



Representations on the proposed Main Modifications of Chapter 9 -
May 2026

Main Modifications [MM9.x] Document:

https://files.smartsurvey.io/3/0/DRW1NMTL/EXA064_Schedule_of_Main_Modifications.pdf

We have created a clean copy of the proposed Main Modifications from MM9.0 to MM9.12 (pages 1 - 8) and added our representations on these.

Our representations in respect of policies G11, G12 and G13 (MM9.13 - MM9.18) start from page 8.

Summary

The current draft of the proposed Local Plan weakens the existing protections of Bristol's green spaces and runs counter to the Council's *Ecological Emergency Action Plan* (EEAP)¹ and the Bristol *Parks and Green Spaces Strategy* (PGSS).² We suggest the following four main changes to the proposals:

1. Replace discretionary terms such as 'should' and 'it is expected that' with mandatory terms such as 'required' and 'will'. Discretionary terms will enable developers to take advantage of the uncertainty that they create.
2. Oblige developers to identify the specific off-site locations of the trees replacing those lost to development. This should be part of the planning process and be embedded into any grant. Failure to do so should result in applications being refused. Historically, there have been too many developments where off-site replacement trees were required but never planted, or where trees have been planted in off-site locations where another tree once grew - in effect losing two trees and replacing only one.
3. Consider whether the proposed Biodiversity Net Gain (BNG) policy BG3 adds to the existing statutory regime; in some cases, it contradicts it. If the policy is to be retained, we propose minor changes to ensure that it does not conflict with the BNG regime.
4. Retain proposed Policy G11: Local Green Space and carry out a consultation to identify sites that meet the NPPF LGS criteria. LGS is the only designation that gives proper protection to open spaces. Other local authorities have designated LGS sites, so there's no reason why Bristol shouldn't.

In light of these representations, we are of the view that, as currently proposed, the Local Plan required by the National Planning Policy Framework is not 'sound'. The removal of Policy G11 and the wholesale deletion of all LGS designations is neither justified nor consistent with national policy.

¹

<https://democracy.bristol.gov.uk/documents/s120496/Appendix%20A%20-%20BCC%20Ecological%20Emergency%20Action%20Plan.pdf>

² <https://www.bristol.gov.uk/files/documents/7567-parks-strategy-2024-accessible-version/file>



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Chapter 9: Biodiversity and green infrastructure

[MM 9.0] 9.1.3 The local plan 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;
- Identifying and protecting an extensive network of open space (policies GI2 and GI4);
- Setting 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.

[MM 9.1] Policy BG1: Green infrastructure and biodiversity in new development

The integrity and connectivity of the Nature Recovery Network and wider network of green and blue infrastructure across the city will be maintained, protected, enhanced and restored.

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

Commented [1]: Change to 'required'

The provision of green infrastructure in new development **should**:

Commented [2]: Change to 'will'.

- 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;
- Integrate green infrastructure into the design of new development including nature-rich landscape treatment and features such as green roofs, living walls or water features linked to SuDS;
- Retain and incorporate **important** existing green infrastructure such as trees (Policy BG4 'Trees'), hedgerows and water features;
- Take all available opportunities to deliver multifunctional benefits including habitat creation, flood protection, water quality, recreation, food-growing, improved air and water quality and reduced urban heating;
- Take all 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,
- Enhance opportunities to access nature, through connecting public rights of way and extending access to active travel links where possible.

Commented [3]: 'Important' is too vague. Define or delete.

Where green infrastructure is provided it is expected that provision will be made for its



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long-term management and maintenance.

Artificial grass

Developments should not include artificial grass within their landscape schemes or as part of the provision of private or communal outdoor space.

Green infrastructure standards

Major development proposals will be expected to use the Natural England Green Infrastructure Standards to demonstrate that green infrastructure of appropriate quantity and quality will be provided.

Major development proposals will be expected to achieve the following target scores against the Urban Greening Factor for England:

- 0.4 for predominantly residential development;
- 0.3 for predominantly non-residential development.

