted to take account of the provisions of Parts 6 & 7 - Conservation covenants - the Environment Act 2021⁹]

The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development. The design, size, species and placement of trees provided as part of the landscape treatment will be expected to take practicable opportunities to:

- connect the development site to the Strategic Green Infrastructure Network, and/or Bristol Wildlife Network
- assist in reducing or mitigating run-off and flood risk on the development site
- assist in providing shade and shelter to address urban heating
- create a strong framework of street trees to enclose or mitigate the visual impact of a development.

Trees

Trees absorb gaseous pollutants and also capture particulate matter. Therefore, where development might have a negative impact upon or be affected by poor air quality, additional tree planting of an appropriate species **should be used** in mitigating air quality issues.

2.15.8 New or enhanced green infrastructure assets on or adjacent to this network should be designed to connect to this network, for example to maximise the use and access to an allotment, open space or waterway. New or enhanced green infrastructure assets should be

⁸

https://www.bristol.gov.uk/documents/20182/34540/BD5605%20Site%20Allocations_MAIN_text%20V8_0.pdf/46c75ec0-634e-4f78-a00f-7f6c3cb68398

⁹ <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>



designed to form or enhance connections to the network wherever possible, for example, through greening an existing section of the network with trees to increase its wildlife or visual amenity **quality or** upgrading an existing pedestrian and cycle connection to link effectively into a public open space, allotment or community garden.

2.15.13 When the correct species are provided a strong framework of street trees or linear connections can assist in creating or strengthening existing wildlife corridors. Where a development site is on or adjacent to part of the Bristol Wildlife Network, the design and placement of any trees **must** enhance or create wildlife corridors between known habitats. The Bristol Wildlife Network is available to view on the Explore Bristol section of the council's website: <http://www.bristol.gov.uk/explore-bristol>.

2.15.14 Where trees are to be provided off-site to mitigate the impact of development on air quality, flood risk or visual amenity, planning obligations will be secured to provide the trees under the approach contained in the council's Planning Obligations Supplementary Planning Document. **Developments must demonstrate that such mitigation can be provided, and the precise locations provided prior to approvals⁷⁵.**

⁷⁵ This is necessary to avoid the S106 loophole that allows developers to avoid mitigation by instead paying into S106.

Application Information

Sustainability Statements - Green Infrastructure Provision

[this whole section will need to be redrafted to take account of the provisions of Part 7 - Conservation covenants - the Environment Act 2021¹⁰]

Where new or enhanced green infrastructure is proposed as part of a development, a sustainability statement **must** be submitted at the same time as the application, with a separate section on Green Infrastructure provision.

This **must** set out how the design and placement of any new or enhanced green infrastructure has maximised its potential functions and benefits. For this the following information will be required:

- Clearly set out each green infrastructure asset provided (e.g. tree, water feature, food production space, open space, cycle or pedestrian connections) **whether new or enhanced, either on-site or off-site (direct provision or through planning obligations). A site plan should map and note the location of enhanced or new green infrastructure assets⁷⁶.**
- With reference to the functions and benefits set out in the context section of Core Strategy BCS9 at paragraph 4.9.3, for each green infrastructure asset provided, set out a short explanation as to its functions and benefits achieved and why they are considered to do so, making reference to any site sustainability issues e.g. flood risk, location in the Wildlife Network, **contribution to resilience to climate change** etc.

⁷⁶ This must include offsite replacement tree planting.

Trees

Where trees are provided or subject to improved management, the sustainability statement's

¹⁰ <https://www.legislation.gov.uk/ukpga/2021/30/part/7/enacted>



green infrastructure section **must** contain:

- A site plan showing the location and species of any trees provided or subject to improvement as part of the development.
- Reference to any planning obligations to provide off-site tree provision or mitigation if relevant, **and location of any off-site mitigation/compensation planting**⁷⁷.

⁷⁷ Necessary to avoid developers avoiding mitigation/compensation tree planting.

b. DM17: Development Involving Existing Green Infrastructure

Whilst most of the policies set out in DM17 have been dealt in the 2019 and 2022 proposals, we note that the protections afforded to Urban Landscapes remains. The only source available for identifying the extent and location of these sites is a map published at Diagram 3.2 of DM17.

This is almost impossible to read with any confidence. It needs to be supplemented with a schedule of the sites identified and a machine-readable GIS map to allow for reliable site identification.

We assume that the section headed 'Trees' will be deleted in light of the proposals made under the proposed Draft Policy BG4 above.

c. DM27 - Layout and Form

Landscape Design through high quality landscape design, development will be expected to contribute to a sense of place with safe and usable outdoor spaces which are planned as an integral part of the development and respond to and reinforce the character of the context within which it is to be set. In contributing to green infrastructure, design **will** incorporate valuable existing natural and manmade landscape features, while reinforcing it with new structural tree planting where appropriate. Proposals for the landscape design and planting of development will:

- i. Take account of the function, circulation and servicing of places and site constraints including underground services; and
- ii. Use trees and other plants appropriate to the character of the site and its context, including native trees; and
- iii. Allow sufficient space for safeguarding valuable existing vegetation and the healthy establishment of trees and other planting; and
- iv. Integrate sustainable urban drainage systems; and
- v. Incorporate hard detailing and materials and planting appropriate to context and fit for purpose, for all elements including surfacing, change of level, boundary treatments, and site furniture; and
- vi. Accommodate capacity for local food growing where possible.

