



BTF Preliminary Comments - 13 January 2026

25/14832/M | Application for the approval of reserved matters (appearance, layout, scale and hard/soft landscaping) in relation to a residential-led development, pursuant to outline planning permission 21/03166/P. | Land North of Metrobus Ashton Vale Bristol

Introduction

These preliminary comments are confined to the issue of biodiversity net gain (BNG) and, in particular, compliance with Condition 12 - Biodiversity Net Gain Assessment of the grant of outline planning permission on 22 August 2023.

We reserve our position on all other matters pending the clarification of this issue.

Condition 12 - Biodiversity Net Gain Assessment

As part of a reserved matters application for any phase of development, a revised Biodiversity Net Gain Assessment (BNGA) based on the finalised proposals for that phase shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The Shadow Habitats Regulations Assessment (November 2022) specifies certain habitat retention, enhancement and creation across the site to reduce negative impacts on horseshoe bats (European protected species and qualifying feature of the Mendip and North Somerset Special Area of Conservation). The BNGA shall retain the habitat retention, enhancement and creation which supports these species in all phases. This must include the 10m buffer either side of the Longmoor Brook.

The BNGA shall employ Natural England's Metric (v 2.0) as was used for the determination of the outline planning proposals. Detailed spreadsheet calculations shall be submitted in support of the BNGA, together with condition assessment sheets and habitat maps (baseline and post-development). Full account shall be taken of tree losses and tree condition shall be assessed according to ecological rather than arboricultural value.

The relevant phase of development shall thereafter be carried out in full accordance with the habitat retention, enhancement and creation measures set out in the revised BNGA or any amendments approved in writing by the Local Planning Authority.

Reason: To comply with the revised National Planning Policy Framework (NPPF, 2021), which states in paragraph 174 (d) that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...'.

Note: The BNGA submission shall be accompanied by a Landscape & Ecological Management Plan (LEMP). See attached condition on details of the LEMP.



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The biodiversity net gain evidence

The applicant has submitted a Biodiversity Net Gain Statement and Assessment dated 30 October 2025.¹ It is accompanied by a BNG Calculation based on the Biodiversity Metric 2.0 calculation tool (BNG 2.0) dated 30 October 2025.² The BNG 2.0 calculation tool is now four iterations out of date and is riddled with flaws. It is notable that BNG 2.0 was published as a beta test version at the time in order to gather wider feedback. As a result, the tool has evolved through its later iterations - BNG 3.0, BNG 3.1, BNG 4.0 and, finally, the Statutory Metric - as flaws have been ironed out and improvements made. This has particularly impacted the way that *Urban tree* habitat - now called *Individual trees* habitat - is valued.

It would be far better if the now-mandatory Statutory Metric calculator were used to assess this site's biodiversity, notwithstanding the requirements of Condition 12.

Instead, the applicant has made selective use of the Statutory Metric to produce a hybrid BNG calculation:

1. It has used the UK Habitat Classification (UKHab) (UKHab Ltd., 2023 (V2.0)) which post-dates the UKHab version applied when the site was surveyed for the 2021 outline application - UK Habitat Classification (UKHab) version 1.1, which had been released in September 2020. As a result, there is unlikely to be like-for-like equivalence between the two habitat surveys relied on.
2. The applicant seems to be relying on arboricultural evidence from a survey undertaken on 11 March 2021, nearly five years ago. The report is based on BS5837 2012 - Trees in relation to design and construction. A BS5837 survey is typically valid for 12 months from the date of the survey, as trees are living organisms whose health and site conditions can change rapidly. While some sources suggest that a survey can be valid for up to two years if no significant site changes occur, a new survey still needs to be undertaken to assess the current size of the tree habitat.
3. The applicant has applied the Statutory Metric rules in relation to the application of the strategic significance multipliers and has set all habitats - baseline, created and enhanced - to Low strategic significance. However, as this application has been prepared using Biodiversity Metric 2.0, the principles set out in paragraphs 5.29 to 5.31 and table 5-5 of the BNG 2.0 guide should have been used, and the strategic significance of each habitat assessed accordingly.
4. It has applied the Statutory Metric Principles directly from the Statutory Metric Guide³ rather than those set out in BNG 2.0.⁴
5. The applicant claims that there is no category for *individual trees* habitat in BNG 2.0. Instead, it has used the Statutory Biodiversity Metric tree helper to obtain baseline habitat areas and then entered this area into the metric under the closest matching woodland habitat type with moderate condition assumed. As a result, the habitat contribution of the baseline *Individual trees* habitat on the site is undervalued.

¹ M-BIODIVERSITY_NET_GAIN_STATEMENT_AND_ASSESSMENT-4067751.pdf

² 25_14832_M-BNG_METRIC-4067754.xlsx

³

https://assets.publishing.service.gov.uk/media/689c5ee17b2e384441636196/The_Statutory_Biodiversity_Metric_-_User_Guide_-_July_2025.pdf - page 19.