[MM 9.2] 9.1.11 For the purposes of policies BG1 and BG2, the 'Nature Recovery Network and wider ecological networks' comprise:

- Sites designated for their nature conservation value;
- Areas of importance for biodiversity and focus areas for nature recovery defined by the West of England Local Nature Recovery Strategy; and
- Local ecological networks, including those currently identified and mapped by the Council as Wildlife Corridors, which will be superseded in due course by detailed local ecological network mapping for Bristol.

9.1.17 The voluntary use of other standards, frameworks and accreditation processes such as Building with Nature and/or the Natural England Green Infrastructure Standards can provide further structured methods of showing how this policy is being addressed.

Policy BG2: Nature conservation and recovery

[MM 9.3] Development in Bristol will be expected to take all available opportunities to connect to or enhance the integrity of the Nature Recovery Network and wider ecological networks and promote the restoration of priority habitats and the recovery of priority species, including through the provision of new and the enhancement of existing green and blue infrastructure.

Development proposals which would be likely to have an impact upon habitats, species or features which contribute to nature conservation and recovery in Bristol, including on previously developed land.

If significant harm to biodiversity resulting from a development cannot be avoided (for instance, through locating on an alternative site with less harmful impacts) proposals will be expected to provide mitigation on-site or, as a last resort, appropriate compensatory

Commented [4]: The requirement should be obligatory via a HMMP and a Unilateral Undertaking or Conservation Covenant. This needs to be integrated with the BNG requirements but include BNG exempt applications.

Commented [4R2]: Delete 'it is expected that'.

Commented [5]: Change to 'will'.

Commented [6]: define 'predominantly'.

Commented [7]: define 'predominantly'.

Commented [8]: Add ', including Sites of Nature Conservation Interest'.

Commented [9]: Change to 'West of England Mayoral Combined Authority Local Nature Recovery Strategy (LNRS)'.

Commented [10]: This needs to be clarified to ensure that this document is integrated into the LP.

Commented [11]: What does this mean? If standards etc. are to be relied on, they should be obligatory and integrated into the policy.

Commented [11R2]: Delete 'voluntary'.

Commented [12]: change to 'required'.



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improvements elsewhere.

If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.

Designated sites - hierarchy

International:

Internationally designated sites, comprising Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites, are subject to statutory protection from harmful development. Development will not be permitted which would have an adverse impact in accordance with the approach in national planning policy.

National:

Having regard to individual and cumulative impacts, development will not be permitted which would have an adverse impact on nationally designated Sites of Special Scientific Interest (SSSI), National Nature Reserves or Local Nature Reserves in accordance with the approach in national planning policy.

Local:

Development which would have a significantly harmful impact on local wildlife and geological sites (comprising Sites of Nature Conservation Interest (SNCI) and Regionally Important Geological Sites (RIGS) as shown on the Policies Map), which cannot be avoided, adequately mitigated, or, as a last resort, compensated for, will not be permitted.

Irreplaceable habitats

Development resulting in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Policy BG3: Achieving biodiversity gains

[MM 9.4] 9.1.25 The Environment Act in 2021 and accompanying regulations, 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 Metric.
- Minimise the adverse effect of the development on the biodiversity of onsite habitat and any other habitat.
- Deliver against the biodiversity net gain hierarchy, which requires consideration of delivery on-site, offsite biodiversity gain or biodiversity credits.

9.1.26 The purpose of this policy is to set out the preference for net gain to be delivered

Commented [13]: add 'within Bristol'.

Commented [14]: delete 'significantly'. The term is too vague.

Commented [15]: This section is addressed by para. 173 (c) of the NPPF and is so redundant. If retained, it will create a conflict with the NPPF which takes precedence

Commented [16]: Is this whole section necessary given this is dealt with by the Town and Country Planning Act 1990, Schedule 7A and regulations made under it?

Does it add the minimum standards required under the Act? If not, it serves no purpose and should be deleted.

Commented [17]: Change to Town and Country Planning Act 1990, Schedule 7A.

Commented [18]: change to 'secure measurable net gains to biodiversity'

Commented [19]: Biodiversity Gain Plans are a statutory post-grant requirement. If it is intended to make them a pre-requisite of a non-exempt planning application, this needs to be made clear.

Commented [20]: Change to 'of, firstly, delivery on-site, then offsite biodiversity gain or, as a last resort, biodiversity credits.



