



22 April 2024

24/01436/FB | The White Hall Glencoyne Square Bristol BS10 6EU

Preliminary Observations

This application has been validated even though it fails to comply with the LPA's guidance - Biodiversity Net Gain for major development and small site planning applications.¹ This requires the following documents to be submitted with the application:

1. A Biodiversity Net Gain Report.
2. A Completed Statutory Metric.
3. Mapping: GIS shape files.
4. A Habitat Management and Monitoring Plan (HMMP).

Under the Biodiversity net gain guidance,² Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015:³

- 1) confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.
- 2) the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate).
- 3) where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.
- 4) the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value.
- 5) a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - a) a statement to the effect that these activities have been carried out.
 - b) the date immediately before these activities were carried out.
 - c) the pre-development biodiversity value of the onsite habitat on this date.
 - d) the completed metric calculation tool showing the calculations, and

¹ <https://www.bristol.gov.uk/residents/planning-and-building-regulations/planning-policy-and-guidance/biodiversity-net-gain-for-major-development-and-small-site-planning-applications>.

² <https://www.gov.uk/guidance/biodiversity-net-gain> - Paragraph: 011 Reference ID: 74-011-20240214.

³ <https://www.legislation.gov.uk/uksi/2015/595/article/7/made>.



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- e) any available supporting evidence of this.
- 6) a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- 7) plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

The applicant has failed to do some or all of this information.

We also note that the Biodiversity Net Gain Objectives report (BIODIVERSITY_NET_GAIN_OBJECTIVES-3663406) is incorrect because:

1. It reports that 'The development proposals comprise the construction of seven residential units with associated parking, access, and landscaping, whereas the application is for the 'Erection of apartment block comprising 23no. residential apartments...etc.'
2. It quotes an incorrect version of the Biodiversity Gain Hierarchy at section 2.4. The correct version is published at Regulation 37A of the Town and Country Planning (Development Management Procedure) (England) Order 2015.⁴
3. The baseline habitat survey does not include the Individual trees habitat identified in Appendix 1 of the applicant's Arboricultural Impact Assessment, AIA__TREE_PROTECTION_PLAN-3663410 report.
4. The habitat areas of the other baseline habitats are not given.
5. No copy of the EclA (Ethos 2024) referred to at section 3.22 has been provided.
6. There are no detailed proposals for the provision of the offsite mitigation that will be required.

Please provide and publish the documents above which have not been provided, together with an amended copy of the Biodiversity Net Gain Objectives report. Please provide a copy of the Statutory Metric calculation in .xlsm format.

Please confirm that this matter will be put on hold until this information has been provided and the applicant has complied with both the LPA's and the statutory requirements and guidance.

⁴ <https://www.legislation.gov.uk/uksi/2015/595/part/7A>.