⁴

https://assets.publishing.service.gov.uk/media/689c5ee17b2e384441636196/The_Statutory_Biodiversity_Metric_-_User_Guide_-_July_2025.pdf - page 19.



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However, *Urban - Street Tree* habitat is a recognised habitat in BNG 2.0, so it should have been used, together with the street tree helper provided in the calculator.

We also note that the new trees being planted are assumed to be one-third medium-sized trees and two-thirds small trees, with condition assumed to be moderate for all new trees. This is another post-BNG 2.0 innovation, as BNG 2.0 gives almost no guidance on how to calculate created *Urban tree* habitat.

The applicant should either have applied all the BNG 2.0 requirements or used the Statutory Metric in its complete form. When BNG 3.0 was released, Natural England advised that:

Users of the previous BNG 2.0 should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for as they may find that the biodiversity unit values metric 2.0 generates will differ from those generated by Biodiversity Metric 3.0.

In April 2022 Natural England also published “Frequently Asked Questions”, including:

Which version of the Biodiversity Metric should I use?

You should use the most current published version of the Biodiversity Metric, unless specified otherwise by the consenting body. If a project has already begun using a previous version of the Biodiversity Metric we do not recommend changing metrics mid project, as this may result [in] discrepancies between calculations.

Their advice was repeated with the publication of each new iteration of the BNG metric up to the publication of the current Statutory Metric. However, we would prefer that the applicant uses the Statutory Metric, given that it is the current, approved metric and has removed the flaws identified in BNG 2.0 and its subsequent iterations.

The BNG 2.0 calculation

In support of its original outline application, 21/03166/P, the first applicant advised that it was possible to achieve a minimum 10% BNG:

Based on the current landscape design, it is possible to achieve a biodiversity net gain on site, as required by planning policy. The current calculated change is a 13.23% (3.29 BU) net gain for area based habitats and a 80.69% net gain (1.68 RUs) for watercourses. This demonstrates a net gain for the biodiversity of the site and is above the 10% net gain required by planning policy, with opportunities to further increase the biodiversity of the site.⁵

However, the latest BNG calculation reveals that the following Habitat Unit (HU) losses will result from what is now proposed:

- Area Habitat - **-21.09** HU, a loss of **-46.92%**.
- Watercourse habitat - **-2.34** HU, a loss of **-39.68%**.

There are also breaches of the Trading Rules as follows:

- Grassland - Other neutral grassland - **-15.16** HU.
- Heathland and shrub - Bramble scrub - **-3.76** HU.

⁵ P-BIODIVERSITY_NET_GAIN_ASSESSMENT_REPORT-2966410.pdf - Executive Summary. Date 31 March 2021



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- Heathland and shrub - Mixed scrub - **-0.25 HU**.
- Lakes - Ditches - **-0.24 HU**.

Rule 3 of the BNG 2.0 Guide states:

'Trading Down' must be avoided. Losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis. Ideally, new or restored habitats should aim to achieve a higher distinctiveness and/or condition than habitats lost.

No proposals have been made as to how these losses will be compensated. Nor is the applicant obliged, as it would be were this application subject to the mandatory BNG Condition introduced in February 2024, to achieve at least 10% BNG.

However, paragraph 170 (d) of the 2019 National Planning Policy Framework (NPPF), which was applicable at the time this application was validated, states:

Planning policies and decisions should contribute to and enhance the natural and local environment by: ... minimising impacts on and providing net gains for biodiversity ...

The August 2024 judgement of Holgate J, in the matter of Vistry Homes Limited ([2024] EWHC 2088 (admin)),⁶ dealt with, amongst other things, the correct interpretation of NPPF paragraph 170 (d):⁷

Where a development is required to provide a measure in order to overcome or mitigate, or compensate for, a harm caused by that project, ordinarily that measure could not rationally be described as a benefit. So, for example, where a development would result in a loss of biodiversity, the provision of additional biodiversity on the same site or on other land nearby in order to completely offset that loss, so that in overall terms there is no net reduction in biodiversity attributable to the development, is not a benefit. It is simply the development "consuming its own smoke" [paragraph 152]. ...

Where the application for permission was made before 14 [sic] February 2024 the statutory 10% requirement should not be treated as having been applicable, nor should that be the effect of the decision-maker's reasoning. However, it was common ground between the parties that the 10% BNG provision in sched. 7A to the TCPA 1990 may be used in such cases, but only as a benchmark, in assessing the weight to be given to a BNG contribution. It must not be used to reduce the weight that the decision-maker would otherwise have given to the provision of BNG in a particular case [paragraph 163].

This application must therefore be based on this decision. Given that the original outline application included a commitment to achieve at least 10% BNG, this commitment should be used as the benchmark upon which to judge the proposals made in this second application.

⁶ <https://www.bailii.org/ew/cases/EWHC/Admin/2024/2088.pdf>

⁷ At the time, Paragraph 174 (d) NPPF December 2021, which is in essentially the same terms as NPPF February 2019 170 (d).