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on site, the approach to off-site net gain, and to encourage applicants to exceed statutory requirements.

[MM 9.5] New development will be expected to meet minimum statutory requirements in relation to biodiversity net gain (BNG). Developments that seek to secure greater than the minimum level will be encouraged.

Biodiversity Gain Hierarchy

In line with the Biodiversity Net Gain Hierarchy, biodiversity remediation and compensation (through habitat creation, restoration and enhancement) should be provided on site.

Only where it is demonstrated that the required level of biodiversity net gain cannot be achieved within the site, will alternative measures to deliver biodiversity gain through compensation be appropriate. These may include:

- Off-site biodiversity gain in a location as close as feasible to the site that would contribute to the Local Nature Recovery Strategy and, where possible, have a meaningful ecological relationship to the development, comprising the creation or enhancement of habitats on another site or the purchase of biodiversity units from habitat banks.
- As a last resort, if no suitable off-site location can be found, habitat payment compensation through the Biodiversity Credits scheme.

[MM 9.6] 9.1.27 The Environment Act 2021, biodiversity net gain regulations 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 a 10% gain in habitat value through a Biodiversity Gain Plan.

9.1.28 The statutory framework for biodiversity net gain is summarised in national Planning Practice Guidance. Following the grant of planning permission, the Biodiversity Gain Plan must be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of development.

9.1.29 The statutory framework also requires the submission of certain information at the planning application stage. In Bristol, this is achieved through the submission of a Biodiversity Gain report. Further information is set out in the Council's Biodiversity Net Gain Practice Note.

Biodiversity Gain Hierarchy

9.1.30 In order to minimise harm and maximise benefits for biodiversity resulting from development, the biodiversity gain 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.

Policy BG4: Trees

Commented [21]: This lacks ambition. the policy should identify the types of sites or habitats where a % BNG greater than the statutory minimum will be expected and specify the minimum % BNG required for these.

Commented [22]: Why is this required? It is already covered by the Act and BNG regulations. What does it add to the existing law? There is also a risk that the requirement will create a conflict with the statutory requirement.

Commented [23]: This is not possible - the statutory and regulatory requirement is that all offsite habitat mitigation must be delivered on registered Biodiversity Gain Sites which the developer is free to choose as may be convenient so long as they comply with the BNG trading rules. The LPA has no power to

Commented [24]: This does not take into account the requirements in the NPPF or of the guidance to the Biodiversity Metric to apply the established principles of the Mitigation Hierarchy.

As we have already advocated, this policy should be aligned with the BNG requirements for the loss of Individual trees habitat but apply to all development sites, whether or not the are BNG exempt.

Here is our 2023 proposal - <https://bristoltreeforum.org/2023/12/04/why-we-need-a-new-bristol-tree-replacement-standard/>

Commented [24R2]: This policy will result in yet more unspent S106 tree planting agreements. Historically, this policy has been a failure.

As of 31 December 2025, there were 42 tree replacement s106 agreements unspent totalling £1,707,841.95. Nearly 47% of which has been available since before 2022.

If these funds were applied today, they would result in 2,231 trees being planted (£765.21 per tree at today's rates). However, this has not happened for the majority of the agreements, resulting in, in some cases, decades of potential tree growth being lost.

Furthermore, our analysis indicates that, when these funds are eventually applied, they are mostly used to replace trees already lost from streets, parks and other public spaces, not to plant new trees in new locations - as the policy is designed to do.



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[MM 9.7] Provision of trees

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

Commented [25]: Replace 'expected' with 'essential'. This removes the optional element. 'Essential' is often taken by developers to mean essential in order to allow the development they have designed, not that there is no alternative development that will not result in the loss of trees.

The size, species and placement of trees provided as part of the landscape treatment will be expected to 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 canopy cover and assist in providing shade and shelter.

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

Protection and replacement of trees

New development should retain and integrate important existing trees.

Development which would result in the loss or deterioration of ancient woodland or ancient or veteran trees will be assessed as a loss or deterioration of irreplaceable habitat in accordance with policy BG2 'Nature conservation and recovery'.

Where tree loss or damage is **essential** to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the tree compensation standard below as a minimum, and their long-term management and maintenance ensured.

