



Bristol Tree Forum (BTF) Response to Matter 01

Examination of the Bristol Local Plan 2022-2040 (the Plan)

Inspectors: Louise Gibbons, Steven Lee and Benjamin Clarke

Draft Matters, Issues and Questions (MIQs)

The BTF Regulation 20 responses to the Plan

Our responses below are informed by and rely upon our responses to the 2023 consultation:

1. [Bristol Tree Forum representations in relation to the Bristol Local Plan 2023 Publication Version consultation](#) (19 January 2024 representations).
2. [BTF Representations on the Bristol Local Plan 2023 publication version - Addendum](#) (25 January 2024 representations).

We also ask the inspectors to take into account our representations regarding the 2019 consultation, which raised new proposals for the protection of open space that were not reproduced in the later 2023 consultation [PCD002b & TPC005]:

[Our response to the 2019 Open Spaces and Local Plan Review](#) (January 2023 representations).

Our representations below are shaded pale blue and prefixed 'Q[number.number] - BTF Response'. The word count does not include the headings above, this highlighted text or the reproduced text from the MIQs.

Paragraphs referred to in the National Planning Policy Framework (September 2023) are shown as NPPF [number].

We set out below why we believe the proposed Plan is neither justified nor effective, nor consistent with national policy, and therefore unsound.

Matter 01: Legal, Procedural and Other General Matters (1,176 words)

Public Consultation and Statement of Community Involvement (SCI)

Q1.25: Has the consultation process undertaken by the Council been in accordance with its Statement of Community Involvement and the relevant Regulations?

Q1.25 - BTF Response

The NPPF recognises that the presumption in favour of sustainable development 'has implications for the way communities engage in neighbourhood planning' (NPPF 13) and that they should 'also engage with their local communities ...' (NPPF 25).

Lord Woolf stated in the 2001 Coughlin judgment [R v North & East Devon Health Authority, ex parte Coughlan [2001] QB 213, [2000] 3 All ER 850, 97 LGR 703] that, 'It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient



Bristol Tree Forum (BTF) Response to Matter 01

reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.'

This has not been our experience given the lack of any meaningful engagement by the Council with our carefully crafted representations. We took considerable effort to submit detailed representations. We asked to meet with the Local Plan Working Group (LPWG) to present our concerns but were ignored. We can find no evidence that our comments were even considered by the LPWG. None of our suggestions were included nor did we receive any response from the LPWG. The whole exercise appeared to us throughout to be a foregone conclusion. We believe that we are not the only ones to have had this experience.

We address the Council's failure to conduct a meaningful consultation on section C of our 19 January 2024 representations. See also our **Q1.28 Response** below.

Given all this, the Plan is not sound because it is not justified or effective, nor is it consistent with national policy.

Climate Change

Q1.27: Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in Bristol contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended)?

Q1.27 - BTF Response

The Bristol One City Climate Strategy¹ is not mentioned once in the Plan. Perhaps this is because it is not an adopted Council plan so sits outside its monitoring processes even though the Council was the first UK local authority to declare a climate emergency on 13th November 2018.

The Plan recognises the dangers of urban heating and flooding as extreme weather events such as heat waves and heavy rainfall become more frequent and extreme. It is well-known that trees in the urban environment can help reduce temperatures by as much as 10°C during a heat wave, and can mitigate flooding by interrupting rainfall, increasing ground penetration, and increasing water evaporation. They also sequester large amounts of carbon - around 50% on the biomass of a tree is sequestered CO₂ equivalent.² Despite these benefits and despite NPPF 131 specifically highlighting the benefit of trees, there is not a single mention of trees in **Section 12: Net Zero and climate** of the Plan or of the impact that their removal has on the release of embodied carbon (Policy NZC3).

See also section D of our 19 January 2024 representations. This makes it clear that the Plan offers weaker environmental protections than the plan it replaces.