Landscape Design

2.27.6 The quality of the built environment can greatly be enhanced by a considered landscape design at an early stage of the design process including site appraisal and planning informed by up to date information and surveys of the site constraints and characteristics. The landscape design **must contribute to the delivery of sustainable places and recognise the important role**



that green infrastructure plays in adapting to climate change and sustainability⁷⁸. For larger scale developments, a strategic landscape strategy for the entire site may be sought that sets out an integrated vision for the development.

2.27.7 In assessing the layout and form of development, regard will also be had to relevant national good practice guidance.

⁷⁸ This should not be optional, hence “must”

d. Other development management policies⁷⁹

Trees also have an important contribution to make when applying many other development management policies such as:

- DM14 The Health Impacts of Development
- DM15 Green Infrastructure Provision
- DM16 Open Space for Recreation
- DM19 Development and Nature Conservation
- DM21 Development of Private Gardens
- DM22 Development Adjacent to Waterways
- DM25 Greenways
- DM26 Local Character and Distinctiveness
- DM28 The Public Realm
- DM31 Heritage Asset
- DM33 Pollution Control, Air Quality and Water Quality
- DM34 Contaminated Land
- DM35 Noise Mitigation

⁷⁹ There should be a DM policy covering Urban Heating.

Planning Obligations Supplementary Planning Document (Adopted 2012)

Trees

Policy Background

The justification for requiring obligations in respect of new or compensatory tree planting is set out in Policies BCS9 and BCS11 of the council’s Core Strategy.

Trigger for Obligation

Obligations in respect of trees will be required where either:

- New planting is required on public land to mitigate the impact of a development, or
- Trees covered by categories A, B and C of BS 5837 (Trees in relation to construction) are felled as part of a development, and replacement planting is required on public land



Tree planting will either take place on open ground or in areas of hard standing such as pavements. Where planting can take place directly into open ground the contribution will be lower than where the planting is in areas of hard standing. This is due to the need to plant trees located in areas of hard standing in an engineered tree pit. **The figure selected should be justified in the planning documents⁸⁰.**

All tree planting on public land is to be undertaken by the council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.

⁸⁰ This is required as developers routinely select the lower figure with no justification.

Level of Contribution

The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The level of contribution is as follows:

Tree in open ground (no tree pit required) £765.21

Tree in hard standing (tree pit required) £3,318.88⁸¹

⁸¹ These figures must be updated and index linked

The “open ground” figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in open ground.
- Where development results in the loss of trees on the development site, and is unable to provide replacement tree planting on site.

These figures will ONLY be applied when “open ground” sites are available⁸².

⁸² Compensation should reflect the actual cost of replacement.

In both these cases the Council will **undertake⁸³** replacement tree planting in the nearest appropriate area of open space, **which must be within a 1mile radius⁸⁴.**

⁸³ Developers must detail the exact location of approved planting sites.

⁸⁴ This should be added to avoid replacements being made too distant, and not being associated with the areas where environment has been degraded by the loss of trees. However, the requirement for replacement trees to be within the same Area Committee should be removed.

The “hard standing” figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.
- Where new tree planting in hard standing is required to mitigate the impact of development **where no on site options exist and only “hard standing” off-sites are available⁸⁵**

⁸⁵ Compensation should reflect the actual cost of replacement..

In each of these cases the Council will implement tree planting in specific locations identified in the planning application⁸⁶.

⁸⁶ This is absolutely essential. The current SPD provides a “loophole” whereby developers can avoid replacing trees by effectively paying a “fee” to the council (£106), and these payments accumulate without ever being spent on tree replacements.



The number of trees required to compensate for loss of existing trees depends upon the size of the trees to be lost. This is set out in the following table⁸⁷:

| Trunk diameter of tree lost to development (cm measured at 1.5 m) | Number of replacement trees |
|---|-----------------------------|
| Less than 15 cm | replace with 0 – 1 tree |
| 15 – 19.9 cm | replace with 1 tree |
| 20 – 29.9 cm | replace with 2 trees |
| 30 – 39.9 cm | replace with 3 trees |
| 40 – 49.9 cm | replace with 4 trees |
| 50 – 59.9 cm | replace with 5 trees |
| 60 – 69.9 cm | replace with 6 trees |
| 70 – 79.9 cm | replace with 7 trees |
| 80+ cm | replace with 8 trees |

| BNG 3.1 - Table 7-2 | | | | BTRS Obligation |
|---------------------|------------------------|----------------------|-----------|----------------------------|
| Category | DBH ¹⁰ (cm) | RPA _r (m) | Area (ha) | Replacement Trees Required |
| Small | <=30 | 3.6 | 0.0041 | 2 |
| Medium | >30 to <=90 | 10.8 | 0.0366 | 10 |
| Large | >90 | 15.6 | 0.0765 | 21 |

⁸⁷ This table should be replaced by one which aligns with the latest NPPF and the Environment Act 2021, in particular complying with BNG 3.1. To retain the previous BTRS table would result in contradictory instructions.

The following is a hypothetical example:

A development proposal results in the loss of two street trees, which have trunk diameters of 27cm and 33cm respectively.

The tree with the 27cm trunk will require 2 replacement trees and the tree with the 33 cm trunk will require 10⁸⁸ replacement trees.



The obligation will require the provision of 12 replacement street trees.

Therefore the contribution will be $12 \times \text{£}3,318.88 = \text{£}39,826.56$ ⁸⁹

⁸⁸ Figures in line with the replacement table.

⁸⁹ this uses the replacement costs for trees in hard standing as published in the current development plan. It will need to be updated to reflect current planting costs

Further Information

Further information can be obtained from the council's Arboriculture Team, or the Planning Obligations Manager.