Commented [26]: change to 'a last resort'

Trunk diameter of tree lost to development (cm measured at 1.5 m in line with BS 5827 'Trees in relation to design, demolition and construction')	Number of replacement trees
7.5 - 19.9	1
20 - 29.9	2
30 - 39.9	3
40 - 49.9	4
50 - 59.9	5
60 - 69.9	6
70 - 79.9	7

Commented [27]: change to 'the published version of BS 5837'.



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80+	8
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The tree compensation standard should be met on-site where possible. Where it is not possible to meet the standard in full on-site, replacement trees should be provided off-site through an appropriate legal agreement.

Replacement trees provided off-site should be located as close as possible to the development site.

[MM 9.8] 9.1.37A The tree compensation standard operates in parallel to biodiversity net gain requirements (policy BG3 'Achieving biodiversity gains'). In some cases, the tree compensation standard will be met in full by biodiversity net gain requirements. Where this is not the case (for instance, because biodiversity net gain requirements do not apply to the development or because biodiversity gains are to be provided through a different habitat type), development will be expected to meet the tree compensation standard separately in accordance with policy BG4.

9.1.38 Where there is evidence of deliberate recent tree loss prior to the submission of a planning application (i.e. within the last 2-3 years), the tree compensation standard will be applied based on the tree cover of the site immediately before that loss. If there is insufficient evidence about the tree cover and trunk diameters on the site immediately before the loss for a precise determination, the tree compensation standard will be applied at the highest level which is reasonably supported by any available evidence relating to it.

Policy BG6: Private gardens

[MM 9.9] Development involving the loss of gardens that would have an unacceptably detrimental impact on the living conditions of existing residents will not be permitted. Development will be expected to retain an adequate area of functional garden.

In all cases, any development of garden land should not result in unacceptable harm to the character and appearance of an area.

Development involving front gardens should ensure that the character of the street is not unacceptably harmed and that appropriate boundary treatments and planting are retained.

[MM 9.10] 13.1.48A What constitutes an 'adequate area of functional garden' for the purposes of policy BG6 will be assessed on a case-by-case basis, having regard to the impact on the living conditions of the existing residential uses and considering both quantitative and qualitative aspects. Qualitative aspects will be based on the context of any scheme, but may include functions such as; space for outdoor storage, hanging washing, or sitting outside. The principles set out in policy DC1 'Liveability in residential development including space standards, aspect and private outdoor space' will be used as a guide.

Open space

Commented [28]: Add 'where trees will be lost as a result of development proposals.'

Commented [29]: add 'on council-owned land'

Commented [30]: change to 'located on council-owned land'

Commented [31]: Add 'in specific locations which which have been identified by the developer and are approved by the Council. In all cases, details of the number of trees lost, their identities and replacements, together with the sites of any offsite replacement trees must be given as part of the application and be recorded in the Grant and/or Unilateral Undertaking.'

This will avoid replacements never being planted.

Without this, areas of Bristol will "evolve" without any tree cover. However, the informal requirement for replacement trees to be planted within the same Area Committee area should be removed as it is too restrictive.

Commented [32]: We are pleased to see this new section, which seeks to cover the possible lacuna between the tree replacement obligation imposed by the BNG regime and the impact of tree loss on developments which are exempt from the regime - soon to be any site 0.2 ha or smaller.

However, we continue to argue that the methodology for calculating the tree replacement obligation under this policy be aligned with the BNG methodology for Individual trees habitat - https://assets.publishing.service.gov.uk/media/689c5ee17b2e384441636196/The_Statutory_Biodiversity_Metric_-_User_Guide_-_July_2025.pdf - page 61.

In this way, developers will be deterred from gaming the rules in order to minimise their tree replacement obligations.

Commented [33]: This should be aligned the the BNG rules on pre-degraded habitat - The Anti-Degradation Rule

However, for Town and Country Planning Act development, if any activity on the site after 30 January 2020 degrades the on-site biodiversity, and was not authorised by a planning permission, the pre-development biodiversity value will be the value existing immediately before those activities were carried out.