Given all this, the Plan is not sound because it is not justified or effective, nor is it consistent

¹ <https://www.bristolonecity.com/wp-content/uploads/2020/02/one-city-climate-strategy.pdf>

² <https://bristoltrees.space/trees/tree-benefits/interactive.xq>



Bristol Tree Forum (BTF) Response to Matter 01

with national policy.

Superseded policies in existing plans

Q1.28: Does the Council's suggested main modification, as set out in EXA002.1 ensure compliance with Regulation 8(5)?

Q1.28 - BTF Response

The Plan does not make adequate provision for the protection of existing open and green spaces, nor for the creation of such spaces. When compared with the current Local Plan and contrary to the NPPF, this represents a weakening of those strategies aimed at increasing the availability of open spaces for recreation and nature (see our **Issue 4.6 Response** below).

This general response from the Council [EXA002.1] is not sufficient. The Council should expressly list those policies which will either not be retained or be replaced - See paragraphs 24 to 31 of our 19 January 2024 representations.

As a result of these policies being lost but not replaced in the Plan, there will be a diminution of the current protections for the natural environment. No explanation has been given for this, nor was it consulted on.

Of the 520 Important Open Spaces (IOS),³ covering over 2,000 hectares, which are currently protected under the Site Allocations and Development Management Policies (SADMP) DM17,⁴ we calculate that 84, covering some 43 hectares,⁵ will lose all policy protection under the Plan, even though, on the basis of their designation as IOS sites in July 2014, they meet the current criteria for designation as Local Green Spaces (LGS) or Reserved Open Green Spaces (ROGS).⁶

Urban Landscapes, which are currently protected under SADMP DM17 (see map 4), will also lose all protection under the Plan.

We also calculate that 36 of the 85 SNClS designated within the city boundaries⁷ have not been given any protection under the Plan beyond the minimal provisions set out in proposed policy BG2: *Nature conservation* (see our Q10.11 response below). These are currently given explicit policy protection under SADMP DM19.⁸

No new Local Green Space (LGS) or Reserved Open Green Space (ROGS) designations are proposed for the three remaining Neighbourhood Development Areas (NDAs),⁹ even though protection for IOS and Urban Landscape sites within these NDAs is being dropped with no guarantee that they will even be considered for redesignation.

There are 59 sites in NDAs,¹⁰ which are identified in the adopted Parks and Green Spaces

³ <https://bristoltrees.space/Tree/siteCategory/IOS>.

⁴ <https://www.bristol.gov.uk/files/documents/2235-site-allocations-bd5605/file> - page 36.

⁵ <https://bristoltrees.space/Tree/siteCategory/IOS%20not%20LP25>.

⁶ TPC005 - Policy DM17 Development Involving Existing Green Infrastructure (page 6).

⁷ <https://bristoltrees.space/Tree/sitecode/SNCI-BC>.

⁸ <https://www.bristol.gov.uk/files/documents/2235-site-allocations-bd5605/file> - page 40.

⁹ Old Market Quarter, Hengrove and Whitchurch Park and Lawrence Weston.

¹⁰ <https://bristoltrees.space/Tree/siteCategory/PGSS%20in%20NDA>.



Bristol Tree Forum (BTF) Response to Matter 01

Strategy (PGSS) [REL008 & REL008a], but only 12 have been designated as LGS sites in the Plan. The Plan gives no protection to a further 69 PGSS sites covering nearly 48 hectares.¹¹

No explanation has been given as to why these various sites have been excluded from the Plan.

The Council must expressly set out the impact of these changes and identify those sites which will lose, or suffer a diminution of, the protections they currently enjoy under the adopted Local Plan. An explanation must be given as to why any of these sites have been excluded from the Plan. There should be a new public consultation which allows stakeholders to comment on what is proposed.

Until this is done, the Plan is not sound because it is not justified or effective, nor is it consistent with national policy.

Conclusion

Given all this, as currently proposed, the Plan is not sound because it is not justified or effective, nor is it consistent with national policy.

We ask the Inspectors to find the Plan unsound as submitted, and to recommend non-adoption.

¹¹ <https://bristoltrees.space/Tree/siteCategory/PGSS%20not%20LP25>.