The cut-off date of 30 January 2020 is significant — it predates the Environment Act itself, deliberately ... [1]

Commented [34]: At the moment, creating off-street frontage parking, unless it accesses a classified road, serves multiple dwellings or is in a conservation area, is 'permitted development'.

How does the Council propose to resolve this in light of this policy and ensure that the caveats set out in its Off-street parking and private drives policy ... [2]



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Policy GIA: Open space for recreation

[MM 9.11] Development will be expected to ensure that a sufficient quantity, quality and proximity of open space for recreation is available to serve the new development, having regard to the guidelines set out in the Council's strategies.

Where new open space for recreation is created as part of a development, it will be expected to:

- i. Be of an appropriate minimum size and quality;
- ii. Be publicly accessible;
- iii. Be appropriately designed to be safe, usable, integrated into the development site and maximise green infrastructure benefits and functions;
- iv. Take opportunities to connect to existing green spaces, active travel routes and the Nature Recovery Network; and,
- v. Include a suitable long-term maintenance programme.

Where achieving the desired level of quantity of open space for recreation, within the appropriate distance is not possible, quality improvements to nearby open spaces could be acceptable in addressing open space provision.

[MM 9.12] 9.2.6 The Council's Parks and Green Spaces Strategy, or successor documents, provide further guidance on the approach to open space for recreation.

9.2.7 9.2.7 Accepted circumstances where it may not be possible to deliver the desired level of quantity of open space for recreation within the appropriate distance relate to limited land availability.

Policies: GI1: Local Green Space, GI2: Protected Open Space and GI3: Incidental open spaces - MM9.13 to MM9.18

Bristol Tree Forum has major concerns that the Council's draft Local Plan proposals will considerably weaken protection for Bristol's open spaces. If the proposals are adopted, many of our precious open spaces will be lost to development. The planning inspectors are insisting that the new Local Plan must remove the proposed Local Green Space (LGS) designation. In response, the Council proposes replacing it with a far weaker policy (GI2: Protected Open Space) that offers little if any protection to our city's green spaces.

The original LGS designation process may have been flawed, but this does not justify abandoning the city's proposal to designate 175 LGS sites,³ especially considering that such designations are clearly permitted under the National Planning Policy Framework (NPPF)

³ <https://bristoltrees.space/Tree/siteCategory/LP25-LGS>

Commented [35]: Change to 'required'.

Commented [36]: The term 'recreation' needs to be defined.
As well as the more traditional functions of green space such as play, sport and recreation, the policy should include:
Promoting mental and physical health and wellbeing; adapting to the impacts of climate change and the urban heat-island effect; improving air and water quality; encouraging walking and cycling; supporting landscape and heritage conservation; learning about the environment; supporting food growing and conserving and enhancing biodiversity and ecological resilience.

Commented [37]: This is too vague. It needs to be defined with reference to a standard.

Commented [38]: Where the site is not within the ownership of the Council, the right of public access needs to be secured so that it cannot be revoked at a later date.



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upon which this examination is based.⁴

Our 2025 article '*Valuable spaces are at risk of being overlooked*'⁵ proposed a possible solution:

Instead of deleting the LGS policy entirely, a more proportionate approach would be to:

- *retain it in principle*
- *allow time for evidence to be submitted for at least some LGS sites*
- *allow additional consultation to demonstrate community value*
- *remove or amend only those sites which clearly fail the NPPF LGS criteria (see below).*

This approach would protect the integrity of the Local Plan without discarding the original LGS designation.

Sadly, our suggestion has not been adopted.

Are LGS designations allowed?

The National Planning Policy Framework (NPPF) is the key document establishing the basis for all planning across the country, and it takes precedence over the Local Plan. While the overall thrust of the NPPF is to approve development save in exceptional circumstances, it does allow land on certain sites to be designated LGS:

- **Paragraph 106** states that '*communities may identify and protect green areas of particular importance to them*' and that they '*should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.*'
- **Paragraph 107** says that the LGS designation may be used when the green space is reasonably close to the community it serves; is locally significant; is local in character; and not an extensive tract of land. The latest draft of the proposed new NPPF (not yet adopted) retains this approach.⁶ However, its section **S4: Principle of development within settlements** makes it clear that:

'Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects ...'

It also says that those adverse effects:

'Include (but are not restricted to) situations where the development proposal

⁴

<https://webarchive.nationalarchives.gov.uk/ukgwa/20230929144819/https://www.gov.uk/government/publications/national-planning-policy-framework-2>

⁵ <https://www.bristol247.com/opinion/your-say/valuable-spaces-are-at-risk-of-being-overlooked/>

⁶ https://assets.publishing.service.gov.uk/media/697b71c52ff8d10a830d5d4a/Draft_NPPF_December_2025.pdf



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would: ... Have an unacceptable impact in relation to: ...Local Green Space' (HC8).'

The CPRE's February 2022 report, *Local Green Space a tool for people and nature's wellbeing*,⁷ concluded that the introduction of LGS designations in 2012 had achieved its intended purpose and demonstrated that there was a tangible need among local communities for these sites. We agree; many of Bristol's open spaces need the protection that only an LGS designation can offer.

Neighbourhood Planning and LGS

These new Local Plan proposals exclude Neighbourhood Planning areas,⁸ three of which have already adopted their own LGS policies and designated sites:

- **Hengrove and Whitchurch Park: Policy HWP5:** '*Development on Local Green Space will only be permitted if it enhances the use and reason for designation of the site or in other very special circumstances.*'⁹
- **Lawrence Weston: Policy OPR2:** '*Development on these Local Green Spaces will not be permitted unless it preserves or enhances the existing use and community value.*'¹⁰
- **Old Market: Policy E3:** This covers existing open spaces. However, it notes: '*The community consider (sic) that the former Evening Post Garden behind no.1 Temple way could be designated a 'Local Green Space' as provided for by NPPF paragraphs 76-78.*'¹¹

Clearly, the adoption of LGS policies in Bristol has been considered acceptable in principle previously.

Local Green Space versus Protected Open Space

LGS sites have the same protections as Green Belt, but non-LGS sites such as the proposed GI2: Protected Open Space (POS) will have much more limited protection.

An important factor about LGS designations is that they may only be made when the Local Plan is being prepared or updated, and they can endure beyond the end of the Local Plan period.

Policy DM17 of the current Local Plan provides robust protection for many of our important open spaces, stating that:

'Development on part, or all, of an Important Open Space as designated on the

⁷ https://www.cpre.org.uk/wp-content/uploads/2022/01/Feb-2022_CPPE_Local-Green-Spaces-full-report-1.pdf

⁸ <https://www.bristol.gov.uk/residents/planning-and-building-regulations/planning-policy-and-guidance/neighbourhood-planning>

⁹ <https://www.bristol.gov.uk/files/documents/2413-hwpndp-made-version/file>

¹⁰ <https://www.bristol.gov.uk/files/documents/6983-lawrence-weston-ndp-made-plan/file>

¹¹ <https://www.bristol.gov.uk/files/documents/2596-omqndp-made-version-web/file>



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*Policies Map will not be permitted unless the development is ancillary to the open space use.*¹²

However, this policy will be replaced by the proposed new Local Plan policy, GI2: Protected Open Space (POS). It states that:

Development which would result in the loss of all or part of land identified as a Protected Open Green Space as shown on the Policies Map or land that meets the definition of Incidental Open Space will not be permitted unless it can be demonstrated that:

- ii. A deficiency of open space provision would not be created through its loss; or*
- iii. The proposed development would result in equivalent or better provision of open space in terms of quantity and quality in a suitable location.*
- iv. The development is for sports and recreation provision which either does not prejudice existing open space functions, or where the benefits clearly outweigh any loss of open space.*

Ancillary development of a proportional scale that supports the function and role of the Reserved Open Green Space may be acceptable provided it does not have a significantly harmful impact on the space as a whole.

Note: The term 'Protected Open Green Space' is an error. It should be 'Reserved Open Green Space'.

Thus, GI2 applies to two types of POS:

1. Reserved Open Green Space as mapped in the Local Plan Policies Map (LPPM), or
2. unmapped Incidental Open Space.

Weakened protections

The important condition, *i.* - '*The open space is no longer required for its open space function*' - has been removed from the last draft of the Local Plan. This omission means that any green space over and above some, as yet poorly defined, bare minimum would automatically be available for development. As much as the Local Plan should be aimed at encouraging development, this omission would result in a large proportion of green spaces effectively without any protection, potentially leading to a widespread and unprecedented loss of Bristol's valuable green spaces, contrary to many elements of the NPPF (Conserving and enhancing the natural environment).

Further, it was originally proposed that developers had to clear two hurdles - '*The open space is no longer required for its open space function*' **and** '*A deficiency of open space provision would not be created through its loss*'.¹³

¹² <https://www.bristol.gov.uk/files/documents/2235-site-allocations-bd5605/file>

¹³ <https://www.bristol.gov.uk/files/documents/7585-csd001-bristol-local-plan-main-document-publication-version-nov-2023/file>



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Now developers have a choice of either ii or iii above (option iv and the ancillary development criteria are special cases which we do not address). This, together with the vague standard, 'equivalent or better' (without defining exactly what this means), will give developers carte blanche to select the interpretation most beneficial to them.

It also creates the risk that planners or developers will deny that a given development site is Incidental Open Space (IOS) and so not covered by the policy. Which raises the question, how to assess whether a 'deficiency of open space provision' arises when there is no baseline survey of IOI sites.

What is Incidental Open Space?

Incidental Open Space (IOS) often arises as a 'leftover' in development phases and is intended to be used by the public as an amenity. These spaces contribute to the visual character of an area rather than being designed for a specific purpose.

Many IOS sites are quasi-public spaces. These are outdoor or indoor areas that look and function like traditional public spaces but are privately owned. While open to everyone, owners can enforce their own rules to restrict access or activities like picnicking, photography, protesting, or just sitting. The proposed Local Plan can't always prevent this because such decisions are often not subject to planning control.

Paragraph 9.2.16A (at MM9.15) defines **Incidental Open Space (IOS)** as follows:

There are also a variety of smaller open spaces in the city which often have localised importance as open space. These spaces are considered 'Incidental Open Space'. While these are typically too small to be separately designated, they often make [insert 'an'] important contribution to the visual amenity of the surrounding built environment, the formal street layout, or have a recreational function to the local community. This type of space may include landscaping incorporated into development and green amenity areas within housing estates or alongside the roadside.

This means that there is no list of IOS sites; they are considered too small to designate individually. It will only be possible to say that a given site is an IOS if it becomes threatened by development. On private land it's possible to change the public access status of an IOS. The landowner is at liberty to deny or limit public access or prohibit certain activities, since these actions are unlikely to be subject to planning control.

Paragraph 1.6 of the Bristol Open Space provision standards (the Space Standard) sets this test for identifying publicly accessible Incidental Residential Green Space (at page 9); it references various sites not considered open space for recreation by the Parks and Green Spaces Strategy. This includes *Incidental Residential Green Space*:

Green space that is associated with housing, but which is publicly accessible and maintained: The 'test' for what is publicly accessible is one that involves a gauge of whether a non-resident user of that space would feel to be intruding into residents 'defensible space'. If a site fails this test, it will fall outside the scope of



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*this typology.*¹⁴

Perhaps this test should be applied when deciding whether or not a given site is covered by GI2 as an IOS? If it were, then, for example, the public open space planned for the former Bristol Zoo Gardens site would meet it and the site should be identified as an IOS.

The Council should undertake another open space needs assessment similar to its 2023 paper, *Local Green Space and Reserved Open Green Space - Topic Paper*.¹⁵ This should also be in-line with its green infrastructure strategies as well as drawing from existing strategies such as its parks and green space (BPGSS),¹⁶ trees and woodland¹⁷ and play and playing pitches¹⁸ strategies. These strategies and the assessment should inform each other to deliver multiple benefits in recognition of the cross-ward function and benefits of some forms of green infrastructure. Assessments should consider all types of open space, including open space that is not publicly accessible, to inform local plan policies and designations.

This might adopt a similar approach to the public open space categorisation model used in the London Plan 2021 at Table 8.1 of Policy: G4 Open space.¹⁹

The open space standards

The Space Standard also forms part of the BPGSS. Both of these need to be integrated into the Local Plan, in particular, into the GI Open Space policies.

The Standard defines what is meant by publicly accessible open spaces for recreation in Bristol and map the space considered to meet these criteria. However, it is unclear whether or not these sites will be protected by the proposed Open Space policies. This needs to be clarified.

Both documents align with the Local Plan's vision of a city with a high quality, healthy environment with attractive open spaces where green space is no more than a nine minute walk (400 metres) away. Their objective is to *'protect our valued open spaces, promote food growing and increase the tree canopy to support a liveable, healthy city'*. As currently drawn, the GI2 proposals appear to undermine these aspirations.

¹⁴ <https://www.bristol.gov.uk/files/documents/7566-minimum-standards-for-publicly-accessible-open-spaces-for-recreation-in-bristol/file>

¹⁵ <https://www.bristol.gov.uk/files/documents/7599-tpc005-local-green-space-and-reserved-open-green-space-topic-paper-november-2023/file>

¹⁶ <https://www.bristol.gov.uk/council/policies-plans-and-strategies/parks-and-open-spaces/bristol-parks-and-green-space-strategy>

¹⁷ <https://democracy.bristol.gov.uk/documents/s101100/9.2+Appendix+A1+Draft+Bristol+Tree+and+Woodland+Strategy.pdf>

¹⁸ https://www.bristol.gov.uk/doclink/bristol-playing-pitch-strategy-2026-2040/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJicmlzdG9sLXBsYXlpmctcGl0Y2gtc3RyYXRlZ3ktMjAyNi0yMDQwIiwiaWF0IjoxNzY1MjA1NjA2LCJleHAiOiJlOTIwMDZ9.gFe6GC1R_FDS5AQGRi6coQ8dArAJ2ZoguyNqEWGbfp0

¹⁹ <https://www.london.gov.uk/programmes-strategies/planning/london-plan/the-london-plan-2021-online/chapter-8-green-infrastructure>



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Conflicts with the Ecological Emergency Action Plan

In 2020, Bristol City Council declared an Ecological Emergency and published its EEAP. This recognises the many benefits of spending time in nature, with a plan to increase the land managed for nature to at least 30% by 2030 (an additional 1,316 hectares). However, the policy proposed by GI2 undermines this plan by weakening the protection of existing open spaces; instead of increasing the area managed for nature, there will be an inevitable decline in the places available.

An uncertain future

We are told that, as soon as the current Local Plan examination process is concluded, assuming the inspectors approve it, the Council will be obliged to start designing yet another version because this new Local Plan will be out of date. This is because two versions of the NPPF have been published since this current Local Plan was first published in 2023, and a third version is likely to be adopted soon. In addition, there have been substantial changes to planning law since 2023, which will also have an impact on the way the Local Plan is applied. When the new Local Plan process starts there may be a fresh opportunity to revisit the LGS issue but this is not guaranteed.

This is why we say that this issue needs to be addressed now.

This should be aligned the the BNG rules on pre-degraded habitat - The Anti-Degradation Rule

However, for Town and Country Planning Act development, if any activity on the site after 30 January 2020 degrades the on-site biodiversity, and was not authorised by a planning permission, the pre-development biodiversity value will be the value existing immediately before those activities were carried out.

The cut-off date of 30 January 2020 is significant — it predates the Environment Act itself, deliberately preventing landowners from "banking" degradation before the rules came into force.

The Precautionary Condition Score

If habitats on site have been destroyed or degraded prior to a survey and submission of a planning application, the earlier habitat state will be taken as the baseline for the purposes of the biodiversity metric, and a habitat condition score of "good" will be allocated to the habitat parcel as a precaution. This is a particularly punishing aspect of the rule — not only is the baseline rolled back to the pre-degradation state, but the destroyed or degraded habitat is assumed to have been in good condition, maximising the BNG burden on the developer.

At the moment, creating off-street frontage parking, unless it accesses a classified road, serves multiple dwellings or is in a conservation area, is 'permitted development'.

How does the Council propose to resolve this in light of this policy and ensure that the caveats set out in its Off-street parking and private drives policy (<https://www.bristol.gov.uk/files/documents/4243-03-1-1-off-street-parking-spaces-and-private-drives/file>) is complied with?